

AMENDED IN SENATE AUGUST 31, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE MAY 31, 2012

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1181

Introduced by Assembly Member Butler

February 18, 2011

An act to amend Sections 12210.5, 12509, 12511.1, and 12512 of the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as amended, Butler. Weights and measures.

Existing law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor.

This bill would revise the latter provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity *of the commodity* or computing the purchase price

of the commodity according to a ~~unit~~ price *per unit of measure* that is less than the highest applicable price per unit; *of measure* that is ~~advertised, posted, marked, displayed, or quoted~~ *represented by the purchaser to the seller* for the commodity, or less than a price per unit that is established by law or regulation. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program.

Existing law also prohibits a person from engaging in business as a service agency for the repair of weights and measures, unless that person registers with the Secretary of Food and Agriculture, as specified.

This bill would make technical and conforming changes to related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12210.5 of the Business and Professions
2 Code is amended to read:

3 12210.5. (a) Any county which inspects or tests any weighing
4 or measuring device or instrument used commercially, at the
5 request of the owner or user of that device, when inspection or
6 testing of the device could legally be performed by a registered
7 service agency, as defined in Section 12531, may, if authorized
8 by the county board of supervisors, collect from the requesting
9 owner or user thereof a fee.

10 (b) That fee shall be based upon a uniform schedule of fees,
11 which shall be prescribed by the secretary for use by the counties.
12 The secretary shall prepare the schedule of fees to be comparable
13 with the rates charged by the industry's registered service agencies.
14 All fees collected shall be credited to the general fund of the county
15 in which collected and used only for the administration and
16 enforcement of laws pertaining to weights and measures.

17 SEC. 2. Section 12509 of the Business and Professions Code
18 is amended to read:

1 12509. (a) When any weight, measure, or weighing or
2 measuring instrument has been repaired and corrected, and has
3 been reinspected and found correct, the sealer shall remove the
4 tag or device with the words “out of order,” and shall seal and
5 mark that weight, measure, or weighing or measuring instrument
6 in the manner provided for the marking of the same where, upon
7 inspection, it is found correct.

8 (b) Upon completion of corrective repairs or adjustments, and
9 with the authorization from the sealer, a registered service agency,
10 as defined in Section 12531, may remove an “out of order” tag or
11 device, and the weight, measure, or weighing or measuring
12 instrument may be placed in service pending reinspection by the
13 sealer.

14 SEC. 3. Section 12511.1 of the Business and Professions Code
15 is amended to read:

16 12511.1. Notwithstanding any other provisions of this division,
17 any weight or measure, or weighing or measuring instrument,
18 found correct or corrected by a registered service agency, as defined
19 in Section 12531, authorized pursuant to Section 12509, may be
20 used commercially pending reinspection by a sealer.

21 SEC. 4. Section 12512 of the Business and Professions Code
22 is amended to read:

23 12512. When the sale of any commodity is based upon a
24 quantity representation either furnished by the purchaser or
25 obtained through the use of equipment supplied by the purchaser,
26 the purchaser shall in no case buy the commodity according to any
27 quantity which is less than the true quantity *of the commodity* or
28 compute the purchase price of the commodity according to a ~~unit~~
29 price *per unit of measure* that is less than the highest applicable
30 price per unit; *of measure* that is ~~advertised, posted, marked,~~
31 ~~displayed, or quoted~~ *represented by the purchaser to the seller* for
32 the commodity, or, where applicable, less than a price per unit that
33 is established by law, in statute, or by regulation. Violation of this
34 section is a misdemeanor.

35 SEC. 5. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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