

## Assembly Bill No. 1518

### CHAPTER 344

An act to add, repeal, and add Section 12737 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor September 17, 2012. Filed with Secretary of State September 17, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1518, Perea. Weighmasters: automated weighing systems.

Existing law provides for the licensure of weighmasters who weigh, measure, or count any commodity and issue a statement or memorandum that is used as the basis for either the purchase or sale of that commodity. Existing law requires that a weighmaster issue a signed weighmaster certificate whenever payment for the commodity is dependent on a written or printed weight, measure, or count. Under existing law, the Secretary of Food and Agriculture may adopt rules and regulations that are reasonably necessary for the purpose of carrying out provisions of law related to weighmasters. Existing law requires a weighmaster to pay to the Department of Food and Agriculture various license fees, including a \$75 fee if the weighmaster is operating at a fixed location and a \$200 fee if the weighmaster is operating at other than a fixed location.

This bill would authorize any weighmaster weighing any vehicle moving construction materials, including, but not limited to, earth, stone, rock, sand, gravel, limestone, ready mixed concrete, cementitious materials, recycled construction materials, or asphalt paving materials to use an unattended weighing system to weigh the vehicle and to issue a weighmaster certificate to buyers who opt to utilize the unattended system, as provided. The bill would define an unattended weighing system as an automated system not directly under the supervision of a weighmaster that meets the approval, testing, and sealing requirements specified in existing law. The bill would state that it would not impact existing weighing and ticketing systems. The bill would require a weighmaster for an unattended weighing system to pay, only until January 1, 2020, various license fees, including a \$200 fee if the weighmaster is operating at a fixed location and a \$300 fee if the weighmaster is operating at other than a fixed location, not to exceed the reasonable regulatory costs to the department of enforcing this provision. On and after January 1, 2020, the fees would be the same as the fees described above for other weighmasters, as specified. The bill would, until January 1, 2020, require a weighmaster for an unattended weighing system to keep the same number of deputy weighmaster licensees as were licensed in the average of the last 2 years proceeding the use of an unattended weighing system.

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

SECTION 1. Section 12737 is added to the Business and Professions Code, to read:

12737. (a) Any weighmaster weighing any vehicle moving construction materials, including, but not limited to, earth, stone, rock, sand, gravel, limestone, ready mixed concrete, cementitious materials, recycled construction materials, or asphalt paving materials may use an unattended weighing system to weigh the vehicle and to issue a weighmaster certificate to buyers who opt to utilize the unattended system, provided that the system and the operation of the system comply with regulations or policies issued by the secretary. The name of the principal weighmaster and the unique system identification number of the unattended weighing system utilized shall be imprinted on the weighmaster certificate and this shall satisfy the requirements of subdivision (c) of Section 12715. Nothing in this section impacts existing weighing and ticketing systems.

(b) (1) A weighmaster described in subdivision (a) shall pay the department the following license fee for each license year as applicable to the operation, and the fees set forth in Section 12704 shall not apply:

(A) Two hundred dollars (\$200) if the weighmaster is operating at a fixed location.

(B) Seventy-five dollars (\$75) for each additional fixed location at which the weighmaster is operating.

(C) Three hundred dollars (\$300) if the weighmaster is operating at other than a fixed location.

(D) Fifty dollars (\$50) for each deputy weighmaster.

(2) Any fee imposed pursuant to this section shall not exceed the reasonable regulatory costs to the department of enforcing this section.

(c) For purposes of this section:

(1) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the director for expiration of the license, or yearly intervals after the first renewal.

(2) "Location" means a premise on which weighing, measuring, or counting devices are used.

(3) "Principal weighmaster" means the person or entity identified on the weighmaster certificate, as described in subdivision (b) of Section 12714, that may employ or designate any person to act for the weighmaster as a deputy weighmaster pursuant to Section 12710.

(4) "Unattended weighing system" means an automated system not directly under the supervision of a weighmaster that meets the approval, testing, and sealing requirements of Section 12717.

(d) A weighmaster described in subdivision (a) shall keep the same number of deputy weighmaster licensees as were licensed in the average of the last two years proceeding the use of an unattended weighing system.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2. Section 12737 is added to the Business and Professions Code, to read:

12737. (a) Any weighmaster weighing any vehicle moving construction materials, including, but not limited to, earth, stone, rock, sand, gravel, limestone, ready mixed concrete, cementitious materials, recycled construction materials, or asphalt paving materials may use an unattended weighing system to weigh the vehicle and to issue a weighmaster certificate to buyers who opt to utilize the unattended system, provided that the system and the operation of the system comply with regulations or policies issued by the secretary. The name of the principal weighmaster and the unique system identification number of the unattended weighing system utilized shall be imprinted on the weighmaster certificate and this shall satisfy the requirements of subdivision (c) of Section 12715. Nothing in this section impacts existing weighing and ticketing systems.

(b) (1) A weighmaster shall pay the department the following license fee for each license year as applicable to the operation:

(A) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.

(B) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.

(C) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.

(D) Twenty dollars (\$20) for each deputy weighmaster.

(2) Any fee imposed pursuant to this section shall not exceed the reasonable regulatory costs to the department of enforcing this section.

(c) For purposes of this section:

(1) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the director for expiration of the license, or yearly intervals after the first renewal.

(2) "Location" means a premise on which weighing, measuring, or counting devices are used.

(3) "Principal weighmaster" means the person or entity identified on the weighmaster certificate, as described in subdivision (b) of Section 12714, that may employ or designate any person to act for the weighmaster as a deputy weighmaster pursuant to Section 12710.

(4) "Unattended weighing system" means an automated system not directly under the supervision of a weighmaster that meets the approval, testing, and sealing requirements of Section 12717.

(d) This section shall become operative on January 1, 2020.