

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1623

Introduced by Assembly Member Yamada

February 8, 2012

An act to amend Sections 12240 and 12246 of the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 1623, as amended, Yamada. Weights and measures: inspection fees.

(1) Existing law requires the sealer of a county to inspect and test weighing and measuring devices, as specified, that are used or sold in the county. Existing law also requires the sealer of a county to weigh or measure packages to determine whether they contain the amount represented, as provided. Existing law, until January 1, 2013, permits the board of supervisors of a county to charge fees, not to exceed the county's total cost of actually inspecting or testing weighing and measuring devices required of the county sealer, to recover the costs of the county sealer to perform these duties.

This bill would extend the authority of the board of supervisors of a county to charge fees to recover the costs of the county sealer, as provided, until January 1, 2018.

(2) Existing law specifies that the annual registration fee for a business that uses a commercial weighing or measuring device or devices shall consist of a location fee, a Department of Food and Agriculture administrative fee, and a device fee.

This bill would provide that the device fee for computing scales, as defined, shall not exceed \$30 per device, and that the portion of the annual registration fee consisting of the business location fee and the device fees shall not exceed the sum of \$1,000. The bill would provide that the device fee for jewelry or prescription scales, as defined, shall not exceed \$80 per device. The bill would provide that for a weighing device with a capacity of at least 100 pounds but less than 2,000 pounds, other than computing, jewelry, or prescription scales, the device fee shall not exceed \$50 per device. The bill would provide that ~~for vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions, the device fee shall not exceed \$60 per device, and that the annual registration fee consisting of the business location fee and the device fees shall not exceed \$400 for each business location~~ *these provisions relating to annual fees for businesses that use commercial weighing or measuring devices do not apply to rental passenger vehicles*. The bill would make a conforming change.

(3) Existing law provides that for all other commercial weighing or measuring devices not listed, the device fee shall not exceed \$20 per device, and that for purposes of these provisions, the registration fee shall not exceed the sum of \$1,000 for each business location.

The bill would revise this provision and provide that the portion of the annual registration fee consisting of the business location fee and the device fees shall not exceed \$1,000 for each business location.

(4) Existing law specifies that the device fee for marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner is responsible for the utility meters, shall not exceed \$2 per device.

This bill would instead provide that the device fee shall not exceed \$2 per device per space or apartment for water submeters, \$3 per device per space or apartment for electric submeters, and \$4 per device per space or apartment for vapor submeters.

(5) Existing law provides that for liquified petroleum gas meters the device fee shall not exceed \$175 per device.

This bill would provide that the device fee shall not exceed \$200 per device for liquified petroleum gas meters.

(6) Existing law provides that the device fee for wholesale and vehicle meters shall not exceed \$25 per device.

This bill would provide that the device fee for wholesale and vehicle meters shall not exceed \$75 per device.

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

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

- 1 SECTION 1. Section 12240 of the Business and Professions
2 Code is amended to read:
- 3 12240. (a) Except as otherwise provided in this section, the
4 board of supervisors, by ordinance, may charge an annual
5 registration fee, not to exceed the county's total cost of actually
6 inspecting or testing the devices as required by law, to recover the
7 costs of inspecting or testing weighing and measuring devices
8 required of the county sealer pursuant to Section 12210, and to
9 recover the cost of carrying out Section 12211.
- 10 (b) Except as otherwise provided in this section, the annual
11 registration fee shall not exceed the amount set forth in subdivisions
12 (f) to (r), inclusive.
- 13 (c) The county may collect the fees biennially, in which case
14 they shall not exceed twice the amount of an annual registration
15 fee. The ordinance shall be adopted pursuant to Article 7
16 (commencing with Section 25120) of Chapter 1 of Part 2 of
17 Division 2 of Title 3 of the Government Code.
- 18 (d) Retail gasoline pump meters, for which the above-fees are
19 assessed, shall be inspected as frequently as required by regulation,
20 but not less than once every two years.
- 21 (e) Livestock scales, animal scales, and scales used primarily
22 for weighing feed and seed, for which the above fees are assessed,
23 shall be inspected as frequently as required by regulation.
- 24 (f) For purposes of this section, the annual registration fee for
25 a business that uses a commercial weighing or measuring device
26 or devices shall consist of a business location fee, a Department
27 of Food and Agriculture administrative fee, as specified in Section
28 12241, and a device fee, as specified in subdivisions (g) to (r),
29 inclusive. The business location fee and device fee shall not exceed
30 one hundred dollars (\$100) per business location, plus 100 percent
31 of the maximum applicable device fee listed in subdivisions (g)
32 to (r), inclusive.
- 33 (g) (1) For marinas, mobilehome parks, recreational vehicle
34 parks, and apartment complexes, where the owner of the marina,

1 park, or complex owns and is responsible for the utility meters,
2 the device fee shall not exceed the following:

3 (A) For water submeters, two dollars (\$2) per device per space
4 or apartment.

5 (B) For electric submeters, three dollars (\$3) per device per
6 space or apartment.

7 (C) For vapor submeters, four dollars (\$4) per device per space
8 or apartment.

9 (2) Marinas, mobilehome parks, recreational vehicle parks, and
10 apartment complexes for which the above fees are assessed shall
11 be inspected and tested as frequently as required by regulation.

12 (h) For weighing devices, other than livestock, with capacities
13 of 10,000 pounds or greater, the device fee shall not exceed two
14 hundred fifty dollars (\$250) per device; for weighing devices, other
15 than livestock scales, with capacities of at least 2,000 pounds but
16 less than 10,000 pounds, the device fee shall not exceed one
17 hundred fifty dollars (\$150) per device.

18 (i) This section does not apply to farm milk tanks.

19 (j) A scale or device used in a certified farmers' market, as
20 defined by Section 113742 of the Health and Safety Code, is not
21 required to be registered in the county where the market is
22 conducted, if the scale or device has an unexpired seal for the
23 current year, issued by a licensed California county sealer.

24 (k) For livestock scales with capacities of 10,000 pounds or
25 greater, the device fee shall not exceed one hundred fifty dollars
26 (\$150) per device; for livestock scales with capacities of at least
27 2,000 pounds but less than 10,000 pounds, the device fee shall not
28 exceed one hundred dollars (\$100) per device.

29 (l) For liquefied petroleum gas (LPG) meters, truck mounted
30 or stationary, the device fee shall not exceed two hundred dollars
31 (\$200) per device.

32 (m) For wholesale and vehicle meters, the device fee shall not
33 exceed seventy-five dollars (\$75) per device.

34 (n) For computing scales, the device fee shall not exceed thirty
35 dollars (\$30) per device. For purposes of this subdivision, a
36 computing scale shall be a weighing device with a capacity of less
37 than 100 pounds that indicates the money value of any commodity
38 weighed, at predetermined unit prices, throughout all or part of
39 the weighing range of the scale. For the purposes of this
40 subdivision, the portion of the annual registration fee consisting

1 of the business location fee and the device fees authorized by this
2 subdivision shall not exceed the sum of one thousand dollars
3 (\$1,000) for each business location.

4 (o) For jewelry and prescription scales, the device fee shall not
5 exceed eighty dollars (\$80) per device. For purposes of this
6 subdivision, a jewelry or prescription scale shall be a scale that
7 meets the specifications, tolerances, and sensitivity requirements
8 established or adopted by the secretary applicable to those devices
9 in accordance with Section 12107.

10 (p) For weighing devices, other than computing, jewelry, and
11 prescription scales as defined in subdivisions (n) and (o), with
12 capacities of at least 100 pounds but less than 2,000 pounds, the
13 device fee shall not exceed fifty dollars (\$50) per device.

14 ~~(q) For vehicle odometers utilized to charge mileage usage fees
15 in vehicle rental transactions, the device fee shall not exceed sixty
16 dollars (\$60) per device. For the purposes of this subdivision, the
17 portion of the annual registration fee consisting of the business
18 location fee and the device fees authorized by this subdivision
19 shall not exceed the sum of four hundred dollars (\$400) for each
20 business location.~~

21 *(q) This section does not apply to passenger vehicles subject to*
22 *the provisions of Section 1936 of the Civil Code.*

23 (r) For all other commercial weighing or measuring devices not
24 listed in subdivisions (g) to (q), inclusive, the device fee shall not
25 exceed twenty dollars (\$20) per device. For the purposes of this
26 subdivision, the total portion of the annual registration fee
27 consisting of the business location fee and the device fees
28 authorized by this subdivision shall not exceed the sum of one
29 thousand dollars (\$1,000), for each business location.

30 (s) For the purposes of this section, a single business location
31 is defined as:

32 (1) Each vehicle, ~~except those vehicles employed in vehicle~~
33 ~~rental transactions~~, containing one or more commercial devices.

34 (2) Each business location that uses different categories or types
35 of commercial devices that require the use of specialized testing
36 equipment and that necessitates not more than one inspection trip
37 by a weights and measures official.

38 SEC. 2. Section 12246 of the Business and Professions Code
39 is amended to read:

1 12246. This article shall remain in effect only until January 1,
2 2018, and as of that date is repealed, unless a later enacted statute
3 that is enacted before January 1, 2018, deletes or extends that date.

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