

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN ASSEMBLY MAY 3, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1623**

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**Introduced by Assembly Member Yamada**

February 8, 2012

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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. Existing law defines a single business location as a business location that necessitates not more than one inspection trip by a weights and measures official or as each vehicle containing one or more commercial devices.

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 *certain* vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions, *prohibit* the device fee ~~shall not exceed~~ *from exceeding* \$60 per device, ~~and that~~. *The bill would, for nonpassenger vehicles, prohibit* the annual registration fee consisting of the business location fee and the device fee ~~shall not exceed~~ *from exceeding* \$340 for each business location, *as defined*. The bill would ~~provide that these provisions relating to annual fees for businesses that use commercial weighing or measuring devices do not apply to rental passenger vehicles exempt odometers in passenger rental vehicles from the fee unless there is a complaint by a renter regarding the vehicles's odometer. The bill would make an exception, for these purposes, define business location for vehicles employed in vehicle rental transactions from the provisions defining each vehicle containing one or more commercial devices as a single business location.~~ 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~~ \$185 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.

1 (e) Livestock scales, animal scales, and scales used primarily  
2 for weighing feed and seed, for which the above fees are assessed,  
3 shall be inspected as frequently as required by regulation.

4 (f) For purposes of this section, the annual registration fee for  
5 a business that uses a commercial weighing or measuring device  
6 or devices shall consist of a business location fee, a Department  
7 of Food and Agriculture administrative fee, as specified in Section  
8 12241, and a device fee, as specified in subdivisions (g) to (r),  
9 inclusive. The business location fee and device fee shall not exceed  
10 one hundred dollars (\$100) per business location, plus 100 percent  
11 of the maximum applicable device fee listed in subdivisions (g)  
12 to (r), inclusive.

13 (g) (1) For marinas, mobilehome parks, recreational vehicle  
14 parks, and apartment complexes, where the owner of the marina,  
15 park, or complex owns and is responsible for the utility meters,  
16 the device fee shall not exceed the following:

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

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

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

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

26 (h) For weighing devices, other than livestock, with capacities  
27 of 10,000 pounds or greater, the device fee shall not exceed two  
28 hundred fifty dollars (\$250) per device; for weighing devices, other  
29 than livestock scales, with capacities of at least 2,000 pounds but  
30 less than 10,000 pounds, the device fee shall not exceed one  
31 hundred fifty dollars (\$150) per device.

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

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

38 (k) For livestock scales with capacities of 10,000 pounds or  
39 greater, the device fee shall not exceed one hundred fifty dollars  
40 (\$150) per device; for livestock scales with capacities of at least

1 2,000 pounds but less than 10,000 pounds, the device fee shall not  
2 exceed one hundred dollars (\$100) per device.

3 (l) For liquefied petroleum gas (LPG) meters, truck mounted  
4 or stationary, the device fee shall not exceed ~~two~~ *one* hundred  
5 ~~eighty-five~~ dollars ~~(\$200)~~ (\$185) per device.

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

8 (n) For computing scales, the device fee shall not exceed thirty  
9 dollars (\$30) per device. For purposes of this subdivision, a  
10 computing scale shall be a weighing device with a capacity of less  
11 than 100 pounds that indicates the money value of any commodity  
12 weighed, at predetermined unit prices, throughout all or part of  
13 the weighing range of the scale. For the purposes of this  
14 subdivision, the portion of the annual registration fee consisting  
15 of the business location fee and the device fees authorized by this  
16 subdivision shall not exceed the sum of one thousand dollars  
17 (\$1,000) for each business location.

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

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

28 (q) For vehicle odometers utilized to charge mileage usage fees  
29 in vehicle rental transactions *or in computing other charges for*  
30 *service, including, but not limited to, ambulance, towing, or*  
31 *limousine services*, the device fee shall not exceed sixty dollars  
32 (\$60) per device. ~~For the purposes of this subdivision, the portion~~  
33 ~~of the annual registration fee consisting of the business location~~  
34 ~~fee and the device fee authorized by this subdivision shall not~~  
35 ~~exceed the sum of four hundred dollars (\$400) for each business~~  
36 ~~location.~~

37 (r) This section does not apply to *odometers in rental passenger*  
38 *vehicles, as defined in Section 465 of the Vehicle Code, that are*  
39 *subject to the provisions of Section 1936 of the Civil Code, unless*  
40 *there is a complaint by a renter regarding a vehicle's odometer, in*

1 ~~which case subdivision (q) shall apply to the vehicle subject to the~~  
 2 ~~complaint. If a person files a complaint with the county sealer~~  
 3 ~~regarding the accuracy of a rental passenger vehicle odometer,~~  
 4 ~~the county sealer may charge a fee to the operator of the vehicle~~  
 5 ~~rental business sufficient to recover, but not to exceed, the~~  
 6 ~~reasonable cost of testing the device in investigation of the~~  
 7 ~~complaint.~~

8 (s) For vehicle odometers utilized to charge mileage usage fees  
 9 in vehicle rental transactions involving nonpassenger vehicles that  
 10 are not subject to Section 1936 of the Civil Code, the portion of  
 11 the annual registration fee consisting of the business location fee  
 12 and the device fee authorized pursuant to subdivision (q) shall not  
 13 exceed the sum of three hundred forty dollars (\$340) for each  
 14 business location.

15 ~~(s)~~

16 (t) For all other commercial weighing or measuring devices not  
 17 listed in subdivisions (g) to (r), inclusive, the device fee shall not  
 18 exceed twenty dollars (\$20) per device. For the purposes of this  
 19 subdivision, the total portion of the annual registration fee  
 20 consisting of the business location fee and the device fees  
 21 authorized by this subdivision shall not exceed the sum of one  
 22 thousand dollars (\$1,000), for each business location.

23 ~~(t)~~

24 (u) For the purposes of this section, a single business location  
 25 is defined as:

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

28 ~~(2)~~

29 (1) Each business location that uses ~~different~~ *one or more*  
 30 *categories or types of commercial devices as set forth in*  
 31 *subdivisions (g) to (p), inclusive, and in subdivision (t), that require*  
 32 *the use of specialized testing equipment and that necessitates not*  
 33 *more than one inspection trip by a weights and measures official.*

34 (2) *Each vehicle, except for those vehicles that are employed*  
 35 *in vehicle rental transactions, in which one or more commercial*  
 36 *devices is installed and used.*

37 (3) (A) *For vehicles that are employed in vehicle rental*  
 38 *transactions and that are not subject to Section 1936 of the Civil*  
 39 *Code, each business location at which vehicles are stored or*

1 *maintained by a vehicle rental company for the purposes of renting*  
2 *vehicles to customers.*

3 *(B) A facility that meets all of the following criteria shall not*  
4 *be considered a business location for the purposes of this*  
5 *paragraph:*

6 *(i) The facility is not wholly, or in any part, owned, leased, or*  
7 *operated by the vehicle rental company.*

8 *(ii) The facility is not operated or staffed by an employee of the*  
9 *vehicle rental company.*

10 *(iii) The facility stores or maintains, on a temporary basis,*  
11 *vehicles at the location for customer convenience.*

12 *(C) If a person files a complaint with the county sealer regarding*  
13 *the accuracy of an odometer in a vehicle found or located at a*  
14 *facility described in subparagraph (B), the county sealer may*  
15 *charge a fee to the operator of the vehicle rental company sufficient*  
16 *to recover, but not to exceed, the reasonable cost of testing the*  
17 *device in investigation of the complaint.*

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

20 12246. This article shall remain in effect only until January 1,  
21 2018, and as of that date is repealed, unless a later enacted statute  
22 that is enacted before January 1, 2018, deletes or extends that date.