

AMENDED IN SENATE AUGUST 16, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1782

Introduced by Assembly Member Hill

February 21, 2012

An act to amend, *repeal, and add* Section 12701 of the Business and Professions Code, relating to weighmasters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1782, as amended, Hill. Weighmasters: exemptions.

Existing law defines a weighmaster as any person, who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service. Existing law requires weighmasters to obtain a license. Existing law specifies certain persons who weigh and measure commodities but are not weighmasters, such as retailers weighing commodities for sale in retail stores in the presence of consumers, newspaper publishers weighing newspapers for sale to dealers, and recycling centers weighing salvage materials for specified purposes.

This bill ~~would additionally specify, until January 1, 2017, would provide~~ that facilities handling medical waste and that report net weights, and not estimates, to the generator of the medical waste and to the State Department of Public Health, are not weighmasters, as specified.

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 12701 of the Business and Professions
- 2 Code is amended to read:
- 3 12701. The following persons are not weighmasters:
- 4 (a) Retailers weighing, measuring, or counting commodities for
- 5 sale by them in retail stores in the presence of, and directly to,
- 6 consumers.
- 7 (b) Except for persons subject to Section 12730, producers of
- 8 agricultural commodities or livestock, who weigh commodities
- 9 produced or purchased by them or by their producer neighbors,
- 10 when no charge is made for the weighing, or when no signed or
- 11 initialed statement or memorandum is issued of the weight upon
- 12 which a purchase or sale of the commodity is based.
- 13 (c) Common carriers issuing bills of lading on which are
- 14 recorded, for the purpose of computing transportation charges, the
- 15 weights of commodities offered for transportation, including
- 16 carriers of household goods when transporting shipments weighing
- 17 less than 1,000 pounds.
- 18 (d) Milk samplers and weighers licensed pursuant to Article 8
- 19 (commencing with Section 35161) of Chapter 12 of Part 1 of
- 20 Division 15 of the Food and Agricultural Code, when performing
- 21 the duties for which they are licensed.
- 22 (e) Persons who measure the amount of oil, gas, or other fuels
- 23 for purposes of royalty computation and payment, or other
- 24 operations of fuel and oil companies and their retail outlets.
- 25 (f) Newspaper publishers weighing or counting newspapers for
- 26 sale to dealers or distributors.
- 27 (g) Textile maintenance establishments weighing, counting, or
- 28 measuring any articles in connection with the business of those
- 29 establishments.
- 30 (h) County sanitation districts operating pursuant to Chapter 3
- 31 (commencing with Section 4700) of Part 3 of Division 5 of the
- 32 Health and Safety Code, garbage and refuse disposal districts
- 33 operating pursuant to Chapter 2 (commencing with Section 49100)
- 34 of Part 8 of Division 30 of the Public Resources Code, and solid
- 35 waste facilities, as defined in Section 40194 of the Public
- 36 Resources Code.
- 37 (i) Facilities that handle medical waste and that report net
- 38 weights, and not estimates, to the generator of the medical waste

1 and the Department of Public Health in accordance with the
2 provisions of the Medical Waste Management Act (Part 14
3 (commencing with Section 117600) of Division 104 of the Health
4 and Safety Code).

5 (j) Persons who purchase scrap metal or salvage materials
6 pursuant to a nonprofit recycling program, or recycling centers
7 certified pursuant to Division 12.1 (commencing with Section
8 14500) of the Public Resources Code that purchase empty beverage
9 containers from the public for recycling.

10 (k) Pest control operators licensed pursuant to Chapter 4
11 (commencing with Section 11701) of Division 6 of the Food and
12 Agricultural Code.

13 (l) Retailers; or recycling centers established solely for the
14 redemption of empty beverage containers, as that phrase is defined
15 in Section 14512 of the Public Resources Code, who are weighing,
16 measuring, or counting salvage or returnable materials for purchase
17 or redemption by them in retail stores, or, in the case of recycling
18 centers, on the retail store premises or on a parking lot immediately
19 adjacent to a retail store which is used for the purpose of parking
20 by the store customers, directly from and in the presence of the
21 seller. "Retailer" means an entity which derives 90 percent or more
22 of its income from the sale of small quantities of food or nonfood
23 items, or both, directly to consumers. "Salvage materials" means
24 used paper products and used containers made of aluminum, tin,
25 glass, or plastic.

26 (m) Any log scaler who performs log scaling functions, except
27 weighing, as defined in the United States Forest Service Handbook,
28 Supplement No. 4 of March 1987.

29 (n) *This section shall remain in effect only until January 1, 2017,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2017, deletes or extends that date.*

32 *SEC. 2. Section 12701 is added to the Business and Professions*
33 *Code, to read:*

34 *12701. The following persons are not weighmasters:*

35 (a) *Retailers weighing, measuring, or counting commodities*
36 *for sale by them in retail stores in the presence of, and directly to,*
37 *consumers.*

38 (b) *Except for persons subject to Section 12730, producers of*
39 *agricultural commodities or livestock, who weigh commodities*
40 *produced or purchased by them or by their producer neighbors,*

1 *when no charge is made for the weighing, or when no signed or*
 2 *initialed statement or memorandum is issued of the weight upon*
 3 *which a purchase or sale of the commodity is based.*

4 *(c) Common carriers issuing bills of lading on which are*
 5 *recorded, for the purpose of computing transportation charges,*
 6 *the weights of commodities offered for transportation, including*
 7 *carriers of household goods when transporting shipments weighing*
 8 *less than 1,000 pounds.*

9 *(d) Milk samplers and weighers licensed pursuant to Article 8*
 10 *(commencing with Section 35161) of Chapter 12 of Part 1 of*
 11 *Division 15 of the Food and Agricultural Code, when performing*
 12 *the duties for which they are licensed.*

13 *(e) Persons who measure the amount of oil, gas, or other fuels*
 14 *for purposes of royalty computation and payment, or other*
 15 *operations of fuel and oil companies and their retail outlets.*

16 *(f) Newspaper publishers weighing or counting newspapers for*
 17 *sale to dealers or distributors.*

18 *(g) Textile maintenance establishments weighing, counting, or*
 19 *measuring any articles in connection with the business of those*
 20 *establishments.*

21 *(h) County sanitation districts operating pursuant to Chapter*
 22 *3 (commencing with Section 4700) of Part 3 of Division 5 of the*
 23 *Health and Safety Code, garbage and refuse disposal districts*
 24 *operating pursuant to Chapter 2 (commencing with Section 49100)*
 25 *of Part 8 of Division 30 of the Public Resources Code, and solid*
 26 *waste facilities, as defined in Section 40194 of the Public Resources*
 27 *Code.*

28 *(i) Persons who purchase scrap metal or salvage materials*
 29 *pursuant to a nonprofit recycling program, or recycling centers*
 30 *certified pursuant to Division 12.1 (commencing with Section*
 31 *14500) of the Public Resources Code that purchase empty beverage*
 32 *containers from the public for recycling.*

33 *(j) Pest control operators licensed pursuant to Chapter 4*
 34 *(commencing with Section 11701) of Division 6 of the Food and*
 35 *Agricultural Code.*

36 *(k) Retailers, or recycling centers established solely for the*
 37 *redemption of empty beverage containers, as that phrase is defined*
 38 *in Section 14512 of the Public Resources Code, who are weighing,*
 39 *measuring, or counting salvage or returnable materials for*
 40 *purchase or redemption by them in retail stores, or, in the case of*

1 *recycling centers, on the retail store premises or on a parking lot*
2 *immediately adjacent to a retail store which is used for the purpose*
3 *of parking by the store customers, directly from and in the presence*
4 *of the seller. "Retailer" means an entity which derives 90 percent*
5 *or more of its income from the sale of small quantities of food or*
6 *nonfood items, or both, directly to consumers. "Salvage materials"*
7 *means used paper products and used containers made of aluminum,*
8 *tin, glass, or plastic.*
9 *(l) Any log scaler who performs log scaling functions, except*
10 *weighing, as defined in the United States Forest Service Handbook,*
11 *Supplement No. 4 of March 1987.*
12 *(m) This section shall become operative on January 1, 2017.*

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