

Assembly Bill No. 2307

CHAPTER 329

An act to amend Section 12532 of, and to add Section 12215 to, the Business and Professions Code, relating to weights and measures.

[Approved by Governor September 13, 2016. Filed with
Secretary of State September 13, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2307, Chau. Weights and measures: reporting fraud.

Existing law provides for the regulation of commercial weighing and measuring devices by the Department of Food and Agriculture, and provides for the enforcement of those provisions by the State Sealer and by county sealers of weights and measures in each county. Existing law requires a person who engages in the business of repairing commercial weighing and measuring devices to be registered as a service agency, and requires a person who is employed by a service agency to repair those devices to be licensed as a service agent. Existing law generally makes it a crime to violate the weights and measures provisions.

This bill would require a county sealer to coordinate with the appropriate law enforcement authorities as needed in investigating and prosecuting fraudulent activity if the county sealer receives information or evidence that a weighing or measuring device, parking meter, or other installment under his or her jurisdiction has been altered in such a way as to facilitate fraud. The bill would require a service agency or service agent to report to the county sealer within 24 hours if a weighing or measuring device has been altered in such a way as to facilitate fraud, and to surrender the device or component of the device, as specified, to the county sealer or local law enforcement within 24 hours of discovering that the device has been altered. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. Also, by imposing additional duties on county sealers, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Section 12215 is added to the Business and Professions Code, to read:

12215. A county sealer who receives information or evidence indicating that any weighing or measuring device, parking meter, or other installation under the county sealer's jurisdiction has been altered in such a way as to facilitate any type of fraud shall coordinate with the appropriate law enforcement authorities as needed in investigating and prosecuting the fraudulent activity.

SEC. 2. Section 12532 of the Business and Professions Code is amended to read:

12532. (a) No person shall engage in business as a service agency unless the person is registered by the Secretary of Food and Agriculture pursuant to this chapter and unless the current registration fee and any penalty has been paid.

(b) Applications for registration shall be in writing on a form prescribed by the department, and shall be accompanied by the required fee.

(c) A service agency shall forward to the department the name or names of service agents employed by them, with the appropriate fees required by Section 12535.

(d) A device may only be placed in service by a sealer or a service agency. A device used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the Public Utility Commission is exempt from the requirements of this chapter.

(e) Except as provided in subdivision (f), no person who repairs a device is required to be registered if the device is placed into service by a sealer or service agency.

(f) Vapor measuring devices operating at greater than 11 inches water column shall be installed by a service agency.

(g) In the event of any change in the legal status of a registered service agency, the new legal entity shall obtain a new registration before operating as a service agency.

(h) A service agency may employ or designate a licensed service agent to act for the service agency and shall be responsible for all acts of that person.

(i) If a device has been altered in such a way as to facilitate fraud, a service agency or service agent shall report it to the county sealer within 24 hours of discovering that the device has been altered. If the service agency or service agent has possession of the device or any mechanism, component, software, or other device attached to or used in conjunction with the device that serves to facilitate fraud, the service agency or service agent shall surrender the device, mechanism, component, software, or other device to the county sealer or local law enforcement within 24 hours of discovering that the device has been altered.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.