

Introduced by Senator Wyland

February 18, 2011

An act to amend Section 12531 of, and to add Chapter 17 (commencing with Section 13850) to Division 5 of, the Business and Professions Code, relating to water submeters.

LEGISLATIVE COUNSEL'S DIGEST

SB 744, as amended, Wyland. Water submeters: testing.

~~Existing~~

(1) *Existing* law requires that a person who uses, or intends to use, any weight or measure, or weighing or measuring instrument for commercial purposes, to cause them to be sealed by a sealer before using the same, unless they have been sealed before sale, in which case existing law allows the purchaser to use them for the remainder of the period authorized by regulations adopted by the Secretary of Food and Agriculture. There is within the Department of Food and Agriculture the Division of Measurement Standards, which is designed to ensure the accuracy of commercial weighing and measuring devices.

This bill would provide that any water submeter tested by a test bench that is regularly calibrated by a cross-check measure shall be deemed to be sealed and approved for commercial use, as specified, provided that the submeter satisfies certain criteria, including that the submeter is otherwise a type approved by the Division of Management Standards.

(2) *Existing law regulates the utilization and repair of weighing or measuring devices. Under existing law, for purposes of weighing and measuring devices, the term "placed in service" means to permit the use of a device that has been tested and found to be correct, as specified,*

and type approved, as provided, or to submit a device to a sealer for verification prior to installation. Under existing law a device may only be placed in service by a sealer or a service agency.

This bill would provide that for the purposes of any applicable law or regulation relating to the placing of a water submeter in service, including, but not limited to, the above provisions, no water submeter shall be considered to have been put into service prior to its installation if the water submeter is to be used in a multiunit residential structure. The bill would also make related conforming changes.

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

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

1 SECTION 1. Section 12531 of the Business and Professions
2 Code is amended to read:

3 12531. As used in this chapter, the following definitions are
4 applicable:

5 (a) “Service agency” means any person, as defined in Section
6 12011, that for hire, award, commission, or any other payment of
7 any kind, repairs a commercial device.

8 (b) “Service agent” means any person employed by a service
9 agency to repair a commercial device.

10 (c) “Device” means any weighing or measuring equipment,
11 contrivance, or instrument used, or designed to be used, for
12 determining weight or measure, and includes any tool, appliance,
13 or accessory used in connection therewith, that is used for
14 commercial purposes as defined in subdivision (e) of Section
15 12500.

16 (d) “Placed in service” means, *except as described in Section*
17 *13855*, to permit the use of a device that has been tested and found
18 to be correct, as defined in subdivision (c) of Section 12500, and
19 type approved, as provided for in Section 12500.5, or to submit a
20 device to a sealer for verification prior to installation.

21 (e) “Correct” means any device that meets all of the tolerance
22 and specification requirements of Section 12107.

23 (f) “Repair,” in any of its variant forms, means to provide
24 maintenance, or to install, adjust, recondition, or service a device.

1 ~~SECTION 1.~~

2 SEC. 2. Chapter 17 (commencing with Section 13850) is added
3 to Division 5 of the Business and Professions Code, to read:

4
5 CHAPTER 17. WATER SUBMETERS
6

7 13850. (a) Any water submeter tested by a test bench that is
8 regularly calibrated by a cross-check measure shall be deemed to
9 be tested and sealed and approved for commercial use pursuant to
10 any regulations related to the testing and oversight of submeters
11 by the Division of Measurement Standards, including, but not
12 limited to, Sections 12501.1 and 12502, provided that all the
13 following conditions are met:

14 (1) The submeter complies with the accuracy tolerance for
15 submeters as published in the National Institute of Technology
16 Standards Handbook 44.

17 (2) The submeter is otherwise a type approved by the Division
18 of Measurement Standards.

19 (3) The test results are attached to the submeter.

20 (b) Nothing in this section shall be construed to limit or alter
21 any additional regulations relating to testing and oversight of
22 submeters by the Division of Measurement Standards. Nothing in
23 this section shall be construed to affect any regulations promulgated
24 by any city, county, city and county, utility, water district, or
25 similar entity.

26 13855. *For purposes of any applicable law or regulation*
27 *relating to the placing of a water submeter in service, including,*
28 *but not limited to, subdivision (d) of Section 12531 and Section*
29 *4085 of Title 4 of the California Code of Regulations, no water*
30 *submeter shall be considered to have been put into service prior*
31 *to its installation if the water submeter is to be used in a multiunit*
32 *residential structure.*