

(12-WM-DEV-1)

Information on Regulated Commercial Weighing/Measuring Devices

Laws and regulations pertaining to regulated commercial weighing (scales) and measuring (meter) devices are found in the California Business and Professions Code [BPC], Division 5, Chapters 1 - 17, and the California Code of Regulations [CCR], Title 4, Division 9.

(To view the full text of all pertaining statutes and regulations visit <http://www.leginfo.ca.gov>)

Business Owners are responsible to ensure that employees comply with all the laws and regulations pertaining to weights and measures including but not limited to sales transaction procedures, requirements for direct sales and labeling requirements for the sale of packaged commodities.

Weights and Measures Permits: All regulated commercial weighing and measuring devices used in the County shall be registered annually with the County Sealer. An annual device registration fee includes both a location fee plus a device fee. The penalties for fees not paid within 30 days of billing shall be 100 percent.

Unsealed Devices: It is unlawful to use an unsealed device for commercial purposes. All regulated commercial weighing or measuring devices must be sealed by weights and measures official unless they have been placed in service by an authorized service agency *pending certification by a weights and measures official*.

Out of Compliance Devices: any device that fails its initial inspection will require a re-inspection by weights and measures officials. A re-inspection fee will be charged based on a schedule of fees as set by regulation.

A device that fails to meet the specifications and tolerances pursuant to BPC§12107 will be condemned and placed out of service.

Enforcement tags will be placed on such a device as follows:

- **Yellow Tag:** This is issued to devices that are not legal for trade in California. It is unlawful to use these unapproved devices for commercial purposes. Unapproved scales in commercial use are condemned and may be subject to seizure for non-compliance.
- **Red Tag:** Devices that are found to be incorrect or inaccurate in favor of the device owner are condemned and removed from service by weights and measures official. Do not use or dispose of red tagged devices. It is against the law to operate a red tagged device. Red tagged devices not repaired within 30 days from the date the tag was issued are subject to confiscation by the sealer.
- **Temporary Permit:** In the event that a device is found inaccurate in favor of the consumer or if verification of legal for trade status is pending a temporary permit may be issued if the device is the only weighing equipment used at the business location, but it must be repaired within 30 days of notice.
- It is illegal to remove or tamper with or obliterate any of these enforcement tags
- Only Weights and Measures Officials or authorized agents may remove enforcement tags.

Suitability of Equipment: Weighing and measuring devices shall be suitable for the type of commodities bought or sold using these devices. They must be suitable for the environment in which they are used including but not limited to the effects of wind, weather, and vibrations or electrical/radio frequency interference during transactions.

Visibility of Equipment: Weighing and measuring devices used in direct sales shall be so positioned that its indications may be accurately read from an ordinary customer and operator position.

Maintenance of Equipment: All equipment in service and all mechanisms and devices attached thereto or used in connection therewith shall be continuously maintained in proper operating condition throughout the period of such service. Scales must be leveled and at zero balance prior to sales transactions.

Point of Sale Systems and Electronic Cash Registers (ECRs) Software: The application software used in connection with a scale, indicators printer or electronic cash register, to capture and process the weight information from the scale must meet all weights and measures requirements, thus it must be type approved (legal for trade) for commercial purposes.

Automatic Checkstand Systems: The operator of a business establishment that uses an automatic checkout system to sell goods or services to consumers shall ensure that the price of each good or service to be paid by the consumer is conspicuously displayed to the consumer at the time that the price is interpreted by the system. [BPC§13300]

Direct Sale Requirements: Business owners are responsible to ensure that employees comply with all sales transaction procedures as required by statute and regulations. Some of the requirements for direct sale are, but not limited to:

- **Net Weight Requirement:** anyone buying or selling by weight is required to deduct the weight of the container or packaging medium (also known as "tare") from the weight of the product prior to transaction. Selling by gross weight is a misdemeanor punishable by a fine of up to \$1,000 for each illegal transaction.
- **Unlawful Computation of Price:** It is against the law to charge/compute a price greater than what is advertised, posted, marked, displayed, or quoted for a commodity/service, or to charge an amount greater than the lowest price posted either on the commodity itself or on a shelf tag corresponding to that commodity, notwithstanding any time limitations.

Labeling Requirements for Packaged Products: Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

- **Basic Requirements in English:** (1) Name of the commodity. (2) Name, address, and zip code of the packer (3) a declaration of quantity that shall be prominently and conspicuously displayed in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel. (4) Consumer packages are required to have both metric and inch-pound units with few exceptions.

It is against the law to package, ship or sell any commodity in a non-conforming container or label.