

DEPARTMENT OF FOOD AND AGRICULTURE

A.G. KAWAMURA, Secretary

Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
Phone: (916) 229-3000
Fax: (916) 229-3026



DMS NOTICE
G – 05 – 8

November 1, 2005

Discard: 10/06

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: AB 889 “Weights and Measures”

As you are probably aware AB 889, Ruskin “Weights and Measures” was signed into law as Chapter 529 on October 5, 2005 and becomes effective January 1, 2006. This new law, among other things, authorizes the County Board of Supervisors, by ordinance, to charge a point-of-sale inspection fee or annual registration fee, not to exceed the county’s total cost of inspecting or testing the accuracy of prices. It also authorizes a fee for re-inspections of a retail establishment that fails a standard inspection.

Additionally, this new law raises the maximum annual registration fees that a County Board of Supervisors may charge to recover the costs of inspecting or testing commercial weighing and measuring devices required of the County Sealer.

Please see the attached “Summarization of AB 889” and “Table of Maximum Annual Commercial Weighing and Measuring Device Registration Fees”. If you have any questions, or would like copies of the new law, please contact Dennis Johannes at (916)229-3006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Cleary'.

Mike Cleary
Director

Attachments

cc: Ed Williams, Director, County Liaison Office

TABLE OF MAXIMUM ANNUAL COMMERCIAL WEIGHING AND MEASURING DEVICE REGISTRATION FEES

PURSUANT TO – AB889 (RUSKIN) – CHAPTER 529

DEVICE TYPE	BEGINNING JANUARY 1, 2006	BEGINNING JANUARY 1, 2007	BEGINNING JANUARY 1, 2008	BEGINNING JANUARY 1, 2009	BEGINNING JANUARY 1, 2010
Electric, Vapor & Water Meters	\$60/Business Location <u>Plus</u> \$2/Meter No Cap/Location	\$80/Business Location <u>Plus</u> \$2/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$2/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$2/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$2/Meter No Cap/Location
Scales (other than Livestock) Greater than 10,000 Pounds	\$60/Business Location <u>Plus</u> \$150/Scale No Cap/Location	\$80/Business Location <u>Plus</u> \$200/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$250/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$250/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$250/Scale No Cap/Location
Scales (other than Livestock) 2,000 to 10,000 Pounds	\$60/Business Location <u>Plus</u> \$90/Scale No Cap/Location	\$80/Business Location <u>Plus</u> \$120/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location
Farm Milk Tanks	0	0	0	0	0
Livestock Scales Greater than 10,000 Pounds	\$60/Business Location <u>Plus</u> \$90/Scale No Cap/Location	\$80/Business Location <u>Plus</u> \$120/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$150/Scale No Cap/Location
Livestock Scales 2,000 to 10,000 Pounds	\$60/Business Location <u>Plus</u> \$60/Scale No Cap/Location	\$80/Business Location <u>Plus</u> \$80/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$100/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$100/Scale No Cap/Location	\$100/Business Location <u>Plus</u> \$100/Scale No Cap/Location
Stationary & Truck Mounted LPG Meters	\$60/Business Location (or Truck) <u>Plus</u> \$105/Meter No Cap/Location	\$80/Business Location (or Truck) <u>Plus</u> \$140/Meter No Cap/Location	\$100/Business Location (or Truck) <u>Plus</u> \$175/Meter No Cap/Location	\$100/Business Location (or Truck) <u>Plus</u> \$175/Meter No Cap/Location	\$100/Business Location (or Truck) <u>Plus</u> \$175/Meter No Cap/Location
Wholesale & Vehicle Meters	\$60/Business Location <u>Plus</u> \$15/Meter No Cap/Location	\$80/Business Location <u>Plus</u> \$20/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$25/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$25/Meter No Cap/Location	\$100/Business Location <u>Plus</u> \$25/Meter No Cap/Location
All Other Commercial Weighing & Measuring Devices	\$60/Business Location (or Vehicle) <u>Plus</u> \$12/Meter or Scale (\$1000 Cap/Location)	\$80/Business Location (or Vehicle) <u>Plus</u> \$16/Meter or Scale (\$1000 Cap/Location)	\$100/Business Location (or Vehicle) <u>Plus</u> \$20/Meter or Scale (\$1000 Cap/Location)	\$100/Business Location (or Vehicle) <u>Plus</u> \$20/Meter or Scale (\$1000 Cap/Location)	\$100/Business Location (or Vehicle) <u>Plus</u> \$20/Meter or Scale (\$1000 Cap/Location)

SUMMARIZATION OF AB 889

- The Civil Administrative Penalty sunset date has been deleted.
- Commercial weighing and measuring device fee sunset has been extended to January 1, 2011 (5 years).
- Commercial weighing and measuring device fees are authorized to be increased as shown in the attached "Table of Maximum Annual Commercial Weighing and Measuring Device Registration Fees".
- Defines a single business location as:
 - » Each vehicle containing one or more commercial devices.
 - » Each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.
- Requires that if a board of supervisors adopted or adopts a price verification ordinance, then the initial standard inspection shall be based on the following criteria:
 - » The collection of a random sample that includes a maximum of 50% sale items from:
 - ❖ One department of a retail store.
 - ❖ Multiple areas of a retail store.
 - ❖ The entire store
 - » Testing of a minimum random sample of 25 items when a location has three or fewer POS checkout registers.
 - » Testing of a minimum random sample of 50 items when a location has in excess of three POS checkout registers.
 - » Only items computed at a higher price are considered not in compliance.
 - » Enforcement action can be taken on any item not in compliance.
 - » May reinspect any location that has a compliance rate of LESS than 98%.
 - » May charge a POS inspection fee or an annual registration fee not to exceed the total cost of the inspection or testing.
 - » May charge a reinspection fee if the location fails (less than 98% compliance) the initial standard inspection not to exceed the total cost of the reinspection or testing.
 - » Defines "random sample" as modeled after NIST HB 130 (2005 Edition) – Examination Procedures for Price Verification, randomized sample collection; stratified sample collection (Sections 7.3.1 & 7.3.2).
 - » Defines "point-of-sale" system.
 - » Defines "sale items".
 - » Defines "area".
 - » Defines "initial standard inspection".
 - » Defines "special inspections".
 - » Contains a sunset clause of January 1, 2009 (3 years).