



January 13, 2015

DMS NOTICE
QC – 15 - 02
DISCARD: RETAIN

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Implementing New Law Created by Assembly Bill (AB) 2251

With the passage of [AB 2251](#), section 12024.13 is added to the Business and Professions Code (BPC) relating to the charging of the California Redemption Value (CRV). This notice supersedes and replaces QC-10-9, "Enforcement of Business and Professions Code Section 12024.2 relating to CRV containers", which has been rescinded.

Effective January 1, 2015, BPC section 12024.13:

- makes it unlawful to overcharge on a redemption surcharge for a beverage container;
- specifies that these violations are an infraction, punishable by a fine of not more than \$100 when the overcharge is \$1 or less; and,
- adds an additional reporting requirement for the report written pursuant to BPC Section 12209. Sealers must separately report any action taken to enforce this section that results in a penalty being levied.

To be compliant with the new law, weights and measures officials who observe a violation of BPC section 12024.13 during a price verification inspection should take the following actions:

- Document the violation on the Sales Price Report. Violations of BPC section 12024.13 are separate from those where the commodity price is improperly charged (i.e., Improper Computation of Value, a violation of BPC Section 12024.2).
- Civil penalty recommendations: BPC section 12024.13 is not presently listed in the civil penalty guidelines found in California Code of Regulations (CCR) Section 4802 (a)(3). Therefore, civil penalties issued for violations of BPC section 12024.13 pursuant to BPC section 12015.3 shall be treated as "Category C" with a fine range of \$50 to \$100 when an overcharge is \$1.00 or less and up to \$250 when the violation is \$1.01 or greater.
- Report any violations and fine amounts to the Division of Measurement Standards (DMS). To facilitate this new data collection and reporting requirement, DMS is adding a separate link to the County Monthly Report Menu for this additional information (i.e., CRV Locations Tested, CRV Overcharges, CRV Civil Administrative Actions Taken, CRV Civil Administrative Hearings Held, CRV Civil Administrative Penalties Assessed, and CRV Civil Penalties Collected).

Additionally, beginning in 2015, CalRecycle will start forwarding CRV complaints it receives to local weights and measures offices or DMS. Any complaints directed to DMS will be forwarded to the appropriate county weights and measures office.

Sincerely,

Kristin J. Macey
Director

cc: Gary Leslie, County/State Liaison, CDFA

