

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS**

**FIELD REFERENCE MANUAL
2015**

**California Code of Regulation
Title 4, Division 9**

**Chapter 4
Registered Service Agencies**

Sections 4080. through 4088.



DISCLAIMER

This document represents the Division of Measurement Standards' field manual for enforcing regulations pertaining to weights and measures in California. This field manual is not to be considered as the official Code of Regulations, as published by Barclays Law Publishers.

NOTE: Language in Handbook 44 that is not adopted is annotated “[NOT ADOPTED]” in this document.

NOTE: Requirements are different than, or in addition to, the requirements of Handbook 44 are included in the appropriate section this document. They are shaded, bordered, and numbered in the 4002 series to differentiate them from the Handbook 44 requirements.

To find the latest online version of the California Code of Regulations (CCR) Title 4, Division 9, visit the California Office of Administration Law (OAL) at:

<http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

The CCR may also be accessed at <http://oal.ca.gov/> by selecting the link Titled “California Code of Regulations” under the list of “Sponsored Links” in the left column on the OAL Home page.

For information concerning the contents of this document, please contact the Division of Measurement Standards by e-mail at dms@cdfa.ca.gov.

Chapter 4. Registration of Service Agencies For Commercial Weighing and Measuring Devices

4080. Application. This chapter applies to any person performing duties as a service agency or service agent.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 12531, Business and Professions Code.

4081. Registration of Service Agencies and Service Agents Required.

- (a) Each service agency shall forward to the Department, with the appropriate registration fee (Business and Professions Code Section 12535), the name and license number of a service agent within 30 days of hiring by the service agency.
- (b) The registration of a service agent shall expire upon termination of employment with the service agency.
- (c) Each service agency shall notify the Department within 30 days of the termination of a service agent.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Sections 12531 and 12532, Business and Professions Code.

4082. Fees.

- (a) Any fee not paid when due, or sent by mail and post-marked five days or more after the due date, is overdue.
- (b) To any fee that is overdue and paid within 30 days of the due date, a penalty equal to 30 percent of the amount of the original fee shall be added.
- (c) To any fee paid more than 30 days after the due date, a penalty equal to 50 percent of the amount of the original fee shall be added.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 12535, Business and Professions Code.

4083. Examinations/Licenses.

- (a) **License Application:** Applicants for a service agent license must provide their name, address, and proof of identity by means of a picture identification. At the time of examination, applicants shall pay an examination fee of \$35. Applicants renewing an existing license shall also provide the current license number.
- (b) **Examination Procedure:** Written examinations will be administered by a county weights and measures office or the Division of Measurement Standards. The examination shall be administered according to instructions issued by the Division of Measurement Standards "Administration of Service Agent Examination" (Est. 8/00), which is incorporated by reference. Applicants will be advised of the results on the day of the examination. The proctor and applicant shall certify under penalty of perjury that the examination was given in accordance with the procedures specified.
- (c) **Qualification for a License:** An applicant must receive a minimum score of 70 percent to qualify for a service agent license. Successful applicants will be provided with a service agent license at that time. Except as provided for in subsection (g), such license shall be valid for a period of five years from date of issue.
- (d) **Retention and Notification:** Examination information will be retained in the county or state office where administered for a period of five years. County offices will provide to the Division of Measurement Standards within 30 days the names of individuals to whom service agent licenses have been issued.
- (e) **Failure and Reexamination:** Applicants failing to receive a passing score may schedule an appointment to be reexamined. The fee specified in subsection (a) shall be paid each time the examination is taken. Reexaminations are subject to all the above conditions.

- (f) **Replacement License:** A lost or mutilated license may only be replaced by the Division of Measurement Standards. Before a replacement license is issued, the licensee must provide a written request including the following information: the name as it appeared on the original license, the licensee's signature and current address, and a fee of \$10. If a licensee satisfies these requirements, a replacement license will be issued.
- (g) **License Renewal:** To maintain a service agent license, applicants may take the examination on or up to 90 days before the expiration date of their current license. Successful applicants will receive a five year extension of the license period.

NOTE: Authority cited: Section 12027, Business and Professions Code. Reference: Section 12540, Business and Professions Code.

4084. Authority for Service Agency to Place a Device into Service. Pursuant to Business and Professions Code Sections 12509 and 12532(d), a service agency may perform any of the following:

- (a) place a correct device into service,
- (b) remove an "out-of-order" notice to perform the service, and must replace the notice if the device cannot be corrected, or
- (c) remove an "out-of-order" notice from a corrected device and place it into service.

NOTE: Authority cited: Sections 12027, 12532(b) and 12509, Business and Professions Code. Reference: Sections 12531 and 12532, Business and Professions Code.

4085. Responsibility of a Service Agency.

- (a) Each service agency shall be responsible for compliance with the following:
 - (1) **Repairing or Placing Devices into Service.** - Each service agency shall place into service, upon installation or following repair, a device in such a manner that it meets all the requirements of Division 5 of the California Business and Professions Code and all the requirements of the California Code of Regulations, Title 4, Division 9. Weighing or measuring devices which are not "correct", as defined by Section 12500(c) of the Business and Professions Code, shall not be placed into service.
 - (2) **Notice to County Sealer of Repairing or Placing of Device into Service by Service Agency.** - Each service agency shall notify the county sealer of the repairing or placing in service of any device. The notice shall be in writing, and transmitted to the county sealer within the 24-hour period following the repair, except as provided by Business and Professions Code Section 12515(b).

The notification shall include the following minimum identifying information;

- (i) Name and address of service agency.
 - (ii) Location of device(s). Name and address, including if available the unique identifier used by the business (e.g., pump or checkstand number).
 - (iii) Name of service agent.
 - (iv) Date of adjustment, repair, placing, or replacing into service.
 - (v) Name of device manufacturer(s).
 - (vi) Model designation(s) and serial number(s) of the device(s).
 - (vii) On new installations, the National Institute of Standards and Technology or National Conference on Weights and Measures Certificate of Conformance number(s) for each separately approved component or device, if marked on the component or device.
- (3) **Security Seal.** - Service agents shall replace a security seal on any adjustment mechanism where the seal was required to be removed for service, repair, or installation. Before placing a device into service, service agents shall install a security seal on any adjustment mechanism designed to be sealed.
- (4) **Identification of Service Agency Work.** - Service agents shall identify their work on each device by applying an adhesive tag or label in a conspicuous location on the device. The adhesive tag or label shall show the name, registration number and business telephone number of the service agency, the license number of the service agent performing the work, and the date. Any security seal required pursuant to Section 12107 of the California Business and Professions Code shall show the registration number of the service agency and the year the security seal was placed on the device.

- (5) **Certificate of Accuracy of Standards.** - A service agency shall, on request from a sealer, show a copy of the certification of accuracy for the standards used to place a device into service.

NOTE: Authority cited: Sections 12027 and 12107, Business and Professions Code. Reference: Sections 12515(a), 12531, 12532(h) and 12533, Business and Professions Code.

4086. Certification of Service Agency Standards. Each service agency shall have its standards certified at the service agency's expense. Standards shall be tested and certified by either the Department or other metrology laboratories traceable to the National Institute of Standards and Technology (NIST). These laboratories include those in county weights and measures programs, industry, and other states that have been approved, certified, or accredited by NIST, or the Department in accordance with criteria established by NIST, or by other appropriate national or international accrediting organizations. The standards shall be certified as often as the Department deems necessary, based upon a review of supporting statistical data resulting from previous certifications, but in no event shall the period of time between certifications exceed 10 years. In the absence of supporting statistical data, standards shall be certified at least every two years.

NOTE: Authority cited: Sections 12027 and 12314, Business and Professions Code. Reference: Sections 12531(e), 12533(a)(1), 12533(a)(2) and 12534, Business and Professions Code.

4087. Payments to Counties. Payment to counties shall be subject to the following conditions:

- (a) Each county shall report annually, before November 1, expenditures for the prior fiscal year, which shall be the period from July 1 through June 30.
- (b) The county report, which shall be subject to audit, shall be submitted on form number 40-008A "County Annual Report" (Rev. 8/00), which is incorporated by reference.
- (c) Any county not submitting a report by the prescribed date may be excluded from payment for that year.
- (d) Payment for each fiscal year shall be based on the registration fees received for the same fiscal year.
- (e) Payments to counties, based on expenditures which occurred during the previous fiscal year, will be made on or about January 31 of each year.

NOTE: Authority cited: Sections 12027 and 12537, Business and Professions Code. Reference: Sections 12209(c) and 12537, Business and Professions Code.

4088. Advisory Committee.

- (a) Members of the Committee shall receive no compensation, but are entitled to payment of necessary traveling expenses in accordance with State Administrative Manual Section 0774 (Rev. 9/91) and the rules of the Department of Personnel Administration.
- (b) The Committee shall be advisory to the Department and may make recommendations on all matters pertaining to service agencies and/or service agents.
- (c) The Committee shall elect a chairman and other officers as it deems advisable.
- (d) The Committee shall meet at the call of the chairman or the Department, or at the request of any four members of the Committee. The Committee shall meet at least once a year.
- (e) A quorum shall consist of five members. A vote of the majority of the members present at a meeting at which there is a quorum shall constitute an act of the Committee.

NOTE: Authority cited: Sections 12027 and 12541(a), Business and Professions Code; Government Code 19815.4(d). Reference: Section 12541(a)(d), Business and Professions Code.

[THIS PAGE LEFT INTENTIONALLY BLANK]