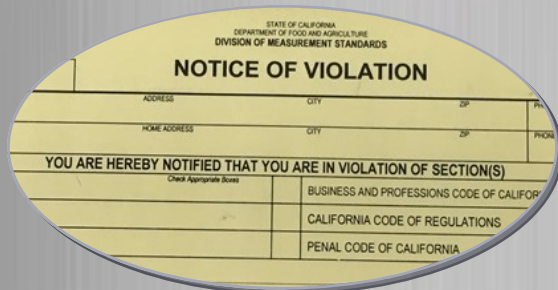


Levels of Enforcement

Businesses should understand that most violations of Weights and Measures laws are misdemeanors, which means that they are criminal in nature, and subject to court action.



However, our Division's goal is compliance, not punishment. Our philosophy is to use the lowest level of enforcement possible to effect compliance.



When an inspector observes a violation, a “Notice of Violation” or written warning may be issued. If the inspector finds repeated violations or problems of a more serious nature, there are three options open to the Department:

- **Administrative Civil Penalty**, where the Division assesses an administrative penalty and the business has the right to contest the charges through a hearing.
- **Criminal Citation**, where the inspector can issue a citation when necessary.
- **Civil Suit**, where the Department can request the District Attorney's Office to file Civil Suit or criminal charges.

For more information:

California Division of Measurement Standards
www.cdfa.ca.gov/dms/

National Type Evaluation Program (NTEP)
www.ncwm.net/certificates

California Type Evaluation Program (CTEP)
www.cdfa.ca.gov/dms/programs/ctep/ctep.html

Authorities:

- California Business and Professions Code, Division 5
- California Code of Regulations, Title 4, Division 9
- Yuba County Code of Ordinances, Title XIII, Chapter 13.00.032



Contact us:

**Yuba County
Department of Agriculture
Weights and Measures**

915 8TH. ST., SUITE 127

MARYSVILLE, CA 95901

OFFICE: (530) 749-5400 FAX: (530) 749-5404

www.co.yuba.ca.us/departments/ag/



This seal is affixed to a commercial weighing or measuring device after passing inspection and testing by a Weights and Measures inspector.

Business Owner's Guide: Requirements for Weighing & Measuring Devices

*Promoting an equitable
marketplace while
protecting businesses
and consumers*

WEIGHTS & MEASURES



What We Do

Weights and Measures ensures a fair marketplace by verifying products are sold by accurate weights, measures, and prices.

Consumer protection:

- Accurate weighing and measurement of goods.
- False and deceptive advertising.
- Verification of the quantity of bulk & packaged goods.
- Enforce quality, advertising and labeling standards for most petroleum products.

Our Services Are Your Economic Protection

Weights and Measures activities are mandated by state law to protect the interests of **both** the buyer and seller to assure honesty and integrity in everyday business transactions. This protection is accomplished through continuous and systematic inspection of all equipment that weighs or measures a commodity or service that is sold.

Inspections

Our inspectors make routine, mostly unannounced inspections and audits. We are authorized to enter any business during regular operating hours to make those inspections.

For commercial devices, the inspector will place a paper seal with the current year on each device that is in compliance. When the device is out of tolerance, the device will need to be repaired by a California Registered Service Agent before it will pass inspection.

In the case of prepackaged goods, the inspector may take them off-sale if short weight or measure, or if they are not properly labeled.

Types of Inspection

Devices

Any device **used for commercial transactions** must be inspected annually. These include: grocery store scales all the way up to large capacity truck scales; gas pumps; water vending machines; propane meters; wire, cordage, & fabric meters, utility electric and gas submeters.

Petroleum

Inspections assure minimum **quality standards** for most automotive products (gasoline, oxygenated blends, diesel fuel, motor oil, brake fluid, automatic transmission fluid, antifreeze/coolants and alternative engine fuels) sold in California. Additionally, the program regulates the **advertising and labeling** of these products.

Weighmaster

Official **weighmaster certificates** are legal documentation of a weight, measure, or count of a **bulk commodity** when one **party is not present** during the transaction. Diverse business such as rice milling plants, almond processors, cement plants, scrap metal yards, moving and storage companies, livestock dealers and rock quarries are all weighmasters. Inspections are done to ensure certificates are correct and quantities are derived properly.

Quantity Control

The Quantity Control Program's responsibilities include: checking packages for **accuracy of net content** statements; verifying that businesses request only the **correct price** when customers make purchases; and enforcement of "Fair Packaging and Labeling Act" requirements, including laws against **misleading and deceptive** packages or advertisements.

Consumer Complaints

All weights & measures complaints received from consumers are **investigated**. Some complaints are proved unfounded while others may need coordination with the District Attorney's Office in order to prosecute violators.

What You Need To Do

Device Registration

All weighing and measuring devices used for commercial purposes within the County of Yuba shall be registered annually with the Yuba County Department of Weights and Measures.

A registration remains valid only so long as the holder pays the annual registration fees. Failure to pay such fees when due results in automatic termination of registration. No person may use or operate any commercial weighing or measuring device prior to being registered with Yuba County Department of Weights and Measures.

Violations of annual device registration requirements are considered either a misdemeanor or an infraction, at the discretion of the district attorney and are punishable by fines or imprisonment.

Type Approval

Commercial weighing and measuring devices used in California must be either CTEP or NTEP approved devices in order to be considered legal for trade.

"Commercial purposes" refers to devices that are:

- Used in buying, selling, or exchanging goods, things, or commodities.
- Used in determining value of goods or services for compensation or assessment.
- Used in establishing the cost for services or hire on the basis of measurement.

If an inspector finds an un-approved device, the device may be either seized or marked with a tag with the words "unapproved device".

