

## Senate Bill No. 485

### CHAPTER 518

An act to amend, repeal, and add Sections 12704 and 12709 of, and to add and repeal Section 12703.1 of, the Business and Professions Code, relating to weighmasters.

[Approved by Governor October 3, 2013. Filed with  
Secretary of State October 3, 2013.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 485, Calderon. Weighmasters: junk dealers and recyclers.

Existing law vests the Department of Food and Agriculture with general supervision of weights and measures and weighing and measuring devices sold or used in the state, and authorizes the Secretary of Food and Agriculture to exercise any power conferred upon the department or upon the State Sealer, who is the chief of the division of the department charged with the enforcement of the provisions relating to weights and measures. Existing law defines a weighmaster as any person, who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service. Existing law requires a weighmaster to obtain a license and to pay a license fee, as prescribed. Existing law authorizes the secretary to refuse to grant a license, to refuse to renew a license, or to revoke or suspend a license if, after a specified hearing, the secretary is satisfied that the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster or has been found guilty of a misdemeanor relating to the regulation of weighmasters.

This bill would require the department to require a recycler or junk dealer, as defined, who is an applicant for a new weighmaster license or a renewal of a weighmaster license to furnish specified additional information on the application. The bill would require the department to issue a weighmaster license to a junk dealer or recycler upon receipt of an application for a new license or the renewal of a license that contains the appropriate information and fee. Upon issuance of a weighmaster license to a junk dealer or recycler, the bill would require the department to make a thorough investigation of all of the information contained in the application within specified time periods. If the department determines that information submitted in the application is materially inaccurate, the bill would require the department to revoke the license issued to the junk dealer or recycler unless the junk dealer or recycler complies with these information requirements within 14 days of notice, as specified. The bill would provide that a junk dealer or recycler whose weighmaster license has been revoked is entitled to a hearing.

The bill would require a weighmaster who is a junk dealer or recycler to pay an additional annual fee of \$500 to the department for each location at which the weighmaster operates, as specified, for the administration and enforcement of these provisions. The bill would authorize the secretary to enter into a cooperative agreement with any county sealer to carry out certain of these provisions. This bill would repeal these new provisions on January 1, 2019.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) According to the Division of Measurement Standards, the agency responsible for enforcement of weights and measures laws and regulations, the primary functions carried out by the division are to ensure fair and honest competition for industry and accurate value comparison for consumers.

(b) Because the division and county sealers are responsible for periodically inspecting and regulating all weighing and measuring devices utilized by all scrap metal recyclers doing business within the state, they are perfectly suited to review and verify the accuracy of the required information provided by the recycler or junk dealer on the weighmaster license application.

SEC. 2. Section 12703.1 is added to the Business and Professions Code, to read:

12703.1. (a) In addition to any other requirements for issuance of a license pursuant to this chapter, if the applicant is a recycler or junk dealer as defined in Section 21601, the department shall require the applicant to furnish all of the following information accurately on any application for a new license or the renewal of a license issued pursuant to this chapter:

(1) A copy of the applicant's current business license.

(2) A statement indicating that the applicant has either filed an application for a stormwater permit or is not required to obtain a stormwater permit.

(3) A statement indicating that the applicant has the equipment necessary to comply with the photographic and thumbprinting requirements for the purchase and sale of nonferrous materials pursuant to Section 21608.5 or a statement indicating that the applicant will not be purchasing or selling nonferrous materials and is not required to comply with Section 21608.5.

(4) The name or names of any deputy weighmasters.

(b) The department shall issue a license to a junk dealer or recycler upon receipt of an application for a new license or renewal of a license that contains the information required by subdivision (a) and that is accompanied by the appropriate fee.

(c) (1) On or before December 31, 2014, upon issuance of a license to a junk dealer or recycler, or renewal of such a license, the department shall make a thorough investigation of all of the information contained in the application within 90 days. If the license is issued or renewed on or after January 1, 2015, the department shall make a thorough investigation of all

the information contained in the application within 90 days for a new license, and within one calendar year for a renewal of a license.

(2) Notwithstanding Section 12708, if the department determines that the information submitted pursuant to subdivision (a) is materially inaccurate, the department shall revoke the license issued to a junk dealer or recycler unless the junk dealer or recycler complies with the requirements of subdivision (a) within 14 days of notice from the department of a proposed revocation pursuant to this subdivision.

(3) A junk dealer or recycler whose license has been revoked pursuant to this subdivision is entitled to a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The secretary may enter into a cooperative agreement with any county sealer to carry out the provisions of this section.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 3. Section 12704 of the Business and Professions Code is amended to read:

12704. (a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:

(1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.

(2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.

(3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.

(4) Twenty dollars (\$20) for each deputy weighmaster.

(b) In addition to the license fees set forth in subdivision (a), a weighmaster who is a recycler or a junk dealer as defined in Section 21601 or is performing services on behalf of a recycler or junk dealer shall also pay to the department the following license fee for each license year as applicable to the operation:

(1) Five hundred dollars (\$500) if the weighmaster is operating at a fixed location.

(2) Five hundred dollars (\$500) for each additional fixed location at which the weighmaster is operating.

(3) Five hundred dollars (\$500) if the weighmaster is operating at other than a fixed location.

(c) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the secretary for expiration of the license, or yearly intervals after the first renewal.

(d) "Location" means a premise on which weighing, measuring, or counting devices are used.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 4. Section 12704 is added to the Business and Professions Code, to read:

12704. (a) A weighmaster shall pay to the department the following license fee for each license year as applicable to the operation:

(1) Seventy-five dollars (\$75) if the weighmaster is operating at a fixed location.

(2) Thirty dollars (\$30) for each additional fixed location at which the weighmaster is operating.

(3) Two hundred dollars (\$200) if the weighmaster is operating at other than a fixed location.

(4) Twenty dollars (\$20) for each deputy weighmaster.

(b) "License year" means the period of time beginning with the first day of the month the weighmaster is required to be licensed in this state, and ending on the date designated by the secretary for expiration of the license, or yearly intervals after the first renewal.

(c) "Location" means a premise on which weighing, measuring, or counting devices are used.

(d) This section shall become operative on January 1, 2019.

SEC. 5. Section 12709 of the Business and Professions Code is amended to read:

12709. (a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter, except as provided in subdivision (b).

(b) License fees collected pursuant to subdivision (b) of Section 12704 shall be deposited in a special account in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of Section 12703.1.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 6. Section 12709 is added to the Business and Professions Code, to read:

12709. (a) All license fees collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this chapter.

(b) This section shall become operative on January 1, 2019.