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AB-2676 Weighmasters: junk dealers and recyclers: licenses: additional application information and fee. (2017-2018)

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Assembly Bill No. 2676

CHAPTER 392

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

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2676, Gipson. Weighmasters: junk dealers and recyclers: licenses: additional application information and fee.

Existing law requires a person who weighs, measures, or counts a commodity and issues a statement or memorandum of the weight, measure, or count that is used as the basis for either the purchase or sale of that commodity or charge for service, to obtain a license as a weighmaster from the Department of Food and Agriculture, and imposes an annual license fee and various other requirements on weighmasters. Existing law, until January 1, 2019, requires a recycler or junk dealer who is an applicant for a new weighmaster license or a renewal of a weighmaster license to furnish specified additional information on the application, and requires 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. Existing law provides for license fees collected pursuant to these provisions to be deposited in the Department of Food and Agriculture Fund and continuously appropriated for the administration and enforcement of these provisions.

This bill would extend the operation of the requirements to furnish the additional application information and to pay the additional annual fee to January 1, 2024. By extending the collection of a fee deposited in a continuously appropriated fund, this bill would make an appropriation. The bill would also make nonsubstantive changes by deleting obsolete provisions.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12703.1 of the Business and Professions Code is amended 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) A statement indicating that the applicant has requested to receive theft alert notifications pursuant to subdivision (a) of Section 21608.7, unless that requirement does not apply pursuant to subdivision (b) of that section.

(5) 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) The department shall make a thorough investigation of all the information contained in the application required by subdivision (a) 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 not apply to a pawnbroker licensed pursuant to Chapter 3 (commencing with Section 21300) of Division 8 of the Financial Code and a secondhand dealer licensed pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8.

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 2. Section 12704 of the Business and Professions Code, as amended by Section 3 of Chapter 518 of the Statutes of 2013, 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, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 3. Section 12704 of the Business and Professions Code, as added by Section 4 of Chapter 518 of the Statutes of 2013, 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) "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, 2024.

SEC. 4. Section 12709 of the Business and Professions Code, as amended by Section 5 of Chapter 518 of the Statutes of 2013, 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, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 5. Section 12709 of the Business and Professions Code, as added by Section 6 of Chapter 518 of the Statutes of 2013, 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.

(b) This section shall become operative on January 1, 2024.