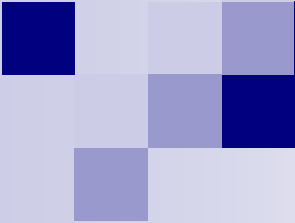


# Fourteen

## Service Agencies and Agents

*Training for the  
Weights and Measures Official*



# TRAINING FOR THE WEIGHTS AND MEASURES OFFICIAL

## CURRICULUM

### **MODULE 14 - SERVICE AGENCIES AND AGENTS**

- Module 1 - Introduction to Weights and Measures**
- Module 2 - Laws and Regulations**
- Module 3 - Enforcement Procedures**
- Module 4 - Legal Action**
- Module 5 - Legal Metrology**
- Module 6 - Field Standards and Test Equipment**
- Module 7 - Basic Weighing/Measuring Principles**
- Module 8 - Device Type Evaluation**
- Module 9 - Weighing Devices**
- Module 10 - Measuring Devices**
- Module 11 - Weighmaster Enforcement**
- Module 12 - Petroleum Products**
- Module 13 - Quantity Control**



# Acknowledgment

*Developing a training program for weights and measures officials is a challenging and ambitious project. It requires time, dedication, and expertise from many individuals.*

*It is impossible to list the names of the many people who contributed to the development of this course. However, gratitude is extended to the following groups whose dedication and commitment made this training module a reality.*

## **Module Team**

Roger Macey—Team Leader  
Bob Doyle

## **Editing Team**

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David Lazier  
Roger Macey

## **Production Team**

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Angie Averitt

# Module Fourteen

## Service Agencies and Agents

# Table of Contents

<u>Introduction/Objectives</u> .....	1
<u>History</u> .....	2
<u>Service Agency and Agent</u> .....	4
<u>Service Agency Notification Requirements</u> .....	8
<u>Service Agency Advisory Committee</u> .....	14
<u>Self-Evaluation Questions</u> .....	15
<u>Glossary</u> .....	16
<u>Bibliography and References</u> .....	17
<u>Self-Evaluation Answers</u> .....	18
<u>Feedback</u> .....	19

## Introduction

**Welcome to** “Service Agencies and Agents”. This is the fourteenth module in the series “Training for the Weights and Measures Official.” It will introduce you to the history, development, and current status of the service agency registration, agent licensing, and their rights and responsibilities.

At the end of this module you will find a series of self-evaluation questions to test your knowledge. Although you are not required to complete the self-evaluation, we encourage you to take a few minutes to read the questions. Answers are provided at the end of the module. If you are unsure of a response, reread the training material and it will give you the information you need.

## Module Objectives

When you have completed this module you will:

- Understand the history and purpose of registering service agencies and agents.
- Be familiar with current service agency law.
- Be able to determine who is operating as a service agency or agent.
- Recognize the rights and responsibilities of service agencies and agents.
- Understand the composition and purpose of the Service Agency Advisory Committee.

## History

**Prior  
to  
1974**

Before 1974, only county or state weights and measures officials could place weighing or measuring devices into commercial service. If a device was removed from commercial service by the sealer for inaccuracy or not meeting specification, those devices could be repaired by anyone and, in many instances, the weights and measures official actually adjusted the device. Once repaired, however, only a weights and measures official could place it back into commercial service provided it was found correct when tested. This meant the person repairing or setting up a new device had to call the sealer and tell him the device was ready for testing. The owner of the device was often inconvenienced by having to wait to use his equipment, sometimes up to several days.

As the population of devices grew and the sealer's resources did not, some sealers, by local ordinance, allowed repairmen to place devices into commercial service, pending inspection by the sealer provided they registered with the county. Repair companies became concerned because they could foresee each of the 58 counties requiring them to register. They petitioned the State to create one unified registration program.

**1974**

The Business and Professions Code was amended and the new registration program became effective.

Under the new "Device Repairman Registration Program", those companies who placed devices into commercial service had to register with the State and enroll their repairmen. Once registered, the repairmen were authorized to place new and correct devices in service, and remove red tags from corrected devices. The repairmen were also required to notify the sealer, within 24 hours, of placing in service a correct type approved device.

**1983**

The Business and Professions Code was amended to include Sections 12543 and 12544. These gave the county sealer the ability, under certain circumstances, to suspend the authorization of a registrant or enrollee to place devices in service or remove “out of order” notices, in his county. This suspension provided the local sealer with some control in what was essentially a State program. It did not automatically affect that repairman’s authorization to work in other counties.

Other than registration, requiring notification, and checking the accuracy of their work, the law provided very little control of the repair companies.

**2000**

The current Service Agency law took effect. The new law added the requirement for agents to take an exam and obtain a license, use certified standards, and for the agency to possess a copy of the current Division of Measurement Standards Field Reference Manual. In addition, the fees for registration were increased.

The fees are now \$200 dollars for annual registration of the company’s primary location, \$100 for additional locations, and \$25 for each agent employed by the company. 60% of these fees go directly to the county weights and measures programs. The \$35 fee for the agent examination is retained in the county and the license is valid for five years.

The current “Service Agency Registration Program” is an excellent example of the benefit of the county/state cooperative relationship. Both agencies have responsibilities which complement each other. The Department, through the Division of Measurement Standards, registers service agencies and their agents, furnishes the agent licensing examination and agent licenses, and maintains a central record of agency and agent violations. County personnel administer the examination and issue agent licenses, receive placed in service notification, and monitor agent activities.

## Service Agency and Agent

*A service agency is any person or company who for hire or payment of any kind repairs a commercial weighing and measuring device. Repair includes such activities as installing, adjusting, reconditioning, servicing, or providing maintenance to a device.* (Business and Professions Code Section 12531)



### Placed In Service

Means to permit the use of a device that has been tested and found to be “correct” or to submit to a sealer for verification before installation.

**Correct means that the devices meet all of the specifications and tolerances established in the California Code of Regulations, Title 4, Division 9.**

### Registration, Examination and Licensing

Any company in business as a service agency is required to register with the Department of Food and Agriculture. They must also register the people working for them who repair commercial devices. The registration is valid for one year starting with the first day of the month in which the company registered.

Each person working as a service agent must take and pass (with a score of 70% or higher) a State written exam. The test can be taken in any County Sealer’s office or at the Division of Measurement Standards. The questions test a person’s knowledge of the California law and regulations, their rights and responsibilities. The person passing the exam receives their license on the spot. The license is good for five years. The information is then forwarded to the Division of Measurement Standards.



**SAMPLE**



STATE OF CALIFORNIA  
 DEPARTMENT OF FOOD AND AGRICULTURE  
**DIVISION OF MEASUREMENT STANDARDS**  
 8500 Fruitridge Road  
 Sacramento, CA 95826  
 (916) 229-3000  
 44-013 (Est. 3/00)

05199

County: SACRAMENTO

**SERVICE AGENT EXAMINATION**  
**for Weighing and Measuring Devices**

**FEE: \$35**

Name <u>John Doe</u>		
Street <u>2615 Sample Road</u>		
City <u>SACRAMENTO</u>	State <u>CA</u>	Zip Code <u>95826</u>

GRADE	<u>76</u> %	EXAM			
		<table border="1" style="margin: auto;"> <tr> <td style="width: 33.33%; text-align: center;">A</td> <td style="width: 33.33%; text-align: center;">B</td> <td style="width: 33.33%; text-align: center;">C</td> </tr> </table>	A	B	C
A	B	C			

**NOTE:** If a passing grade of 70% is attained, the service agent must sign, date, and retain the license.

<p><small>I CERTIFY UNDER THE PENALTY OF PERJURY THAT THIS EXAMINATION WAS GIVEN IN ACCORDANCE WITH THE PROCEDURES SPECIFIED BY THE DIVISION OF MEASUREMENT STANDARDS.</small></p> <p><u>Angela Cuth</u>      <u>10-30-02</u>  <small>Signature of Proctor</small>      <small>Date</small></p> <p><u>Office Technician</u>      <u>SACRAMENTO</u>  <small>Title</small>      <small>County</small></p>	<p><small>I CERTIFY UNDER THE PENALTY OF PERJURY THAT THIS EXAMINATION WAS GIVEN IN ACCORDANCE WITH THE PROCEDURES SPECIFIED BY THE DIVISION OF MEASUREMENT STANDARDS.</small></p> <p><u>John Doe</u>      <u>10-30-02</u>  <small>Signature of Agent</small>      <small>Date</small></p>
---	--

**SEND A COPY OF THIS FORM WITHIN 30 DAYS OF THE EXAMINATION TO:**

Division of Measurement Standards  
 8500 Fruitridge Road  
 Sacramento, CA 95826

<p style="text-align: center;"><b>RETAIN FOR YOUR RECORDS</b></p> <p style="text-align: center;"><small>STATE OF CALIFORNIA                  Division of Measurement Standards                  8500 Fruitridge Road, Sacramento, CA 95826</small></p> <p style="text-align: center;"><u>John Doe</u> paid \$35 and was examined as a Service Agent for Weighing and Measuring Devices.</p> <p style="text-align: center;"><u>Angela Cuth</u>      <u>10-30-02</u>  <small>Signature of Proctor</small>      <small>Date of Examination</small></p>	<p style="text-align: center;"><small>STATE OF CALIFORNIA      Gray Davis, Governor</small></p> <p style="text-align: center;"><b>SERVICE AGENT LICENSE</b></p> <p style="text-align: center;"><small>Issued by the                  Department of Food and Agriculture                  Division of Measurement Standards                  8500 Fruitridge Road, Sacramento, CA 95826</small></p> <p>This is to certify that <u>John Doe</u> has been examined on the laws and regulations governing weights and measures and is licensed as a Service Agent in California pursuant to Section 12540, Chapter 5.5 of the California Business and Professions Code.</p> <p style="text-align: center;">License No. <u>05199</u>  <u>John Doe</u>      Expires <u>10-30-07</u>  <small>Signature of Agent</small>      <small>Date</small></p>
---	---

THIS IS NOT A LICENSE

## Commercial Weighing and Measuring Devices

Commercial weighing and measuring devices are machines used to weigh or measure products that are being sold or purchased. From water to electricity and from produce to gold, these items are given a value for which a person can purchase or sell them. Even time has a value and is measured for the purpose of selling. Equipment that controls how much time a car wash produces wash-water to an electric meter that tells a landlord how much electricity a tenant is using, fall under the nomenclature of commercial devices. Included in this category are gas pumps and all scales that weigh such things as diamonds, gold, jewelry, sand, gravel, livestock, etc.

## Standards

Before the recent changes to the service agency law, the equipment and standards agents used to adjust commercial devices were not subject to any control or oversight by weights and measures officials. Since January 1, 2001, all agencies must have available to them traceable standards suitable for the work they are performing. The standards used by agents must conform to the National Institute of Standards and Technology (NIST) Handbook 105 series, if applicable. Not all standards used by service agencies have requirements in the Handbook. An example would be an electric watt-hour standard or a bell prover. These standards must be tested and certified by the Department or other metrology laboratories traceable to NIST. These laboratories include those in county weights and measures programs, industry, and other states that have been approved, certified, or accredited by NIST.

Currently, standards must be certified every two years. This schedule can be extended up to ten years with supporting statistical data. It is important that all standards be protected from the elements and unnecessary wear. Weights should be kept clean and in protective boxes where possible. Test measures should be transported carefully and not allowed to roll around. Agents are required to make certification documents available to any sealer upon request.



*Weight kit for use in the field*

## **Rights and Responsibilities**

Registration as a service agency and licensing as a service agent afford several rights or privileges not available to others. Along with these rights come many responsibilities.

**Agents** are authorized to place a “correct” device into commercial service pending re-inspection by a county sealer. A correct device meets **all** of the specifications and tolerances.

**Agents** are authorized to remove out of order notices (red tags) to perform service on equipment.

**Agents** must possess a service agent license.

**Agents** must notify the county sealer within 24 hours of installation of a device.

**Agents** must identify their work.

**Agencies** must register with the Department of Food and Agriculture.

**Agencies** must ensure all service agents it employs have a service agent license.

**Agencies** must possess a copy of the current Division of Measurement Standards Field Reference Manual.

**Agencies** must notify the Department of Food and Agriculture of hiring and firing of agents within 30 days.

**Agencies** must present certification documents for standards to a sealer on request.

## Service Agency Notification Requirements

Service agencies are required to notify the Department of Food and Agriculture and/or the County Sealer at specific times as noted in the table below.

The regulation requiring the agency to notify the sealer within 24 hours uses the word “transmitted” when referring to the notification. The intent was to permit the use of electronic means such as fax or e-mail in addition to traditional mail. Some sealers allow service agencies to telephone the information. This may work to the mutual satisfaction of both sealer and agency, but does not suffice for legal compliance.

Notification Required For	Agency To Be Notified	Information Required
<b>New agent hired</b>	Department of Food and Agriculture	Agent’s name and license number
<b>Agent terminated</b>	Department of Food and Agriculture	Agent’s name and license number
<b>Change in legal status of the company</b> (example: changing from sole proprietorship to partnership)	Department of Food and Agriculture	New company legal status
<b>Device is repaired or placed in service</b>	County Sealer	<b><i>Notify in writing within 24 hours</i></b> giving date the device is placed in service and other required information

A following “Placed in Service Report” sample was prepared by the Division and made available to all registered service agencies. The form is not prescribed in any way and agencies are free to modify it to suit their needs. However, with the exception of the “remarks”, the information requested in the form is mandated.

**SAMPLE**

<b>PLACED IN SERVICE REPORT for a Commercial Weighing or Measuring Device</b>				
<b>Agency Name and Address</b>		<b>Location of Device – Name and Address</b>		
<b>Device Model # and Manufacturer</b>	<b>Serial #</b>	<b>CoC #*</b>	<b>Date of Repair</b>	<b>Location # (checkstand, pump #, etc.)</b>
<b>Remarks</b>				
<b>Agent Name</b>		<b>License #</b>		

\* The Certificate of Conformance number (CoC #) is only required for new installations if marked on the device.

## County Responsibilities

The Business and Professions Code imposes certain responsibilities on County Sealers in relation to service agents. The code provides that service agents be able to take the examination for their license at any sealer's office. County offices are provided with examination material and agent licenses for successful applicants. Counties are required to notify the Department of the names of those individuals to whom they have issued licenses.

## Identification of Agent's Work

As a practical way to monitor the work of a particular agent, it is necessary to have that individual identify his work. The regulations require the following information on an adhesive tag or label in a conspicuous location on the device.

NOTE: The format of the tag **is not mandated** and is shown only as an example.

### Example of Agent Tag – Required Information

Agent Name: _____	Agency Registration No.: _____
Agent License No.: _____	Agency Telephone No: _____
Service/Repair Date: _____	

### Example of Agent Tag - Completed

Name: <b>John Doe</b>	Registration No.: <b>9999</b>
License No.: <b>68153</b>	Telephone No.: <b>916-356-7856</b>
Service/Repair Date: <b>11/5/02</b>	

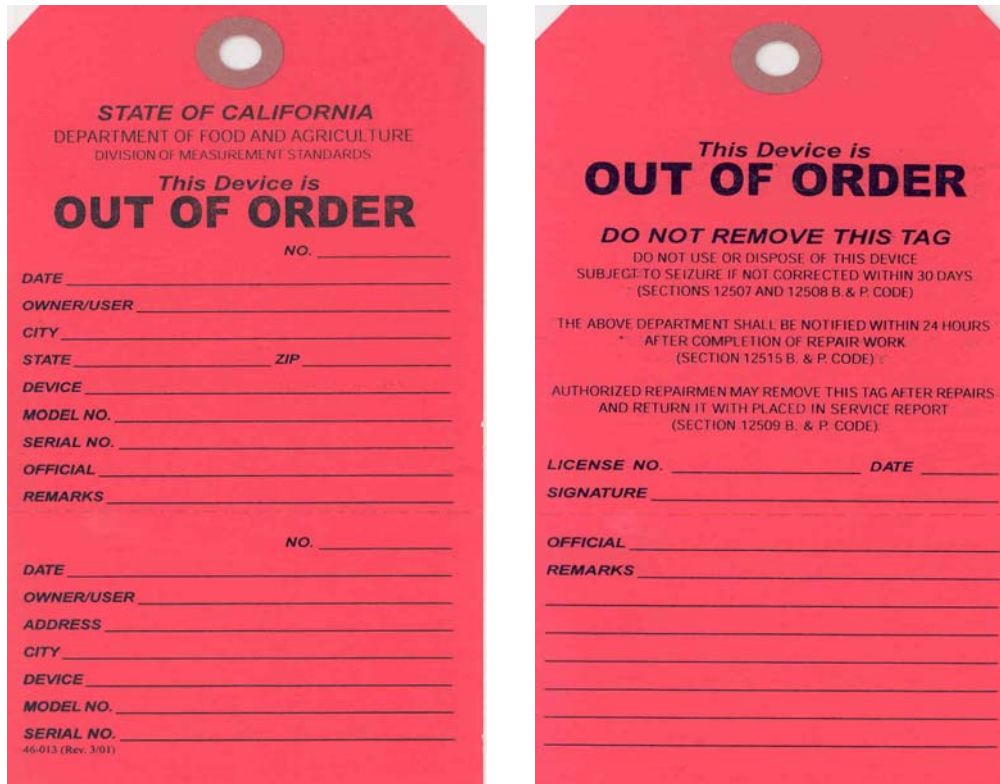
Although not required, there is no prohibition on the inclusion of other information such as, the name and address of the agency appearing on the tag.

**On those devices where a security seal is required, the seal must show the agency registration number and the year.**

## Violations:

Business and Professions Code Sections:

<b>12026</b>	Unlawful to violate any of the rules, regulations, tolerances, specifications, or standards adopted under the provisions of this division.
<b>12027</b>	Gives the Director the authority to establish rules and regulations to carry out the provisions of the division.
<b>12107</b>	<p>The Director has established specifications and tolerances for weighing and measuring equipment by adopting National Institute of Standards and Technology Handbook 44 by reference.</p> <p>It shall be unlawful for any person to violate any of the rules, regulations, tolerances, specifications, or standards established under this section.</p> <p><b>When citing any violation of the regulations, quote either 12026, 12107 or both as the authority for the violation.</b></p>
<b>12500.5</b>	All equipment used for commercial weighing and measuring must have either, a National or California type approval. Equipment that is not approved shall be marked as an unapproved device (yellow tagged). Service agencies or agents cannot apply or remove this tag. This may only be done by a weights and measures official.
<b>12508</b>	Section makes it a misdemeanor to remove a sealer's tag.
<b>12509</b>	Authorizes a registered service agent to remove a sealer's "red tag" and return a correct device to service, pending re-inspection by a sealer. While there is no requirement for an agent to return the "red tag", many send it to the sealer with the placed in service report.



<p><b>12510(a)(10)</b></p>	<p>It is a violation to sell, rent, lease, loan or knowingly install an incorrect weighing or measuring instrument for commercial purposes.</p>
<p><b>12515</b></p>	<p>Requires the notification of the sealer within the 24 hour period following the repair or adjustment of any weighing or measuring equipment. It also requires notification of the sealer when an instrument has been sold, rented, leased, or loaned. Violation of the section is a misdemeanor.</p>
<p><b>12532</b></p>	<p>Requires registration of an agency and agents before engaging in the business of repair.</p>
<p><b>12534</b></p>	<p>Requires the use of suitable, traceable standards with a current certificate of accuracy.</p>



## Disciplinary Action, Revocation, Suspension or Denial of Registration

A service agency's registration may be suspended for the actions of its service agents that are in violation of this division.

A service agency's registration may be revoked or suspended or may be denied by the Department, for any violation of Chapter 5.5 of Division 5 of the Business and Professions Code.

A service agency's authorization to place devices into service, or to remove out of order notices may be suspended by a county sealer, within his or her county, pursuant to the notice and hearing provisions described in Section 12544 for violations of this division. The Department may also join in the action and declare the suspension to be effective in additional counties.

## Enforcement

When a service agent sends you a Placed in Service Report, verify that it contains all required information. Then use the information issued by the Division of Measurement Standards (DMS) to check if the agency is registered and the agent is licensed. If you do not find information you need, call DMS for more current registration and license information. Notify DMS of any unregistered agency or unlicensed agent you encounter and take appropriate legal action.

Any time you recheck an agent's work and you re-red tag it for tolerance, contact the agency and request the certificate of accuracy for the standards they used. Also remember that tolerances are accuracy criteria for use by the weights and measures officials. A service agent **must** adjust a device so that the errors are as close to zero as practicable. Take appropriate legal action against any violators. (See **Module 4, Legal Action**)

This could include a Notice of Violation, Notice of Proposed Action/Administrative Civil Penalty, or Criminal Citation.

## Service Agency Advisory Committee

The new law mandated the establishment of a seven member advisory committee. The committee members are voluntary and serve for three years. The make up of this committee is:

<b>Service Agency Committee Consists of Seven Members</b>	
<b>Number of Members</b>	<b>Representing</b>
2	Registered Service Agencies
2	County Sealers or Directors of Weights and Measures
1	Device Manufacturers
1	Industry Clients of Service Agencies
1	General Public

The committee was established in January 2003 and its purpose is to advise the Department in all matters concerning the registration of service agencies.



## SELF-EVALUATION QUESTIONS

---

1. Why was State registration of repair companies needed?
2. Give at least three examples of changes that occurred with the enactment of the service agency law in 2001.
3. What two rights do service agencies gain when registered with the Department?
4. Name three examples where a service agency must notify the Department.
5. What information is a county required to give to the Department?
6. What is the purpose of the Service Agency Advisory Committee?



# GLOSSARY

*A LISTING OF TERMINOLOGY AND ACRONYMS MOST COMMONLY USED BY WEIGHTS AND MEASURES OFFICIALS.*

**Placed in Service Report** - Notification from a service agent to a county sealer that he placed a device into commercial service.

**Red Tag** - Tag used to denote that a device is out of order and removed from commercial service (so called because of its color). Note: The tags used to remove bulk automotive products from sale are also red.

**Yellow Tag** - Tag used to identify an unapproved device (so called because of its color).



## **BIBLIOGRAPHY AND REFERENCES**

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California Business and Professions Code Division 5

California Code of Regulations Title 4



## SELF-EVALUATION ANSWERS

### Segment 1

1. The population of devices grew and the sealer's resources did not. Some sealers, by local ordinance, allowed repairmen to place devices into commercial service, pending inspection by the sealer provided they registered with the county. Repair companies became concerned because they could foresee each of the 58 counties requiring them to register. They petitioned the State to create one unified registration program.
2. The new law added the requirement for agents to take an exam and obtain a license, use certified standards, and for the agency to possess a copy of the current Field Reference Manual. Fees were also increased.
3. They are authorized to place new and correct devices in service, and remove red tags from corrected devices.
4. Service agencies must notify the Department of Food and Agriculture of the agent's name and license number when they hire them so they can be added to the registration. Agencies must notify the Department when the company terminates an agent. Agencies must also notify the Department when there is a change in legal status of the company.
5. Counties are required to notify the Department of names of those individuals to whom they have issued service agent licenses.
6. The Committee's purpose is to advise the Department in all matters concerning the registration of service agencies.



**We would appreciate your taking a few moments to complete our training evaluation feedback form. We welcome your comments and any suggestions you might have regarding Training Module 14. You may E-mail your response to us at [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov) or mail to Division of Measurement Standards at 6790 Florin Perkins Road, Suite 100, Sacramento CA 95828-1812.**

1. Did this module fulfill your expectations?
2. What did you like/dislike about this module?
3. What areas would you like to see improved?
4. What specific changes, if any, would you recommend?
5. How could this module be better organized to make it easier to follow and learn from?
6. Was this module too basic or too advanced for someone with an entry level background in weights and measures?
7. Additional comments or suggestions.