

CHAPTER 20. CONSUMER CONFIDENCE PROTECTION ACT*

***Editor's note**--Chapter 20, Service Stations, consisting of §§ 21.2001--21.2009, added by Ord. No. 8875 (N.S.), effective 2-10-98; repealed by Ord. No. 8949 (N.S.), effective 9-10-98.

SEC. 21.2001. PURPOSE AND AUTHORITY.

Retail establishments primarily use automated checkout systems, called "point-of-sale systems," to calculate the prices consumers pay for commodities. When these systems are inaccurate, consumers may be overcharged and unaware they have paid more than an advertised or quoted price. Business and Professions Code sections 13350 et seq. were enacted to provide criteria for counties that adopt ordinances to inspect point-of-sale systems. The Board of Supervisors finds and declares it is in the public interest for the County Sealer of Weights and Measures to register and inspect point-of-sale systems. This chapter provides a regulatory program for the County Sealer to register and inspect automated point-of-sale systems to protect San Diego consumers and to recover the County's regulatory costs. This chapter also makes it unlawful to fail to register a point-of-sale system used for commercial purposes.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2002. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Commercial purposes" means determining the price consumers pay for retail products.
- (b) "Commodity" means any product sold at retail to a consumer.
- (c) "Point-of-sale station" means a checkout counter or other place in a retail establishment where a transaction occurs between a retailer and a consumer using a "point-of-sale system" to determine the price a consumer pays for an item.
- (d) "Point-of-sale system" has the same meaning as "point-of-sale system" in Business and Professions Code section 13352.
- (e) "Sealer" means the County Sealer of Weights and Measures, a Deputy Sealer or an inspector employed by the County Department of Agriculture, Weights and Measures for the purpose of enforcing this chapter.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2003. REGISTRATION REQUIRED.

A person who owns or operates a point-of-sale system used for commercial purposes shall be currently registered with the Sealer under this chapter. A separate registration shall be required for each business location. It shall be unlawful for a person to fail to register with the Sealer before using a point-of-sale system for commercial purposes. This registration shall be in addition to any other registration, license or permit which may be required by the County or any other public entity.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9577 (N.S.), effective 8-8-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 9954 (N.S.), effective 9-5-08, operative 10-1-08; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2004. APPLICATION FOR REGISTRATION.

An application for an initial or renewal registration shall be submitted to the Sealer on a form prescribed by the Sealer. The registration shall be deemed granted and become effective upon the Sealer's receipt of a completed application and the fee prescribed by this chapter or upon receipt of just the fee when no application is required.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2005. TERM AND TRANSFERABILITY OF REGISTRATIONS.

(a) Registrations are grouped into quarterly periods. The registration periods under this chapter are from January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31. A registration is valid for up to one year. A registration that is granted during any one of these registration periods expires on the first day of the same registration period of the following year. For example, a registration that is completed on March 3, 2011 expires on January 1, 2012.

(b) Renewal of a registration is the responsibility of the person who owns the business location that uses a point-of-sale system and shall be made in a manner similar to the original registration.

(c) A registration shall not be transferable from one person to another person or from one business location to another business location.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9514 (N.S.), effective 12-13-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2006. REGISTRATION, RENEWAL, RE-INSPECTION FEES AND DELINQUENT FEES.

(a) A registration fee and a re-inspection fee for a person utilizing a point-of-sale system shall be established, from time to time, by the Board of Supervisors, in accordance with applicable provisions of law, in amounts not to exceed the costs incurred by the County in performing the inspection, re-inspection, testing and registration functions to which the fees relate. The registration fee for a point-of-sale system to be used for commercial purposes at the business location shall be as prescribed in County Administrative Code section 364.3 and is due on the first day of the applicable registration period.

(b) Any person who fails to register a business location that has a point-of-sale system used for commercial purposes shall be in violation of this chapter. If the registration fee is not received by the department within 30 days of the due date, any person required to register under this chapter shall be subject to a delinquent fee of 50% of the registration fee.

(c) The Sealer may charge a re-inspection fee to recover the Sealer's cost for re-inspecting a point-of-sale station that failed the prior inspection. The fee shall be as prescribed in Administrative Code Section 364.3.

(d) Nothing in this section limits the County's right to prosecute and/or pursue civil penalties against an owner or operator of a business location who uses a point-of-sale system for commercial purposes in violation of this chapter.

(e) The delinquent fee may be waived by the Sealer if an error is made by the Department of Agriculture, Weights and Measures staff.

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9514 (N.S.), effective 12-13-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2007. SEALER AUTHORIZED TO CONDUCT INSPECTIONS.

(a) The Sealer shall inspect all point-of-sale systems in retail establishments in San Diego County to determine the pricing accuracy of the systems, under a schedule determined by the Sealer. The Sealer shall follow Business and Professions Code sections 13350 et seq. when conducting inspections under this chapter.

(b) It shall be unlawful for any person using a point-of-sale system at a retail establishment for commercial purposes in San Diego County to refuse to allow the Sealer to conduct an inspection or to interfere with a Sealer's inspection under this chapter.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2008. [RESERVED.]

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07; repealed by Ord. No. 10200 (N.S.), effective 4-13-12)

SEC. 21.2009. [RESERVED.]

(Added by Ord. No. 9004 (N.S.), effective 3-4-99; amended by Ord. No. 9264 (N.S.), effective 11-24-00; amended by Ord. No. 9889 (N.S.), effective 10-26-07; repealed by Ord. No. 10200 (N.S.), effective 4-13-12)

SEC. 21.2010. POSTING OF NOTICE TO CONSUMERS.

(a) Every person who is required to register under this chapter shall post the following Attention Consumers Notice at each point-of-sale station:

"ATTENTION CONSUMERS

Check your receipt and notify store management immediately of any overcharge.

Consumers are entitled to pay no more than the lowest posted, advertised, or quoted price for any commodity offered for sale at a retail establishment.

For information or to file a complaint, contact:

County of San Diego

Department of Agriculture, Weights and Measures at: 1-888-TRUE-SCAN (1-888-878-3722) or www.sdcawm.org"

(b) Each Attention Consumers Notice shall be posted so that it is conspicuous and easily read from a typical customer position at each point-of-sale station or a location approved by the Sealer. The notice shall contain the wording required in subsection (a) above, be printed in English in letters at least 1/16 of an inch high, be legible and a color that contrasts with the background color of the notice.

(c) The Sealer shall provide a copy of the Attention Consumers Notice upon request to any person required to be registered under this chapter. Alternatively, an Attention Consumers Notice not prepared by the Sealer, may be used provided it contains the wording required in subsection (a) above and is printed in English in letters that are at least 1/16 of an inch high, are clearly legible and are in a color that contrasts with the background color of the notice.

(d) Unless authorized by the Sealer, it shall be unlawful for a person to fail to post the Attention Consumers Notice or cause the notice to be removed, covered, or altered.

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; amended by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2011. [RESERVED.]

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10200 (N.S.), effective 4-13-12; repealed by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2012. [RESERVED.]

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No.

10200 (N.S.), effective 4-13-12; repealed by Ord. No. 10482 (N.S.), effective 7-1-17)

SEC. 21.2013. [RESERVED.]

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; repealed by Ord. No. 10200 (N.S.), effective 4-13-12)

SEC. 21.2014. [RESERVED.]

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; repealed by Ord. No. 10200 (N.S.), effective 4-13-12)

SEC. 21.2015. [RESERVED.]

(Added by Ord. No. 9597 (N.S.), effective 10-17-03; amended by Ord. No. 9889 (N.S.), effective 10-26-07; repealed by Ord. No. 10200 (N.S.), effective 4-13-12)

SEC. 21.2016. NOTICE OF CHANGE IN BUSINESS CONTACT.

- (a) The registrant shall, in case of any change in mailing address or business telephone number, notify the Sealer in writing.

(Added by Ord. No. 10482 (N.S.), effective 7-1-17)