



COUNTY OF MARIN

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

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Frequently Asked Questions About our Weights and Measures Scanner/Point of Sale Program

Q. What is a scanner/Point of Sale (POS) system, why do I have to register with the County?

- A scanner/POS system is any computer or electronic system including, but not limited to, a Universal Product Code (UPC) system, a Price Look Up (PLU) system, a Stock Keeping Unit (SKU) system, price lookup codes or any other electronic price lookup system.
- The Marin County Board of Supervisors has adopted a Point of Sale ordinance to charge an annual registration fee for the purpose of determining the pricing accuracy (through regular inspections) of retail establishments that use a scanner/POS system.

Q. What is a scanner/point of sale (POS) inspection?

- An inspection to verify that the scanner/POS system is computing items at the correct (lowest advertised/ displayed) price.

Q. What authority does Weights and Measures have?

- Our authority comes from the California Business and Professions Code, Chapter 5 http://www.cdfa.ca.gov/dms/programs/general/2011_BPCCode.pdf, and from Title 5, Business Regulations and Licenses, Chapter 5.45 of the Marin County Code <http://library.municode.com/index.aspx?clientId=16476&stateId=5&stateName=California>

Q. What is involved in an inspection and what is expected of me?

- We want to ensure your POS system is charging or computing items at the lowest price that is advertised, posted, marked, displayed or quoted within the store, in an ad, or online.
- We randomly inspect 10 to 50 items from anywhere in the store, depending on the size of the store. We will need assistance from store personnel ringing up the items we have chosen for the inspection.
- The inspection must represent a typical customer transaction and therefore the POS system can not be in training mode, manager's mode, or any other mode that would not be used for a customer.
- We will need you to issue us an original receipt, obtained as evidence of the prices charged, which must include the subtotal, tax and total.
- We normally identify ourselves to the store owner or manager when we arrive for an inspection, except when we occasionally conduct undercover inspections.

Q. What does the Law expect of me?

- Accurate pricing; your store is required to charge consumers the lowest advertised, posted, marked, displayed or quoted price. If a sale has ended, but the expired sale tag is still up, you are required to give the customer the item at the sale price. If something is marked 2/\$4.00 (as an example), then one of those items must be \$2.00 unless the conditions of that sale are clearly stated.

- Price display; the price of all goods and services must be displayed to the consumer at the POS system as they are being rung up.

Q. What happens when I don't pass the inspection?

- If overcharges are found, a Notice of Violation will be issued to the store. If there are pricing discrepancies, they must be corrected before we leave the store. There will be a follow up inspection within 30 days. Follow up inspections will not be random, but will focus specifically on problem areas of the store. A Notice of Violation is not a fine, but an opportunity for us to work together to identify and correct problems in a timely manner. Our philosophy is to gain compliance through education and outreach.

Q. What are the costs that I can incur?

- Annual registration fee: An annual registration fee is charged and is based on the number of POS systems in the store. Please visit our website at: <http://www.co.marin.ca.us/depts/AG/main/index.cfm> to view a current fee schedule.
- Reinspection fee: If we find pricing errors and have to return for a follow up inspection, you will be charged a reinspection fee.
- Civil Penalty: If we find pricing errors during our follow up inspection we may issue a Civil Penalty (a fine). Fine ranges are from \$50-\$1,000 depending on the severity of the pricing problems. In unusual circumstances where our department is unable to gain compliance, cases have been turned over to the District Attorney.

Q. How often does Weights and Measures inspect our business?

- Routine inspections are approximately every two years, unless there are problems. If there are pricing errors and you receive a Notice of Violation, we will be back within 30 days for a follow up inspection.

Q. What if I have a scale, meter, or other device that is used for weighing or measuring?

- All devices used for commercial purposes must be registered with the Department of Weights and Measures. Examples of devices are: scales; cordage, wire and fabric meters; taxi meters; water, gas and electric sub-meters; propane meters; vehicle tank meters; retail water meters and gas pumps. Routine inspections are conducted to check for accuracy of the device and to ensure they are being used correctly.

Our primary goal is to work with you and help you pass our inspection! Please call our office at (415) 499-6700 if you have any questions or concerns.