



Sen. Michael W. Frerichs

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1 AMENDMENT TO SENATE BILL 2573

2 AMENDMENT NO. _____. Amend Senate Bill 2573 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Weights and Measures Act is amended by
5 changing Sections 2, 6, 7, 8, 8.1, 10, 11, 12, 13, 14, 15, 16,
6 19, 20, 21, 23, 26, 30, 40, 41, 52, 54, 55, 56, and 56.1 as
7 follows:

8 (225 ILCS 470/2) (from Ch. 147, par. 102)

9 Sec. 2. Definitions. As used in this Act:

10 "Person" means both singular and plural as the case
11 demands, and includes individuals, partnerships, corporations,
12 companies, societies and associations.

13 "Weights and measures" means all weights and measures of
14 every kind, instruments and devices for weighing and measuring,
15 and any appliances and accessories associated with any or all
16 such instruments and devices, including all grain moisture

1 measuring devices, but does not include meters for the
2 measurement of electricity, gas (natural or manufactured) or
3 water operated in a public utility system. These electricity
4 meters, gas meters, and water meters, and their appliances or
5 accessories, and slo flo meters, are specifically excluded from
6 the scope and applicability of this Act.

7 "Sell" and "sale" includes barter and exchange.

8 "Director" means the Director of Agriculture.

9 "Department" means the Department of Agriculture.

10 "Inspector" means an inspector of weights and measures of
11 this State.

12 "Sealer" and "deputy sealer" mean, respectively, a sealer
13 of weights and measures and a deputy sealer of weights and
14 measures of a city.

15 "Intrastate commerce" means any and all commerce or trade
16 that is commenced, conducted and completed wholly within the
17 limits of this State, and the phrase "introduced into
18 intrastate commerce" means the time and place at which the
19 first sale and delivery being made either directly to the
20 purchaser or to a carrier for shipment to the purchaser.

21 "Commodity in package form" means a commodity put up or
22 packaged in any manner in advance of sale in units suitable for
23 either wholesale or retail sale, excluding any auxiliary
24 shipping container enclosing packages which individually
25 conform to the requirements of this Act. An individual item or
26 lot of any commodity not in package form as defined in this

1 Section but on which there is marked a selling price based on
2 an established price per unit of weight or of measure shall be
3 deemed a commodity in package form.

4 "Consumer package" and "package of consumer commodity"
5 mean any commodity in package form that is customarily produced
6 or distributed for sale through retail sales agencies or
7 instrumentalities for consumption by individuals or use by
8 individuals for the purposes of personal care or in the
9 performance of services ordinarily rendered in or about the
10 household or in connection with personal possessions, and which
11 usually is consumed or expended in the course of such
12 consumption or use.

13 "Nonconsumer package" and "package of nonconsumer
14 commodity" mean any commodity in package form other than a
15 consumer package, and particularly a package designed solely
16 for industrial or institutional use or for wholesale
17 distribution only.

18 "Certificate of Conformance" means a document issued by the
19 National Conference on Weights and Measures based on testing in
20 participating laboratories that indicates that the weights and
21 measures or weighing and measuring device conform with the
22 requirements of National Institute of Standards and
23 Technology's Handbooks 44, 105-1, 105-2, 105-3, ~~or~~ 105-4, or
24 105-8 and any subsequent revisions or supplements thereto.

25 "Prepackage inspection violation" means that the majority
26 of the lots of prepackaged commodities inspected at a single

1 location are found to have one or more packages below the
2 maximum allowable variation as published in the National
3 Institute of Standards and Technology Handbook 133 or the
4 majority of the lots inspected at a single location are found
5 to be below the stated net weight declaration on an average.

6 (Source: P.A. 92-676, eff. 7-16-02.)

7 (225 ILCS 470/6) (from Ch. 147, par. 106)

8 Sec. 6. The Director shall be, ex officio, the director of
9 weights and measures for the State of Illinois. The Director
10 may designate or appoint qualified persons to represent him in
11 carrying out his responsibilities as set forth in this Act.
12 There shall be State inspectors of weights and measures and
13 necessary technical and clerical personnel, appointed by the
14 Director ~~director~~ in compliance with regulations of the
15 Department of Central Management Services to hold office during
16 good behavior, and to constitute the weights and measures
17 staff.

18 (Source: P.A. 82-789.)

19 (225 ILCS 470/7) (from Ch. 147, par. 107)

20 Sec. 7. The Director ~~director~~ shall maintain custody of the
21 State standards of weight and measure and of other standards
22 and equipment provided for by this Act and shall keep accurate
23 records thereof. The Director ~~director~~ shall enforce the
24 provisions of this Act, shall maintain general supervision of

1 weights and measures offered for sale, sold or in use in this
2 State, and shall submit an annual report to the Governor each
3 January, summarizing all activities of his office.

4 (Source: Laws 1963, p. 3433.)

5 (225 ILCS 470/8) (from Ch. 147, par. 108)

6 Sec. 8. Regulations; issuance; contents. The Director
7 shall from time to time issue reasonable regulations for
8 enforcement of this Act that shall have the force and effect of
9 law. In determining these regulations, he shall appoint,
10 consult with, and be advised by committees representative of
11 industries to be affected by the regulations. These regulations
12 may include (1) standards of net weight, measure or count, and
13 reasonable standards of fill, for any commodity in package
14 form, (2) rules governing the technical and reporting
15 procedures to be followed and the report and record forms and
16 marks of approval and rejection to be used by inspectors of
17 weights and measures in the discharge of their official duties,
18 and (3) exemptions from the sealing or marking requirements of
19 Section 14 of this Act with respect to weights and measures of
20 such character or size that such sealing or marking would be
21 inappropriate, impracticable, or damaging to the apparatus in
22 question. These regulations shall include specifications,
23 tolerances, and regulations for weights and measures, of the
24 character of those specified in Section 10 of this Act,
25 designed to eliminate from use (without prejudice to apparatus

1 that conforms as closely as practicable to the official
2 standards) such weights and measures as are (1) inaccurate, (2)
3 of faulty construction (that is, not reasonably permanent in
4 their adjustment or not capable of correct repetition of their
5 indications), or (3) conducive to the perpetration of fraud.
6 Specifications, tolerances, and regulations for commercial
7 weighing and measuring devices recommended by the National
8 Institute of Standards and Technology and published in National
9 Institute of Standards and Technology Handbook 44 and
10 supplements thereto or in any publication revising or
11 superseding Handbook 44, shall be the specifications,
12 tolerances, and regulations for commercial weighing and
13 measuring devices of this State, except insofar as specifically
14 modified, amended, or rejected by a regulation issued by the
15 Director.

16 The National Institute of Standards and Technology
17 Handbook 133 and its supplements, or any publication revising
18 or superseding Handbook 133, shall be the method for checking
19 the net contents of commodities in package form. The National
20 Institute of Standards and Technology Handbooks 105-1, 105-2,
21 105-3, 105-4, 105-8, and their supplements, or any publication
22 revising or superseding Handbooks 105-1, 105-2, 105-3, ~~and~~
23 105-4, and 105-8 shall be specifications and tolerances for
24 reference standards and field standards weights and measures.

25 For purposes of this Act, apparatus shall be deemed
26 "correct" when it conforms to all applicable requirements

1 promulgated as specified in this Section. Apparatus that does
2 not conform to all applicable requirements shall be deemed
3 "incorrect".

4 The Director is authorized to prescribe by regulation,
5 after public hearings, container sizes for fluid dairy products
6 ~~in addition to those sizes provided in Section 47~~ and container
7 sizes for ice cream, frozen desserts, and similar items.

8 The Uniform Packaging and Labeling Regulation and the
9 Uniform Regulation for the Method of Sale of Commodities in the
10 National Institute of Standards and Technology Handbook 130,
11 and any of its subsequent supplements or revisions, shall be
12 the requirements and standards governing the packaging,
13 labeling, and method of sale of commodities for this State,
14 except insofar as specifically modified, amended, or rejected
15 by regulation issued by the Director.

16 (Source: P.A. 88-600, eff. 9-1-94.)

17 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

18 Sec. 8.1. Registration of servicepersons, service agents,
19 and special sealers. No person, firm, or corporation shall
20 sell, install, service, recondition or repair a weighing or
21 measuring device used in trade or commerce without first
22 obtaining a certificate of registration. Applications by
23 individuals for a certificate of registration shall be made to
24 the Department, shall be in writing on forms prescribed by the
25 Department, and shall be accompanied by the required fee.

1 Each application shall provide such information that will
2 enable the Department to pass on the qualifications of the
3 applicant for the certificate of registration. The information
4 requests shall include present residence, location of the
5 business to be licensed under this Act, whether the applicant
6 has had any previous registration under this Act or any
7 federal, state, county, or local law, ordinance, or regulation
8 relating to servicepersons and service Agencies, whether the
9 applicant has ever had a registration suspended or revoked,
10 whether the applicant has been convicted of a felony, and such
11 other information as the Department deems necessary to
12 determine if the applicant is qualified to receive a
13 certificate of registration.

14 Before any certificate of registration is issued, the
15 Department shall require the registrant to meet the following
16 qualifications:

17 (1) Has possession of or available for use weights and
18 measures, standards, and testing equipment appropriate in
19 design and adequate in amount to provide the services for
20 which the person is requesting registration.

21 (2) Passes a qualifying examination for each type of
22 weighing or measuring device he intends to install,
23 service, recondition, or repair.

24 (3) Demonstrates a working knowledge of weighing and
25 measuring devices for which he intends to be registered.

26 (4) Has a working knowledge of all appropriate weights

1 and measures laws and their rules and regulations.

2 (5) Has available a current copy of National Institute
3 of Standards and Technology Handbook 44.

4 (6) Pays the prescribed registration fee for the type
5 of registration:

6 (A) The annual fee for a Serviceperson Certificate
7 of Registration shall be \$25.

8 (B) The annual fee for a Special Sealer Certificate
9 of Registration shall be \$50.

10 (C) The annual fee for a Service Agency Certificate
11 of Registration shall be \$50.

12 "Registrant" means any individual, partnership,
13 corporation, agency, firm, or company registered by the
14 Department who installs, services, repairs, or reconditions,
15 for hire, award, commission, or any other payment of any kind,
16 any commercial weighing or measuring device.

17 "Commercial weighing and measuring device" means any
18 weight or measure or weighing or measuring device commercially
19 used or employed (i) in establishing size, quantity, extent,
20 area, or measurement of quantities, things, produce, or
21 articles for distribution or consumption which are purchased,
22 offered, or submitted for sale, hire, or award, or (ii) in
23 computing any basic charge or payment for services rendered,
24 except as otherwise excluded by Section 2 of this Act, and
25 shall also include any accessory attached to or used in
26 connection with a commercial weighing or measuring device when

1 the accessory is so designed or installed that its operation
2 affects, or may affect, the accuracy of the device.

3 "Serviceperson" means any individual who sells, installs,
4 services, repairs, or reconditions, for hire, award,
5 commission, or any other payment of kind, a commercial weighing
6 or measuring device.

7 "Service agency" means any individual, agency, firm,
8 company, or corporation that, for hire, award, commission, or
9 any other payment of any kind, sells, installs, services,
10 repairs, or reconditions a commercial weighing or measuring
11 device.

12 "Special sealer" means any serviceperson who is allowed to
13 service only one service agency's liquid petroleum meters or
14 liquid petroleum measuring devices.

15 Each registered service agency and serviceperson shall
16 have report forms, known as "Placed in Service Reports". An
17 original and 2 copies of these ~~These~~ forms shall be executed
18 and in triplicate, shall include the assigned registration
19 number (in the case where a registered serviceperson is
20 representing a registered service agency both assigned
21 registration numbers shall be included), and shall be signed by
22 a registered serviceperson or by a registered serviceperson
23 representing a registered service agency for each rejected or
24 repaired device restored to service and for each newly
25 installed device placed in service. Whenever a registered
26 serviceperson or special sealer places into service a weighing

1 or measuring device, there shall be affixed to the device
2 indicator a decal provided by the Department that indicates the
3 device accuracy.

4 Within 5 days after a device is restored to service or
5 placed in service, the original of a properly executed "Placed
6 in Service Report", together with any official rejection tag or
7 seal removed from the device, shall be mailed to the
8 Department. ~~A The duplicate~~ copy of the report shall be handed
9 to the owner or operator of the device and ~~a the triplicate~~
10 copy of the report shall be retained by the service agency or
11 serviceperson.

12 All field standards that are used for servicing and testing
13 weights and measures devices for which competence is registered
14 shall be submitted to the Director for initial and subsequent
15 verification and calibration at least once every 2 years or as
16 otherwise determined by the Director. When servicing
17 commercial weighing or measuring devices, a registered
18 serviceperson or registered service agency shall not use any
19 field standards or testing equipment that have not been
20 calibrated or verified by the Director. In lieu of submission
21 of physical standards, the Director may accept calibration
22 reports, verification reports, or both from any laboratory that
23 is formally accredited or recognized. The Director shall
24 maintain a list of organizations from which the Department will
25 accept calibration reports. The Department shall retain the
26 right to monitor periodically calibration results, to verify

1 field standard compliance to specifications and tolerance when
2 field standards are initially placed into service or at any
3 intermediate point between calibration, or both.

4 ~~A registered service agency and a registered serviceperson~~
5 ~~shall submit, at least once every 2 years to the Department for~~
6 ~~examination and certification, any standards and testing~~
7 ~~equipment that are used, or are to be used, in the performance~~
8 ~~of the service and testing functions with respect to weighing~~
9 ~~and measuring devices for which competence is registered. A~~
10 ~~registered serviceperson or agency shall not use in servicing~~
11 ~~commercial weighing and measuring devices any standards or~~
12 ~~testing equipment that have not been certified by the~~
13 ~~Department.~~

14 ~~When a serviceperson's or service agency's weights and~~
15 ~~measures are carried to a National Institute of Standards and~~
16 ~~Technology approved out of state weights and measures~~
17 ~~laboratory for inspection and testing, the serviceperson or~~
18 ~~service agency shall be responsible for providing the~~
19 ~~Department a copy of the current certification of all weights~~
20 ~~and measures used in the repair, service, or testing of~~
21 ~~weighing or measuring devices within the State of Illinois.~~

22 ~~All registered servicepersons placing into service scales~~
23 ~~in excess of 30,000 pounds shall have a minimum of 10,000~~
24 ~~pounds of State approved certified test weights to accurately~~
25 ~~test a scale.~~

26 Persons working as apprentices are not subject to

1 registration if they work with and under the supervision of a
2 registered serviceperson.

3 The Director is authorized to promulgate, after public
4 hearing, rules and regulations necessary to enforce the
5 provisions of this Section.

6 For good cause and after a hearing upon reasonable notice,
7 the Director may deny any application for registration or any
8 application for renewal of registration, or may revoke or
9 suspend the registration of any registrant.

10 The Director may publish from time to time as he deems
11 appropriate, and may supply upon request, lists of registered
12 servicepersons and registered service agencies.

13 All final administrative decisions of the Director under
14 this Section shall be subject to judicial review under the
15 Administrative Review Law. The term "administrative decision"
16 is defined as in Section 1 of the Administrative Review Law.

17 (Source: P.A. 93-32, eff. 7-1-03.)

18 (225 ILCS 470/10) (from Ch. 147, par. 110)

19 Sec. 10. Inspection. Unless otherwise provided by law, the
20 Director may inspect and test all weights and measures held,
21 offered, or exposed for sale to ascertain if they are correct.
22 ~~The Except as otherwise provided in Section 43, the~~ Director
23 shall, within each period of 12 months or more frequently if
24 necessary, inspect and test all law enforcement scales used to
25 determine vehicle weights and all weights and measures

1 commercially used (1) in determining the weight, measurement,
2 or count of commodities or things sold or offered or exposed
3 for sale on the basis of weight, measure, or count or (2) in
4 computing the basic charge or payment for services rendered on
5 the basis of weight, measure, or count to ascertain if they are
6 correct. However, with respect to single-service devices
7 (meaning those designed to be used commercially only once and
8 then discarded) and devices uniformly mass-produced, as by
9 means of a mold or die, and not susceptible to individual
10 adjustment, such tests may be made on representative samples of
11 these devices. The lots of which such samples are
12 representative shall be held to be correct or incorrect upon
13 the basis of the results of the inspections and tests on the
14 samples.

15 (Source: P.A. 88-600, eff. 9-1-94.)

16 (225 ILCS 470/11) (from Ch. 147, par. 111)

17 Sec. 11. The Director ~~director~~ shall investigate
18 complaints received by him concerning violations of the
19 provisions of this Act and shall conduct such investigations as
20 he deems appropriate and advisable to develop information on
21 prevailing procedures in commercial quantity determination and
22 on possible violations of the provisions of this Act and to
23 promote the general objective of accuracy in the determination
24 and representation of quantity in commercial transactions.

25 (Source: Laws 1963, p. 3433.)

1 (225 ILCS 470/12) (from Ch. 147, par. 112)

2 Sec. 12. The Director ~~director~~ shall from time to time
3 weigh or measure and inspect packages or amounts of commodities
4 held, offered or exposed for sale or sold or in the process of
5 delivery, to determine whether they contain the amounts
6 represented and are being held, offered or exposed for sale or
7 were sold in accordance with law. When such packages or amounts
8 of commodities are thus determined not to contain the amounts
9 represented or are found to be kept, offered or exposed for
10 sale in violation of law, the Director ~~director~~ may restrain
11 such offer, exposure or sale by order and may so mark or
12 identify them to indicate the illegality thereof. In carrying
13 out the provisions of this Section, the Director ~~director~~ may
14 employ recognized sampling procedures under which the
15 compliance of a given lot of packages will be determined on the
16 basis of the result obtained on a sample selected from and
17 representative of such lot. No person shall (1) sell, or keep,
18 offer or expose for sale in intrastate commerce any package or
19 amount of commodity that has been ordered off sale or marked or
20 identified as provided in this Section unless and until such
21 package or amount of commodity fully complies with all legal
22 requirements, or (2) dispose of any package or amount of
23 commodity that has been ordered off sale or marked or
24 identified as provided in this Section and that does not comply
25 with legal requirements in any manner except with the specific

1 approval of the Director ~~director~~.

2 (Source: Laws 1963, p. 3433.)

3 (225 ILCS 470/13) (from Ch. 147, par. 113)

4 Sec. 13. The Director ~~director~~ may issue stop-use orders,
5 stop-removal orders and removal orders with respect to weights
6 and measures being or susceptible of being commercially used,
7 and may issue stop-removal orders and removal orders with
8 respect to packages or amounts of commodities kept, offered or
9 exposed for sale or sold or in process of delivery, whenever in
10 the course of his enforcement of the provisions of this Act he
11 deems it necessary or expedient to issue such orders. No person
12 shall use, remove or fail to remove from the premises specified
13 any weight, measure or package or amount of commodity contrary
14 to the terms of a stop-use order, stop-removal order or removal
15 order issued pursuant to this Section.

16 (Source: Laws 1963, p. 3433.)

17 (225 ILCS 470/14) (from Ch. 147, par. 114)

18 Sec. 14. Upon inspection and test, the Director ~~director~~
19 shall approve for use and may seal or mark with appropriate
20 devices such weights and measures as he finds to be "correct"
21 and shall reject and mark or tag as "rejected" such weights and
22 measures as he finds to be "incorrect" (but susceptible of
23 satisfactory repair), as defined in Section 8 of this Act. Such
24 sealing or marking is unnecessary with respect to such weights

1 and measures as may be exempted therefrom by a regulation of
2 the Director ~~director~~ issued pursuant to Section 8 of this Act.
3 The Director ~~director~~ shall condemn and may seize and may
4 destroy weights and measures found to be "incorrect" which, in
5 his best judgment, are not susceptible of satisfactory repair.
6 Weights and measures that have been rejected may be confiscated
7 and destroyed by the Director ~~director~~ if not corrected
8 pursuant to, or if used or disposed of contrary to, Section 22
9 of this Act.

10 (Source: Laws 1963, p. 3433.)

11 (225 ILCS 470/15) (from Ch. 147, par. 115)

12 Sec. 15. To enforce this Act and other Acts dealing with
13 weights and measures and enforceable by him, the Director
14 ~~director~~ is vested with special police powers, and may without
15 formal warrant both arrest any violator of such Acts and seize
16 for use as evidence incorrect or unsealed weights and measures
17 or amounts or packages of commodity found to be used, retained,
18 offered or exposed for sale or sold in violation of law. In
19 performance of his official duties, the Director ~~director~~ may
20 enter and go into or upon any structure or premises without
21 formal warrant and may stop any person and require him to
22 proceed, with or without any vehicle of which he may be in
23 control, to a place specified by the Director ~~director~~.

24 (Source: Laws 1963, p. 3433.)

1 (225 ILCS 470/16) (from Ch. 147, par. 116)

2 Sec. 16. The powers and duties given to and imposed upon
3 the Director ~~director~~ by Sections 9, 10, 11, 12, 13, 14, 15, 21
4 and 56 of this Act shall also be conferred upon the designated
5 or appointed qualified persons, whenever they act under the
6 instructions and at the direction of the Director ~~director~~.

7 (Source: P.A. 79-551.)

8 (225 ILCS 470/19) (from Ch. 147, par. 119)

9 Sec. 19. Subject to the annual training provisions of
10 Section 17, the ~~The~~ sealer of a city, and each of his deputy
11 sealers when acting under his instructions and at his
12 direction, has the same powers and duties within the city for
13 which appointed as are conferred upon the director by Sections
14 10, 11, 12, 13, 14, 15 and 56 of this Act. With respect to
15 Section 10, in cities of less than 200,000 population, the
16 powers and duties shall be strictly limited to weighing and
17 measuring devices used in retail trade including, for example,
18 weighing scales of a nominal capacity not greater than 400
19 pounds, retail liquid-measuring devices, taximeters,
20 odometers, fabric-measuring devices and cordage-measuring
21 devices.

22 The city inspector of weights and measures shall keep a
23 complete record of all his official acts and shall submit an
24 annual report to the council of the city, and an annual report
25 (by January 15 ~~on July 1~~) under oath to the Director of

1 Agriculture on blanks furnished by him, and any special reports
2 that the Director of Agriculture may request. Failure of a city
3 sealer of weights and measures and each of his or her deputy
4 sealers to attend annual training workshops conducted by the
5 Department or to provide an annual report to the Director or
6 any other special report that the Director requests may
7 invalidate the authority of a city sealer to enforce any
8 provision of this Act or its regulations.

9 (Source: Laws 1963, p. 3433.)

10 (225 ILCS 470/20) (from Ch. 147, par. 120)

11 Sec. 20. The common or legislative council of each city for
12 which a sealer has been appointed pursuant to Section 17 of
13 this Act shall (1) procure at the expense of the city such
14 standards of weight and measure and such additional equipment,
15 to be used for the enforcement of the provisions of this Act in
16 such city, as may be prescribed by the Director ~~director~~, (2)
17 provide a suitable office for the sealer, and (3) make
18 provision for the necessary clerical services, supplies and
19 transportation and for defraying contingent expenses incident
20 to the official activities of the sealer in carrying out the
21 provisions of this Act. When the standards of weight and
22 measure thus required to be provided by a city have been
23 examined and approved by the Director ~~director~~, they shall be
24 the official standards for such city. The sealer shall make or
25 cause to be made at least annual comparisons between his field

1 standards and appropriate standards of a higher order belonging
2 to his city or to the State, in order to maintain such field
3 standards in accurate condition.

4 (Source: Laws 1963, p. 3433.)

5 (225 ILCS 470/21) (from Ch. 147, par. 121)

6 Sec. 21. In cities for which sealers of weights and
7 measures have been appointed pursuant to this Act, the Director
8 ~~director~~ shall have concurrent authority to enforce the
9 provisions of this Act. The legislative body of each such city
10 may, by ordinance, prescribe the duties of the sealer and enact
11 regulatory measures more restrictive than, but otherwise
12 consistent with, the provisions of this Act.

13 (Source: Laws 1963, p. 3433.)

14 (225 ILCS 470/23) (from Ch. 147, par. 123)

15 Sec. 23. Commodities in liquid form shall be sold only by
16 liquid measure or by weight, and, except as otherwise provided
17 in this Act, commodities not in liquid form shall be sold only
18 by weight, by measure of length or area, or by count. However,
19 liquid commodities may be sold by weight and commodities not in
20 liquid form may be sold by count only if such methods give
21 accurate information as to the quantity of commodity sold.

22 The provisions of this Section do not apply (1) to
23 commodities sold for immediate consumption upon the premises
24 where sold, (2) to vegetables sold by the head or bunch, (3) to

1 commodities in containers standardized by a law of this State
2 or by Federal law, (4) to commodities in package form when
3 there exists a general consumer usage to express the quantity
4 in some other manner, (5) to concrete aggregates, concrete
5 mixtures and loose solid materials such as earth, soil, gravel,
6 crushed stone and the like, when sold by cubic measure, or (6)
7 to unprocessed vegetable and animal fertilizer sold by cubic
8 measure. The Director ~~director~~ may issue such reasonable
9 regulations as are necessary to assure that amounts of
10 commodity sold are determined in accordance with good
11 commercial practice and are so determined and represented as to
12 be accurate and informative to all parties at interest.

13 (Source: Laws 1963, p. 3433.)

14 (225 ILCS 470/26) (from Ch. 147, par. 126)

15 Sec. 26. No commodity in package form shall be so wrapped,
16 nor shall it be in a container so made, formed or filled, as to
17 mislead the purchaser as to the quantity of the contents of the
18 package, and the contents of a container shall not fall below
19 such reasonable standard of fill as may have been prescribed
20 for the commodity in question by the Director ~~director~~.

21 (Source: Laws 1963, p. 3433.)

22 (225 ILCS 470/30) (from Ch. 147, par. 130)

23 Sec. 30. National Institute of Standards and Technology
24 requirements and specifications. Each type of new weight and

1 measure or weighing and measuring device manufactured,
2 offered, or exposed for sale or sold or given away for the use
3 in trade or commerce, or used in trade and commerce in this
4 State, shall conform with the requirements and specifications
5 in the National Institute of Standards and Technology Handbook
6 44, 105-1, 105-2, 105-3, ~~or~~ 105-4, or 105-8 and any of their
7 revisions or supplements. A Certificate of Conformance must be
8 issued prior to the use of such new weight and measure or
9 weighing and measuring device for commercial or law enforcement
10 purposes. Pending the issuance of a Certificate of Conformance,
11 the Department may permit such new weight and measure or
12 weighing and measuring device to be used, provided it meets the
13 specifications and tolerances for that particular weight and
14 measure or weighing and measuring device as set forth in the
15 National Institute of Standards and Technology Handbook 44,
16 105-1, 105-2, 105-3, ~~or~~ 105-4, or 105-8.

17 (Source: P.A. 92-676, eff. 7-16-02.)

18 (225 ILCS 470/40) (from Ch. 147, par. 140)

19 Sec. 40. Inspection fee; Weights and Measures Fund. The
20 ~~Except as otherwise provided in Section 43, the~~ Director and
21 each sealer shall collect and receive from the user of weights
22 and measures a commercial weighing or measuring device
23 inspection fee. For the use of its Metrology Laboratory, the
24 testings of weights and measures and such other inspection and
25 services performed, the Department shall set a fee, the amount

1 of which shall be according to a Schedule of Weights and
2 Measures Inspection Fees established and published by the
3 Director. The fees so collected and received by the State shall
4 be deposited into a special fund to be known as the Weights and
5 Measures Fund. All weights and measures inspection fees,
6 metrology fees, weights and measures registrations, and
7 weights and measures penalties collected by the Department
8 under this Act shall be deposited into the Weights and Measures
9 Fund. The amount annually collected shall be used by the
10 Department for activities related to the enforcement of this
11 Act and the Motor Fuel and Petroleum Standards Act, and for the
12 State's share of the costs of the Field Automation Information
13 Management project. No person shall be required to pay more
14 than 2 inspection fees for any one weighing or measuring device
15 in any one year when found to be accurate. When an inspection
16 is made upon a weighing or measuring device because of a
17 complaint by a person other than the owner of such weighing or
18 measuring device, and the device is found accurate as set forth
19 in Section 8 of this Act, no inspection fee shall be paid by
20 the complainant. Any time a weighing or measuring device is
21 found to be inaccurate, the user shall pay the inspection fee.

22 If any person fails or refuses to pay a fee authorized by
23 this Section, the Department may prohibit that person from
24 using commercial weighing and measuring devices. In addition to
25 prohibiting the use of the device, the Department may also
26 recover interest at the rate of 1% per month from the time the

1 payment is owed to the Department until the time the Department
2 recovers the fee.

3 (Source: P.A. 92-676, eff. 7-16-02; 93-198, eff. 1-1-04.)

4 (225 ILCS 470/41) (from Ch. 147, par. 141)

5 Sec. 41. No person shall operate, upon the streets or
6 highways of this State any vehicle tank used for commercial
7 purposes unless such tank either is equipped with a meter or
8 other device for measuring deliveries from the tank or has been
9 calibrated for capacity and sealed by the Director ~~director~~.

10 When a vehicle tank has been calibrated for capacity by the
11 Director ~~director~~, he shall issue to the owner or operator a
12 certificate of calibration in which is shown the calibrated
13 capacity of each compartment. A copy of this certificate shall
14 accompany the vehicle tank at all times or kept on file
15 available for examination either at the plant out of which the
16 vehicle tank is operated or at a regional or principal Illinois
17 office of the owner of the vehicle tank. Each compartment of a
18 vehicle tank shall be marked with a statement of its capacity
19 as defined by its indicator, located in a conspicuous place in
20 letters and figures not less than one inch in height.
21 Enforcement of this Section is reserved to the Director
22 ~~director~~ or to the sealer in a city having a population of
23 200,000 or greater according to the latest official United
24 States census.

25 (Source: Laws 1963, p. 3433.)

1 (225 ILCS 470/52) (from Ch. 147, par. 152)

2 Sec. 52. The Director ~~director~~ may by regulation establish
3 a standard weight per bushel for any agricultural commodity,
4 and any such weight per bushel shall prevail when such
5 commodity is contracted for, bought or sold, if no special
6 contract or written and signed agreement exists to the
7 contrary.

8 (Source: Laws 1963, p. 3433.)

9 (225 ILCS 470/54) (from Ch. 147, par. 154)

10 Sec. 54. A person who in any way hinders or obstructs the
11 Director ~~director~~, his authorized representative, any one of
12 the inspectors or a sealer, deputy sealer or special sealer, in
13 the performance of his official duties is guilty of a Class B
14 misdemeanor.

15 (Source: P.A. 79-551.)

16 (225 ILCS 470/55) (from Ch. 147, par. 155)

17 Sec. 55. A person who in any way impersonates the Director
18 ~~director~~, his authorized representative, any one of the
19 inspectors or a sealer, deputy sealer or special sealer, by the
20 use of his seal or a counterfeit of his seal or in any other
21 manner, is guilty of a Class A misdemeanor.

22 (Source: P.A. 79-551.)

1 (225 ILCS 470/56) (from Ch. 147, par. 156)

2 Sec. 56.

3 (1) A person who, by himself or herself or by his or her
4 employee or agent or as the employee or agent of another
5 person, performs any of the acts enumerated in subparagraphs
6 (A) through (J) of this Section is guilty of a business offense
7 and shall be fined not less than \$1,000 ~~\$500~~ for the first
8 offense; not less than \$1,500 on a second offense; and not less
9 than \$2,500 for a third offense.

10 (A) Use or possess for the purpose of using for any
11 commercial purpose specified in Section 10 of this Act,
12 sell, offer, or expose for sale or hire, or possess for the
13 purpose of selling or hiring, an incorrect weight or
14 measure or any device or instrument used to or calculated
15 to falsify any weight or measure.

16 (B) Use or possess for the purpose of current use for
17 any commercial purpose specified in Section 10 of this Act,
18 a weight or measure without a seal or mark as required by
19 Section 14 ~~or Section 43~~, unless such weight or measure has
20 been exempted from testing by the provisions of Section 10,
21 or by a regulation of the Director ~~director~~ issued under
22 the authority of Section 8, of this Act.

23 (C) Dispose of any rejected or condemned weight or
24 measure in a manner contrary to law or regulation.

25 (D) Remove from any weight or measure, contrary to law
26 or regulation, any tag, seal or mark placed thereon by the

1 appropriate authority.

2 (E) Sell or offer or expose for sale less than the
3 quantity he or she represents of any commodity, thing or
4 service.

5 (F) Take more than the quantity he represents of any
6 commodity, thing or service, when, as buyer, he or she
7 furnishes the weight or measure by means of which the
8 amount of the commodity, thing or service is determined.

9 (G) Retain for the purpose of sale, advertise, or offer
10 or expose for sale, or sell, any commodity, thing or
11 service in a condition or manner contrary to law or
12 regulation.

13 (H) Use in retail trade, except in preparation of
14 packages put up in advance of sale and of medical
15 prescriptions, a weight or measure that is not so
16 positioned that its indications may be accurately read and
17 the weighing or measuring operation observed from a
18 position which may reasonably be assumed by a customer.

19 (I) By himself or herself or by the person's agent, or
20 as servant or agent of another person, fail to disclose to
21 the Department of Agriculture any knowledge of information
22 relating to, or observation of, any device or instrument
23 added to or modifying any weight or measure for the purpose
24 of selling, or offering or exposing for sale, less than the
25 quantity represented of a commodity or calculated to
26 falsify the weight or measure, if the person is an owner or

1 employee of an entity involved in the installation, repair,
2 sale, or inspection of weighing or measuring devices.

3 (J) Violate a provision of this Act or of the
4 regulations promulgated pursuant to this Act for which a
5 specific penalty has not been prescribed.

6 (2) A person who, by himself or herself or by the person's
7 servant or agent, or as a servant or agent of another person,
8 performs any of the following acts is guilty of a Class 3
9 felony and subject to a fine of not less than \$1,000.00 or not
10 more than \$10,000.00 or the total amount of any money gained
11 for each day on which a violation has been found, whichever is
12 greater, or by imprisonment, or both:

13 (A) Adds to or modifies a commercial weight or measure
14 by the addition of a device or instrument that would allow
15 the sale, or the offering or exposure for sale, of less
16 than the quantity represented of a commodity or
17 falsification of the weight or measure.

18 (B) Commits as a fourth or subsequent offense any of
19 the acts listed in subsection (1) of this Section, violates
20 a written notice from the Department, or removes a
21 Department seal.

22 (Source: P.A. 85-436.)

23 (225 ILCS 470/56.1) (from Ch. 147, par. 156.1)

24 Sec. 56.1. Administrative penalties; judicial review. When
25 an administrative hearing is held, the hearing officer, upon

1 determination of any violation of any Section of this Act shall
2 ~~56(1), shall refer the violation to the States Attorney's~~
3 ~~office in the county which the business is conducted for~~
4 ~~prosecution or~~ levy the following administrative monetary
5 penalties:

6 (A) A penalty of \$500 ~~\$100~~ for a first violation.

7 (B) A penalty of \$1,500 ~~\$750~~ for a second violation at
8 the same location within 2 years of the first violation.

9 (C) A penalty of \$2,500 ~~\$1,500~~ for a third or
10 subsequent violation at the same location within 2 years of
11 the second violation.

12 The penalty so levied shall be collected by the Department.
13 Any penalty not paid within 60 days of notice from the
14 Department shall be submitted to the Attorney General's office
15 for collection.

16 All final administrative decisions of the Department are
17 subject to judicial review under the Administrative Review Law.
18 The term "administrative decision" is defined as in Section
19 4-101 of the Code of Civil Procedure.

20 (Source: P.A. 88-600, eff. 9-1-94.)

21 Section 10. The Soil Conservation Domestic Allotment Act is
22 amended by changing Sections 3 and 7 as follows:

23 (505 ILCS 125/3) (from Ch. 5, par. 138c)

24 Sec. 3. The Department is hereby authorized and ~~7~~ empowered

1 and may, at its discretion, ~~directed to~~ formulate and submit to
2 the Secretary of Agriculture, in conformity with the provisions
3 of said Soil Conservation and Domestic Allotment Act, a State
4 plan ~~for each year, beginning with the year 1953. It shall be~~
5 ~~the purpose of each such plan and each such plan shall be~~
6 designed to promote such utilization of land and such farming
7 practices as the Department finds will tend, in conjunction
8 with the operation of such other plans as may be approved for
9 other states by the Secretary of Agriculture, to preserve and
10 improve soil fertility; to promote the economic use and
11 conservation of land; to diminish exploitation and wasteful and
12 unscientific use of natural soil resources; to protect rivers
13 and waterways against the results of soil erosion and aid in
14 flood control; and to re-establish and maintain the ratio
15 between the purchasing power of the net income per person on
16 farms and that of the income per person not on farms, as
17 defined in subsection (a) of Section 7 of the Soil Conservation
18 and Domestic Allotment Act. Each such plan may ~~shall~~ provide
19 for adjustments and utilization of land, and in farming
20 practices through agreements with producers or through other
21 voluntary methods, and for benefit payments in connection
22 therewith, and for such methods of administration not in
23 conflict with any law of the State, and for such reports as the
24 Secretary of Agriculture finds necessary for the effective
25 administration of the plan, and for ascertaining whether the
26 plan is being carried out according to its terms.

1 (Source: Laws 1951, p. 1680.)

2 (505 ILCS 125/7) (from Ch. 5, par. 138g)

3 Sec. 7. The Department shall have no authority to incur any
4 obligation or liability against the State of Illinois under
5 this Act for the expenditure of funds other than the
6 expenditure of funds payable from the Soil Conservation Fund,
7 pursuant to appropriations made therefore ~~therefor~~.

8 (Source: Laws 1951, p. 1680.)

9 (505 ILCS 125/6 rep.)

10 Section 15. The Soil Conservation Domestic Allotment Act is
11 amended by repealing Section 6.

12 Section 20. The Motor Fuel and Petroleum Standards Act is
13 amended by changing Sections 3, 4, 4.1, 7, and 7.1 as follows:

14 (815 ILCS 370/3) (from Ch. 5, par. 1703)

15 Sec. 3. As used in this Act, unless the context otherwise
16 requires:

17 (1) "ASTM" means ASTM International ~~the American Society~~
18 ~~for Testing and Materials~~, an international, nonprofit,
19 technical, scientific and educational society devoted to the
20 promotion of knowledge of the materials of engineering, and the
21 standardization of specifications and methods of testing.

22 (2) "Motor Fuel" shall have the meaning ascribed to that

1 term in Section 1.1 of the "Motor Fuel Tax Law", as now or
2 hereafter amended.

3 (3) "Petroleum" means all illuminating oils, heating oils,
4 LP gas, kerosene, gasoline, diesel and all volatile and
5 inflammable liquids produced, blended or compounded for the
6 purpose of, or which are suitable or practicable for, operating
7 motor vehicles.

8 (4) "Department" means the Illinois Department of
9 Agriculture.

10 (5) "Person" means an individual, a corporation, company,
11 society, association, partnership or governmental entity.

12 (6) "Distributor" shall have the meaning ascribed to that
13 term in Section 1.2 of the "Motor Fuel Tax Law", as now or
14 hereafter amended, and any person who either produces, refines,
15 blends, transports, compounds or manufactures petroleum in
16 this State for the purposes of resale.

17 (7) "Director" means the Director of the Illinois
18 Department of Agriculture or authorized designee.

19 (8) "Retailer" shall have the meaning ascribed to that term
20 in Section 2 of the "Use Tax Act", as now or hereafter amended
21 and any person engaged in the business of selling petroleum
22 directly to the ultimate consumer.

23 (9) "Co-solvent" means an alcohol that is miscible with
24 methanol and has a molecular weight equal to or greater than
25 that of butanol.

26 (Source: P.A. 86-232.)

1 (815 ILCS 370/4) (from Ch. 5, par. 1704)

2 Sec. 4. ASTM standards.

3 (a) All motor fuel and petroleum sold or offered for sale
4 in the State of Illinois shall conform to the standards of this
5 Act. The standards set forth in the Annual Book of ASTM
6 Standards ~~(ASTM) American Society for Testing and Materials~~
7 Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and
8 supplements thereto, and revisions thereof are adopted unless
9 modified or rejected by a regulation adopted by the Department.
10 In addition, any advertised or labeled declarations regarding
11 the quality of a motor fuel which are more stringent than ASTM
12 standards shall be met.

13 (a-5) The quality of gasoline-oxygenate blends sold or
14 offered for sale in this State shall meet the standards set
15 forth in Section 2.1.3 ~~2.1.1.1 or Section 2.1.1.2~~ of the
16 Uniform Engine Fuels, ~~Petroleum Products,~~ and Automotive
17 Lubricants Regulation as provided under the National Institute
18 of Standards and Technology Handbook 130, and any of its
19 subsequent supplements or revisions, except as specifically
20 modified, amended, or rejected by regulation issued by the
21 Director.

22 (b) Minimum Automotive Gasoline Octane Requirements.

23 All leaded and unleaded gasoline sold in this State shall
24 meet or exceed the following minimum octane numbers:

25 Regular Grade 87

1 Midgrade or Plus 89

2 Premium or Super Grade 91 ~~90~~

3 An octane number is determined by adding the research
4 octane number to the motor octane number and dividing by 2.
5 (RON + MON)/2. In addition, the motor octane number shall not
6 be less than 82.0. All gasoline products sold at retail shall
7 have an octane number displayed.

8 (c) Each seller of a motor fuel shall notify the purchaser
9 of the type and quantity of motor fuel purchased. For gasoline,
10 the type shall indicate the octane number. This information
11 shall appear on the bill of lading, manifest, or delivery
12 ticket for the fuel. This subsection does not apply to sales at
13 retail.

14 (d) All gasoline products shall meet the most recently
15 adopted ASTM standards for spark-ignition motor fuel, and those
16 standards adopted under the provisions of the federal Clean Air
17 Act by the U. S. Environmental Protection Agency shall be the
18 standards of this State in those areas in which the federal
19 Clean Air Act fuel standards apply.

20 (e) All biodiesel with a numerical value of B99 or above
21 ~~B100~~ that is sold or offered for sale in the State of Illinois
22 shall conform to the ASTM D6751 Standard Specification for
23 Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.
24 For the purposes of this subsection (e), "Biodiesel" means a
25 fuel that (i) is comprised of mono-alkyl esters of long-chain
26 fatty acids derived from vegetable oils or animal fats and (ii)

1 meets the requirements of the ASTM D6751 standards ~~shall have~~
2 ~~the same meaning ascribed to it as in the Illinois Renewable~~
3 ~~Fuels Development Program Act.~~

4 (Source: P.A. 96-528, eff. 1-1-10.)

5 (815 ILCS 370/4.1) (from Ch. 5, par. 1704.1)

6 Sec. 4.1. (a) Upon any retail motor fuel dispensing device
7 which is used to dispense a motor fuel containing at least 1%
8 by volume of ethanol, of methanol, or of a combination thereof,
9 there shall be displayed a label which identifies the maximum
10 percentage by volume, to the nearest whole percent, of ethanol,
11 of methanol, and of co-solvent contained in the motor fuel.
12 Such labelling shall be done in contrasting colors with block
13 letters at least 1/2 inch in height and 1/4 inch in width, and
14 not more than one inch in height and 1/2 inch in width, and
15 shall be visible to customers. The label shall be located on
16 the front or sides of the dispenser and within the top 30
17 percent of the height of the dispenser. On a dual-faced
18 dispenser, the label shall be affixed on each front or each
19 side in accordance with these requirements. Devices used to
20 dispense only motor fuels which contain a total of less than 1%
21 by volume of methanol and ethanol need not be so labelled.

22 (a-5) (Blank).

23 (a-10) (Blank). ~~Upon any retail motor fuel dispensing~~
24 ~~device that is used to dispense a motor fuel containing~~
25 ~~biodiesel or biodiesel blends, the biodiesel and biodiesel~~

1 ~~blends shall be identified by the capital letter "B" followed~~
2 ~~by the numerical value representing the volume percentage of~~
3 ~~biodiesel fuel, such as B10, B20, or B100, as follows:~~

4 ~~(1) Upon any retail motor fuel dispensing device that~~
5 ~~is used to dispense a motor fuel containing between 5% and~~
6 ~~up to and including 20% of biodiesel, there shall be~~
7 ~~displayed on each retail dispenser:~~

8 ~~(a) the capital letter "B" followed by the~~
9 ~~numerical value representing the maximum volume~~
10 ~~percentage of biodiesel fuel and ending with~~
11 ~~"biodiesel blend", such as B10 biodiesel fuel blend or~~
12 ~~B20 biodiesel fuel blend; or~~

13 ~~(b) the phrase "biodiesel blend between 5% and 20%"~~
14 ~~or similar words.~~

15 ~~(2) Upon any retail motor fuel dispensing device that~~
16 ~~is used to dispense a motor fuel containing more than 20%~~
17 ~~of biodiesel, there shall be displayed on each retail~~
18 ~~dispenser the capital letter "B" followed by the numerical~~
19 ~~value representing the volume percentage of biodiesel fuel~~
20 ~~and ending with either "biodiesel" or "biodiesel blend",~~
21 ~~such as B100 biodiesel or B60 biodiesel blend.~~

22 ~~(3) The label shall be done in contrasting colors with~~
23 ~~block letters at least 1/2 inch in height and 1/4 inch in~~
24 ~~width, and not more than one inch in height and 1/2 inch in~~
25 ~~width, and shall be visible to customers. The label shall~~
26 ~~be located on the front or sides of the dispenser and~~

1 ~~within the top 30% of the height of the dispenser. On a~~
2 ~~dual-faced dispenser, the label shall be affixed on each~~
3 ~~front or each side in accordance with these requirements.~~
4 ~~Devices used to dispense only motor fuels that contain a~~
5 ~~total of 5% or less by volume of biodiesel need not be~~
6 ~~labeled.~~

7 (b) Each seller of a motor fuel which contains methanol,
8 ethanol, or biodiesel shall notify the purchaser thereof of the
9 percentage by volume of ethanol, of methanol, of biodiesel, and
10 of co-solvent which have been added to such motor fuel, and
11 this information shall appear on the bill of lading, manifest
12 or delivery ticket for such motor fuel. However, this
13 subsection (b) shall not apply to sales at retail.

14 (c) No motor fuel, whether or not it contains any lead or
15 lead compounds, may contain more ethanol or methanol than is
16 permitted, or contain less co-solvent than is required, by the
17 United States Environmental Protection Agency for unleaded
18 motor fuels under Section 211(f) of the federal Clean Air Act.

19 (d) All motor fuel sold or offered for sale by the
20 distributor shall contain the percentage and type of alcohol as
21 stated on the bill of lading, manifest or delivery ticket.

22 (e) (Blank).

23 (f) Nothing in this Section shall be construed to require
24 or impose an obligation upon the owner or operator of a retail
25 motor fuel dispensing station, facility, or device to perform a
26 test on or measurement of a shipment of motor fuel received to

1 determine the specific content of ethanol, methanol, or
2 biodiesel.

3 (Source: P.A. 95-381, eff. 7-1-08.)

4 (815 ILCS 370/7) (from Ch. 5, par. 1707)

5 Sec. 7. Administrative hearing and penalties. When an
6 administrative hearing is held, the hearing officer, upon
7 determination of a violation of this Act or rules, other than
8 violation of subsection (b) of Section 7.1, shall:

9 (a) Levy the following administrative monetary penalties:

10 (1) \$500 ~~\$100~~ for a first violation;

11 (2) \$1,500 ~~\$750~~ for a second violation within 2 years
12 of the first violation; and

13 (3) \$2,500 ~~\$1500~~ for a third or subsequent violation
14 within 2 years of the second violation; or

15 (b) (Blank). ~~refer the violations to the States Attorney's~~
16 ~~Office in the county where the violation occurred for~~
17 ~~prosecution.~~

18 Any penalty levied shall be collected by the Department and
19 paid into the Motor Fuel and Petroleum Standards Fund. Monetary
20 penalties not paid within 60 days of notice from the Department
21 shall be submitted to the Attorney General's Office for
22 collection.

23 All decisions and actions of the Department are subject to
24 the Illinois Administrative Procedure Act and the Department's
25 Administrative Rules which pertain to administrative hearings,

1 petitions, proceedings, contested cases, declaratory rulings
2 and availability of Department files for public access.

3 All final administrative decisions of the Department shall
4 be subject to judicial review pursuant to the provisions of the
5 Administrative Review Law, and all amendments and
6 modifications thereof, and the rules adopted pursuant thereto.
7 The term "administrative decision" is defined in Section 3-101
8 of the Code of Civil Procedure.

9 (Source: P.A. 88-582, eff. 1-1-95.)

10 (815 ILCS 370/7.1)

11 Sec. 7.1. Fuel rating ~~Octane~~ display standards;
12 administrative penalty.

13 (a) Every retailer of motor fuel must display the octane
14 number or fuel rating of the fuel being dispensed on each motor
15 fuel device that is dispensing a motor fuel ~~gasoline~~ product.
16 The octane number or fuel rating shall be displayed on the fuel
17 dispensing device in a manner consistent with regulations
18 promulgated by the Federal Trade Commission in 16 CFR part 306.
19 It is a violation of this Section, (1) ~~See.~~ to display an
20 octane number that is greater than the octane number of the
21 gasoline being dispensed, (2) to display a fuel rating that is
22 not consistent with the percentage by volume of the principal
23 component of the alternative liquid automotive fuel being
24 dispensed, or (3) to display a fuel rating that is not
25 consistent with the percentage of biodiesel or biomass-based

1 diesel of the biodiesel blend being dispensed.

2 (b) A hearing officer that, after an administrative hearing
3 held in accordance with the provisions of Section 7, determines
4 that a violation of this Section has been committed shall
5 impose a monetary penalty in accordance with the following
6 schedule:

7 (1) For a first time violation if the actual octane
8 number is found by the petroleum laboratory to be lower
9 than the posted octane number by:

10 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~
11 octane numbers, \$500 ~~\$100~~;

12 (B) (blank) ~~at least 2.1, but not more than 3.0~~
13 ~~octane numbers, \$200~~;

14 (C) (blank) ~~at least 3.1, but not more than 4.0~~
15 ~~octane numbers, \$300~~;

16 (D) (blank) ~~at least 4.1, but not more than 5.0~~
17 ~~octane numbers, \$400~~;

18 (E) (blank) ~~at least 5.1, but not more than 6.0~~
19 ~~octane numbers, \$500~~;

20 (F) more than 1.5 ~~6.0~~ octane numbers, \$1,000.

21 (2) For a second violation, at the same location under
22 the same ownership, within 2 years of the first violation
23 if the actual octane number is found by the petroleum
24 testing laboratory to be lower than the posted octane
25 number by:

26 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~

1 octane numbers, \$1,000 ~~\$200~~;

2 (B) (blank) ~~at least 2.1, but not more than 3.0~~
3 ~~octane numbers, \$400;~~

4 (C) (blank) ~~at least 3.1, but not more than 4.0~~
5 ~~octane numbers, \$600;~~

6 (D) (blank) ~~at least 4.1, but not more than 5.0~~
7 ~~octane numbers, \$800;~~

8 (E) (blank) ~~at least 5.1, but not more than 6.0~~
9 ~~octane numbers, \$1,000;~~

10 (F) more than 1.5 ~~6.0~~ octane numbers, \$2,000.

11 (3) For a third or subsequent violation, at the same
12 location under the same ownership, within 2 years of the
13 second violation if the actual octane number is found by
14 the petroleum testing laboratory to be lower than the
15 posted octane number by:

16 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~
17 octane numbers, \$2,000 ~~\$400~~;

18 (B) (blank) ~~at least 2.1, but not more than 3.0~~
19 ~~octane numbers, \$800;~~

20 (C) (blank) ~~at least 3.1, but not more than 4.0~~
21 ~~octane numbers, \$1,200;~~

22 (D) (blank) ~~at least 4.1, but not more than 5.0~~
23 ~~octane numbers, \$1,600;~~

24 (E) (blank) ~~at least 5.1, but not more than 6.0~~
25 ~~octane numbers, \$2,000;~~

26 (F) more than 1.5 ~~6.0~~ octane numbers, \$4,000.

1 (c) Any penalty levied under this Section shall be
2 collected and deposited in the manner provided for penalties
3 collected under Section 7. Actions and decisions of the
4 Department under this Section are subject to the administrative
5 procedures and review authorized under Section 7.

6 (Source: P.A. 88-582, eff. 1-1-95.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".