**Section 600.300 Vehicle Scales Regulation**

a) Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Institute of Standards and Technology Handbook 44, which is adopted in Section 8 of the Weights and Measures Act [225 ILCS 470/8] and shall, in addition, meet either 1, 2, 3 or 4 of the following requirements:

1) Pit Vehicle Scales – All pit vehicle scales shall be installed to comply with the following requirements:

A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.

B) Floor of the pit is to be constructed of concrete with drainage.

2) Low Profile Pitless Vehicle Scales – All low profile pitless vehicle scales shall be installed to comply with the following requirements:

A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.

B) The scale shall be installed to ensure that surface water will drain away from the scale area.

C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.

D) Clearance of at least three feet shall be provided around the sides of the scale to ensure for proper cleaning and servicing.

3) Portable Pitless Vehicle Scales

A) Temporary Use of Scale – the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.

B) Limited Use of Scale – the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.

C) State Test Required – a state scale test (Sections 10 and 30 of the Weights and Measures Act) is required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.

4) Shallow Pit Vehicle Scales – Beginning May 1, 2015, all shallow pit vehicle scales shall be installed to comply with the following requirements:

A) A concrete floor shall be poured the entire length and width of the pit.

B) The scale pit shall be installed to ensure that water will drain at all times away from the entire scale pit area.

C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad on the underneath side of the scale.

D) Concrete walls with a clearance of a minimum of three feet shall be provided around the sides of the scale.

E) The top of the scale and concrete walls shall be level and at or above grade.

F) Grating or plating able to be removed for cleanout and inspections and solid enough to withstand normal foot traffic shall be placed over the three-foot space between the scale and outside concrete walls.

G) Scales shall be equipped with manufacturer approved rub rails.

H) All scales must be fully electronic.

b) Livestock Scales. Livestock scales shall comply with the requirements of National Institute of Standards and Technology Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.

c) National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402.

d) Vehicle Scales: Department Approval Prior to Construction or Relocation

1) Department approval is required prior to construction or relocation. A Vehicle Scale Construction/Relocation Approval Application, provided by the Department, must be submitted by the owner/operator or facility manager and approved by the Department in writing before construction or relocation begins.

2) The application shall include, at a minimum, the following:

A) A construction or relocation plan for the vehicle scale.

B) Documentation verifying that the vehicle scale will comply with Section 600.300.

C) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information and documentation included in the application is complete and accurate.

D) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).

3) The Department shall approve or deny an application in writing within 20 business days after the Department receives a complete application.

4) Notwithstanding any other penalties that may be imposed for violation of the Act or this Part, if an entity begins construction, installation or relocation of a vehicle scale without the Director's prior written permission, the Director shall order that all construction be halted until such time that a completed application is approved.

5) A Vehicle Scale Construction/Relocation Approval Application may be obtained at: http://www.agr.state.il.us/programs/consumer/w&m/index.html, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

e) Vehicle Scales: Variances

1) An applicant for the construction or relocation of a vehicle scale may request a variance from a construction requirement under this Section by submitting a Variance Request Application provided by the Department.

2) The variance application shall include, at a minimum, the following:

A) A detailed written justification for the variance from the owner/operator or facility manager. The justification shall demonstrate that the proposed variance is necessary due to special or unusual circumstances.

B) Any documentation supporting the justification (e.g., photos, maps, reports, studies, etc.).

C) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).

D) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information in the application and any documentation included is accurate and correct.

3) The Department shall approve or deny a variance application in writing within 20 business days after the date the Department receives a complete application.

4) Notwithstanding any other penalties that may be imposed for a violation of the Act or this Part, if an entity needs a variance from a construction requirement of this Section, that entity shall not proceed with the affected part of the construction, installation or relocation until a variance request is submitted to the Department and the Department grants the variance.

5) A variance application may be obtained at: http://www.agr.state.

il.us/programs/consumer/w&m/index.html, or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

f) All scales and associated equipment must have a Certificate of Conformance issued by the National Conference on Weights and Measures, National Type Evaluation Program, unless the devices were certified by the Department or the city sealer on or before July 1, 2012. This applies to all such devices, whether repaired or removed from service and installed at a different location in this State.

g) Vehicle Scale Condemnation

1) The Director shall condemn and may seize and have destroyed any vehicle scale and associated equipment found upon inspection not to be in compliance with the specifications, tolerances and regulations required by this Subpart C and not susceptible of satisfactory repair. Weights and measures rejected under the authority of the Director or a sealer remain subject to control of the rejecting authority until such time as suitable repair or disposition thereof has been made under this Section. The owners of the rejected weights and measures shall cause them to be rectified within 10 days or such longer period as may be authorized by the rejecting authority or may dispose of them but only in a manner specifically authorized by the rejecting authority.

2) The Director's decision to condemn a vehicle scale shall proceed as follows:

A) If a vehicle scale fails three successive inspections within the calendar year, the Director shall take the vehicle scale out of service and provide the owner/operator or facility manager of the vehicle scale notice of the Director's decision to seek condemnation. Notice of the Director's decision to seek condemnation shall be made by personal delivery or certified mail, return receipt requested.

B) Upon receipt of the Director's decision to seek condemnation, the owner/operator or facility manager may request in writing, to be received by the Director within 30 business days after receipt of the notice, that the Director schedule an inspection. Upon receipt of a request, the Director shall schedule an inspection, to be conducted within 30 business days after receipt of the request, by a qualified, unbiased person with sufficient knowledge, education and experience of the scale in question and approved by the Director and the scale owner/operator or facility manager. The qualified, unbiased person shall inspect the scale and provide a report explaining whether the scale does or does not meet the requirements of this Subpart C and, if applicable, if it is susceptible of satisfactory repair. All expenses for the requested inspection shall be paid for by the owner/operator or facility manager.

C) If the report from the qualified, unbiased person states that the scale is not in compliance yet is susceptible of satisfactory repair, the report must also explain what repairs must be performed. The owner/operator or facility manager shall repair the scale as expeditiously as possible. Upon completion of the repairs and notification in writing by the the owner/operator or facility manager to the Director, the Director shall have the scale inspected within 30 business days and, if it meets all of the requirements of this Subpart C, placed back into service. The Director's decision to seek condemnation shall terminate if the scale is placed back into service by the Director.

D) In the event that the scale fails the inspection after the required repairs are made due to specifications or tolerances, the scale shall be condemned and the owner/operator or facility manager notified in writing.

E) If the report states that the scale is not susceptible of satisfactory repair, the report must explain the reasons why the repairs cannot be performed. In that case, the scale shall be condemned and the owner/operator or facility manager notified in writing.

F) If no request is received by the Director to schedule an inspection by a qualified and unbiased person within 30 business days after receipt of the notice of condemnation, the scale shall be condemned and the owner/operator or facility manager notified in writing.

G) The Director's decision to condemn a vehicle scale shall be a final administrative decision of the Director subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

H) Copies of all reports generated under subsection (g) shall be provided to both the Director and the owner/operator or facility manager.

(Source: Amended at 39 Ill. Reg. 5349, effective March 26, 2015)