



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5102

by Rep. Randy E. Frese

#### SYNOPSIS AS INTRODUCED:

225 ILCS 470/16	from Ch. 147, par. 116
225 ILCS 470/17	from Ch. 147, par. 117
225 ILCS 470/40	from Ch. 147, par. 140
225 ILCS 470/41	from Ch. 147, par. 141
225 ILCS 470/9 rep.	
225 ILCS 470/19 rep.	
225 ILCS 470/20 rep.	
225 ILCS 470/21 rep.	

Amends the Weights and Measures Act. Provides that a city with a population of 2,000,000 or more shall have a sealer of weights and measures and such deputy sealers as may be required (rather than allowing a city with a population of 25,000 or more to have those individuals). Provides that the city sealer and deputy sealers shall be responsible for all aspects of the weights and measures program within the city. Removes provisions requiring the Director of Agriculture to test the standards of weights and measures procured by a city sealer. Removes provisions requiring a city inspector of weights and measures to submit an annual report. Removes provisions requiring a city with a sealer to provide certain equipment and resources at the city's expense. Removes provisions allowing the Director concurrent authority with the city to enforce the provisions of the Act. Removes language allowing a city sealer to collect and receive certain inspection fees. Makes other changes.

LRB100 16760 SMS 31900 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Weights and Measures Act is amended by  
5 changing Sections 16, 17, 40, and 41 as follows:

6 (225 ILCS 470/16) (from Ch. 147, par. 116)

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

12 (Source: P.A. 96-1333, eff. 7-27-10.)

13 (225 ILCS 470/17) (from Ch. 147, par. 117)

14 Sec. 17. Sealer weights and measures. In and for each city  
15 having a population of 2,000,000 or more, there shall be a  
16 sealer of weights and measures and such deputy sealers as may  
17 be required. The city sealer shall be responsible for all  
18 aspects of the weights and measures program within the  
19 jurisdictional city limits. ~~In and for each city having a~~  
20 ~~population of 25,000 or more according to the latest official~~  
21 ~~United States census, there may be a sealer of weights and~~  
22 ~~measures and such deputy sealers of weights and measures as may~~

1 ~~be required. A city sealer is required to attend annual~~  
2 ~~training workshops conducted by the Department.~~

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

4 (225 ILCS 470/40) (from Ch. 147, par. 140)

5 Sec. 40. Inspection fee; Weights and Measures Fund. The  
6 Director ~~and each sealer~~ shall collect and receive from the  
7 user of weights and measures a commercial weighing or measuring  
8 device inspection fee. For the use of its Metrology Laboratory,  
9 the testing ~~testings~~ of weights and measures and such other  
10 inspection and services performed, the Department shall set a  
11 fee, the amount of which shall be according to a Schedule of  
12 Weights and Measures Inspection Fees established and published  
13 by the Director. The fees so collected and received by the  
14 State shall be deposited into a special fund to be known as the  
15 Weights and Measures Fund. All weights and measures inspection  
16 fees, metrology fees, weights and measures registrations, and  
17 weights and measures penalties collected by the Department  
18 under this Act shall be deposited into the Weights and Measures  
19 Fund. The amount annually collected shall be used by the  
20 Department for activities related to the enforcement of this  
21 Act and the Motor Fuel and Petroleum Standards Act, and for the  
22 State's share of the costs of the Field Automation Information  
23 Management project. No person shall be required to pay more  
24 than 2 inspection fees for any one weighing or measuring device  
25 in any one year when found to be accurate. When an inspection

1 is made upon a weighing or measuring device because of a  
2 complaint by a person other than the owner of such weighing or  
3 measuring device, and the device is found accurate as set forth  
4 in Section 8 of this Act, no inspection fee shall be paid by  
5 the complainant. Any time a weighing or measuring device is  
6 found to be inaccurate, the user shall pay the inspection fee.

7 If any person fails or refuses to pay, within 60 days after  
8 the issuance of notice from the Department, a fee authorized by  
9 this Section, the Department may prohibit that person from  
10 using commercial weighing and measuring devices. In addition to  
11 prohibiting the use of the device, the Department may also  
12 recover interest at the rate of 1% per month from the time the  
13 payment is owed to the Department until the time the Department  
14 recovers the fee.

15 (Source: P.A. 100-155, eff. 8-18-17.)

16 (225 ILCS 470/41) (from Ch. 147, par. 141)

17 Sec. 41. No person shall operate, upon the streets or  
18 highways of this State any vehicle tank used for commercial  
19 purposes unless such tank either is equipped with a meter or  
20 other device for measuring deliveries from the tank or has been  
21 calibrated for capacity and sealed by the Director. When a  
22 vehicle tank has been calibrated for capacity by the Director,  
23 he shall issue to the owner or operator a certificate of  
24 calibration in which is shown the calibrated capacity of each  
25 compartment. A copy of this certificate shall accompany the

1 vehicle tank at all times or kept on file available for  
2 examination either at the plant out of which the vehicle tank  
3 is operated or at a regional or principal Illinois office of  
4 the owner of the vehicle tank. Each compartment of a vehicle  
5 tank shall be marked with a statement of its capacity as  
6 defined by its indicator, located in a conspicuous place in  
7 letters and figures not less than one inch in height.  
8 ~~Enforcement of this Section is reserved to the Director or to~~  
9 ~~the sealer in a city having a population of 200,000 or greater~~  
10 ~~according to the latest official United States census.~~

11 (Source: P.A. 96-1333, eff. 7-27-10.)

12 (225 ILCS 470/9 rep.)

13 (225 ILCS 470/19 rep.)

14 (225 ILCS 470/20 rep.)

15 (225 ILCS 470/21 rep.)

16 Section 10. The Weights and Measures Act is amended by  
17 repealing Sections 9, 19, 20, and 21.