



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1366

Introduced 2/9/2017, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

225 ILCS 470/40

from Ch. 147, par. 140

225 ILCS 470/56.1

from Ch. 147, par. 156.1

Amends the Weights and Measures Act. Provides that if any person fails or refuses to pay, within 60 days after the issuance of notice from the Department, a fee authorized by the Section, the Department may prohibit that person from using commercial weighing and measuring devices. Provides that any penalty of \$2,500 or greater (currently, any penalty) not paid within 120 days (currently, 60 days) of issuance of notice from the Department shall be submitted to the Department of Revenue (currently, the Attorney General's office) for collection as provided under the Illinois State Collection Act of 1986. Provides that the Department may prohibit any person from using a commercial weighing or measuring device for failure to pay an administrative monetary penalty within 60 days of issuance of notice from the Department. Effective immediately.

LRB100 07349 SLF 17412 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 40 and 56.1 as follows:

6 (225 ILCS 470/40) (from Ch. 147, par. 140)

7 Sec. 40. Inspection fee; Weights and Measures Fund. The
8 Director and each sealer shall collect and receive from the
9 user of weights and measures a commercial weighing or measuring
10 device inspection fee. For the use of its Metrology Laboratory,
11 the testings of weights and measures and such other inspection
12 and services performed, the Department shall set a fee, the
13 amount of which shall be according to a Schedule of Weights and
14 Measures Inspection Fees established and published by the
15 Director. The fees so collected and received by the State shall
16 be deposited into a special fund to be known as the Weights and
17 Measures Fund. All weights and measures inspection fees,
18 metrology fees, weights and measures registrations, and
19 weights and measures penalties collected by the Department
20 under this Act shall be deposited into the Weights and Measures
21 Fund. The amount annually collected shall be used by the
22 Department for activities related to the enforcement of this
23 Act and the Motor Fuel and Petroleum Standards Act, and for the

1 State's share of the costs of the Field Automation Information
2 Management project. No person shall be required to pay more
3 than 2 inspection fees for any one weighing or measuring device
4 in any one year when found to be accurate. When an inspection
5 is made upon a weighing or measuring device because of a
6 complaint by a person other than the owner of such weighing or
7 measuring device, and the device is found accurate as set forth
8 in Section 8 of this Act, no inspection fee shall be paid by
9 the complainant. Any time a weighing or measuring device is
10 found to be inaccurate, the user shall pay the inspection fee.

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

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

20 (225 ILCS 470/56.1) (from Ch. 147, par. 156.1)

21 Sec. 56.1. Administrative penalties; judicial review. When
22 an administrative hearing is held, the hearing officer, upon
23 determination of any violation of any Section of this Act shall
24 levy the following administrative monetary penalties:

25 (A) A penalty of \$500 for a first violation.

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

3 (C) A penalty of \$2,500 for a third or subsequent
4 violation at the same location within 2 years of the second
5 violation.

6 The penalty so levied shall be collected by the Department.
7 Any penalty of \$2,500 or greater not paid within 120 ~~60~~ days of
8 issuance of notice from the Department shall be submitted to
9 the Department of Revenue ~~Attorney General's office~~ for
10 collection as provided under the Illinois State Collection Act
11 of 1986. The Department may prohibit any person from using a
12 commercial weighing or measuring device for failure to pay an
13 administrative monetary penalty within 60 days of issuance of
14 notice from the Department.

15 All final administrative decisions of the Department are
16 subject to judicial review under the Administrative Review Law.
17 The term "administrative decision" is defined as in Section
18 3-101 of the Code of Civil Procedure.

19 (Source: P.A. 96-1333, eff. 7-27-10; 97-333, eff. 8-12-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.