



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3666

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

225 ILCS 470/8.1

Amends the Weights and Measures Act. Provides that certificates of registration shall be renewed annually. Provides that if a registrant fails to renew a certificate of registration for more than one registration year, the registrant shall pass a qualifying examination for each type of weighing or measuring device the registrant intends to install, service, recondition, or repair before the registrant's certificate is renewed. Provides that, beginning with the 2020 registration year, a registrant must pass a qualifying examination for each type of weighing and measuring device the registrant intends to install, service, recondition, or repair. A registrant must retest every 5 years thereafter, provided the serviceperson, service agency, or special sealer is registered annually and remains in good standing. If a serviceperson, service agency, or special sealer fails to register with the Department of Agriculture, he or she must retest after a year lapse. Provides that for registrants who have been continuously registered for 5 or more years on the effective date of the amendatory Act, the Department shall require one-third to pass the examinations required by the Act in the 2020 registration year, one-third to pass the examinations required by the Act in the 2021 registration year, and one-third to pass the examinations required by the Act in the 2022 registration year. Provides that each serviceperson must be associated with a primary service agency. Provides that each service agency shall have at least one registered serviceperson prior to being qualified as a registered service agency. Makes changes concerning Placed in Service Reports. Makes other changes. Effective immediately.

LRB101 06908 JRG 51940 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 Section 8.1 as follows:

6 (225 ILCS 470/8.1)

7 Sec. 8.1. Registration of servicepersons, service agency
8 ~~agents~~, and special sealers. No person, firm, or corporation
9 shall ~~sell~~, install, service, recondition or repair a weighing
10 or measuring device used in trade or commerce without first
11 obtaining a certificate of registration. A certificate of
12 registration shall be renewed annually. Applications by
13 individuals for a certificate of registration shall be made to
14 the Department, ~~as shall be in writing on forms~~ prescribed by
15 the Department, and shall be accompanied by the required fee.

16 Each application shall provide such information that will
17 enable the Department to pass on the qualifications of the
18 applicant for the certificate of registration. The information
19 requests shall include present residence, location of the
20 business to be licensed under this Act, whether the applicant
21 has had any previous registration under this Act or any
22 federal, state, county, or local law, ordinance, or regulation
23 relating to servicepersons and service agencies ~~Agencies~~,

1 whether the applicant has ever had a registration suspended or
2 revoked, whether the applicant has been convicted of a felony,
3 and such other information as the Department deems necessary to
4 determine if the applicant is qualified to receive a
5 certificate of registration.

6 Before any certificate of registration is issued, the
7 Department shall require the registrant to meet the following
8 qualifications:

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

13 (2) Passes a qualifying examination for each type of
14 weighing or measuring device he intends to install,
15 service, recondition, or repair and as required under this
16 Section.

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

19 (4) Has a working knowledge of all appropriate weights
20 and measures laws and their rules and regulations.

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

23 (6) Pays the prescribed registration fee for the type
24 of registration:

25 (A) The annual fee for a Serviceperson Certificate
26 of Registration shall be \$30.

1 (B) The annual fee for a Special Sealer Certificate
2 of Registration shall be \$100.

3 (C) The annual fee for a Service Agency Certificate
4 of Registration shall be \$100.

5 If a registrant fails to renew a certificate of
6 registration for more than one registration year, the
7 registrant shall pass a qualifying examination for each type of
8 weighing and measuring device the registrant intends to
9 install, service, recondition, or repair before the
10 registrant's certificate of registration is renewed.

11 Beginning with the 2020 registration year, a registrant
12 must pass a qualifying examination for each type of weighing
13 and measuring device the registrant intends to install,
14 service, recondition, or repair. A registrant must retest every
15 5 years thereafter, provided the serviceperson, service
16 agency, or special sealer is registered annually and remains in
17 good standing. If a serviceperson, service agency, or special
18 sealer fails to register with the Department, he or she must
19 retest after a year lapse. For those registrants that have been
20 continuously registered for 5 or more years on the effective
21 date of this amendatory Act of the 101st General Assembly, the
22 Department shall require one-third of those registrants to pass
23 the examinations required under this Section in the 2020
24 registration year, one-third of those registrants to pass the
25 requisite examinations in the 2021 registration year, and
26 one-third of those registrants to pass the requisite

1 examinations in the 2022 registration year.

2 "Registrant" means any individual, partnership,
3 corporation, agency, firm, or company registered by the
4 Department who installs, services, repairs, or reconditions,
5 for hire, award, commission, or any other payment of any kind,
6 any commercial weighing or measuring device.

7 "Commercial weighing and measuring device" means any
8 weight or measure or weighing or measuring device commercially
9 used or employed (i) in establishing size, quantity, extent,
10 area, or measurement of quantities, things, produce, or
11 articles for distribution or consumption which are purchased,
12 offered, or submitted for sale, hire, or award, or (ii) in
13 computing any basic charge or payment for services rendered,
14 except as otherwise excluded by Section 2 of this Act, and
15 shall also include any accessory attached to or used in
16 connection with a commercial weighing or measuring device when
17 the accessory is so designed or installed that its operation
18 affects, or may affect, the accuracy of the device.

19 "Serviceperson" means any individual who ~~sells,~~ installs,
20 services, repairs, or reconditions, for hire, award,
21 commission, or any other payment of kind, a commercial weighing
22 or measuring device. Each serviceperson must be associated with
23 a primary service agency.

24 "Service agency" means any individual, agency, firm,
25 company, or corporation that, for hire, award, commission, or
26 any other payment of any kind, ~~sells,~~ installs, services,

1 repairs, or reconditions a commercial weighing or measuring
2 device. Each service agency shall have a registered
3 serviceperson prior to qualifying as a registered service
4 agency.

5 "Special sealer" means any serviceperson who is allowed to
6 service only one service agency's liquid petroleum meters or
7 liquid petroleum measuring devices.

8 Each registered service agency and serviceperson shall
9 have report forms, known as "Placed in Service Reports". An
10 original and 2 copies of these forms shall be executed and
11 shall include the assigned registration number for both the
12 registered serviceperson and the registered service agency for
13 each rejected or repaired device restored to service and for
14 each newly installed device placed in service. The report ~~(in~~
15 ~~the case where a registered serviceperson is representing a~~
16 ~~registered service agency both assigned registration numbers~~
17 ~~shall be included),~~ and shall be signed by a registered
18 serviceperson or by a registered serviceperson representing a
19 registered service agency. ~~for each rejected or repaired device~~
20 ~~restored to service and for each newly installed device placed~~
21 ~~in service.~~ Whenever a registered serviceperson or special
22 sealer places into service a weighing or measuring device,
23 there shall be affixed to the device indicator a decal provided
24 by the Department that indicates the device accuracy.

25 Within 5 days after a device is restored to service or
26 placed in service, the original of a properly executed "Placed

1 in Service Report", ~~together with any official rejection tag or~~
2 ~~seal removed from the device,~~ shall be submitted ~~mailed~~ to the
3 Department in a manner prescribed by the Department. A copy of
4 the report shall be handed to the owner or operator of the
5 device and a copy of the report shall be retained by the
6 service agency or serviceperson.

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

25 Persons working as apprentices are not subject to
26 registration if they work with and under the supervision of a

1 registered serviceperson.

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

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

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

12 All final administrative decisions of the Director under
13 this Section shall be subject to judicial review under the
14 Administrative Review Law. The term "administrative decision"
15 is defined as in Section 3-101 of the Code of Civil Procedure.

16 (Source: P.A. 96-1310, eff. 7-27-10; 96-1333, eff. 7-27-10;
17 97-333, eff. 8-12-11.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.