

SB1657



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1657

Introduced 2/26/2021, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

225 ILCS 470/8.1

Amends the Weights and Measures Act. Provides continuing education requirements for persons registered to install, service, recondition, or repair a weighing or measuring device used in trade or commerce. Provides for a phase-in process to apply continuing education requirements for persons currently registered to install, service, recondition, or repair a weighing or measuring device used in trade or commerce. Provides that applications and reports shall be filed in a manner prescribed by the Director of Agriculture (currently, in writing). Defines "continuing education course". Makes other changes.

LRB102 11702 SPS 17036 b

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 agencies
8 ~~agents~~, and special sealers.

9 (a) No person, firm, or corporation shall ~~sell~~, install,
10 service, recondition or repair a weighing or measuring device
11 used in trade or commerce without first obtaining a
12 certificate of registration. A certificate of registration
13 shall be renewed annually. Applications by individuals for a
14 certificate of registration shall be made to the Department,
15 in a manner ~~shall be in writing on forms~~ prescribed by the
16 Department, and shall be accompanied by the required fee.

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

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

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

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

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

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

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

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

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

26 (A) The annual fee for a Serviceperson Certificate

1 of Registration shall be \$30.

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

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

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

12 Beginning with the 2022 registration year, a registrant
13 must complete a continuing education course for each type of
14 weighing and measuring device the registrant intends to
15 install, service, recondition, or repair. A registrant must
16 complete a continuing education course every 5 years
17 thereafter, provided the serviceperson, service agency, or
18 special sealer is registered annually and remains in good
19 standing. If a serviceperson, service agency, or special
20 sealer fails to register with the Department, he or she must
21 retest after a year lapse. For those registrants that have
22 been continuously registered for 5 or more years on the
23 effective date of this amendatory Act of the 102nd General
24 Assembly, the Department shall require one-third of those
25 registrants to complete a continuing education course required
26 under this Section in the 2022 registration year, one-third of

1 those registrants to complete a continuing education course in
2 the 2023 registration year, and one-third of those registrants
3 to complete a continuing education course in the 2024
4 registration year.

5 (e) As used in this Section:

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

18 "Continuing education course" means an online course
19 prepared and provided by the Department. The continuing
20 education course shall be available through a link on the
21 Department's website and shall provide the registrant with
22 information concerning industry and Department practices. To
23 complete the continuing education course, the registrant is
24 required to review the educational materials but is not
25 required to pass an examination.

26 "Registrant" means any individual, partnership,

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

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

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

22 "Service agency" means any individual, agency, firm,
23 company, or corporation that, for hire, award, commission, or
24 any other payment of any kind, ~~sells,~~ installs, services,
25 repairs, or reconditions a commercial weighing or measuring
26 device. Each service agency shall have a registered

1 serviceperson prior to qualifying as a registered service
2 agency.

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

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

23 Within 5 days after a device is restored to service or
24 placed in service, the original of a properly executed "Placed
25 in Service Report", ~~together with any official rejection tag~~
26 ~~or seal removed from the device,~~ shall be submitted in a manner

1 prescribed by ~~mailed to~~ the Department. A copy of the report
2 shall be handed to the owner or operator of the device and a
3 copy of the report shall be retained by the service agency or
4 serviceperson.

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

24 (g) Persons working as apprentices are not subject to
25 registration if they work with and under the supervision of a
26 registered serviceperson.

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

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

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

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

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