

1 AN ACT concerning State government.

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) (from Ch. 147, par. 108.1)

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

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

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

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

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

12 (2) Passes a qualifying examination for each type of
13 weighing or measuring device he intends to install,
14 service, recondition, or repair.

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

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

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

21 (6) Pays the prescribed registration fee for the type
22 of registration:

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

25 (B) The annual fee for a Special Sealer Certificate
26 of Registration shall be \$100 ~~\$50~~.

1 (C) The annual fee for a Service Agency Certificate
2 of Registration shall be \$100 ~~\$50~~.

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

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

20 "Serviceperson" means any individual who sells, installs,
21 services, repairs, or reconditions, for hire, award,
22 commission, or any other payment of kind, a commercial weighing
23 or measuring device.

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.

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

20 Within 5 days after a device is restored to service or
21 placed in service, the original of a properly executed "Placed
22 in Service Report", together with any official rejection tag or
23 seal removed from the device, shall be mailed to the
24 Department. The duplicate copy of the report shall be handed to
25 the owner or operator of the device and the triplicate copy of
26 the report shall be retained by the service agency or

1 serviceperson.

2 A registered service agency and a registered serviceperson
3 shall submit, at least once every 2 years to the Department for
4 examination and certification, any standards and testing
5 equipment that are used, or are to be used, in the performance
6 of the service and testing functions with respect to weighing
7 and measuring devices for which competence is registered. A
8 registered serviceperson or agency shall not use in servicing
9 commercial weighing and measuring devices any standards or
10 testing equipment that have not been certified by the
11 Department.

12 When a serviceperson's or service agency's weights and
13 measures are carried to a National Institute of Standards and
14 Technology approved out-of-state weights and measures
15 laboratory for inspection and testing, the serviceperson or
16 service agency shall be responsible for providing the
17 Department a copy of the current certification of all weights
18 and measures used in the repair, service, or testing of
19 weighing or measuring devices within the State of Illinois.

20 All registered servicepersons placing into service scales
21 in excess of 30,000 pounds shall have a minimum of 10,000
22 pounds of State approved certified test weights to accurately
23 test a scale.

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

1 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 1 of the Administrative Review Law.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 Section 10. The Illinois Egg and Egg Products Act is
17 amended by changing Sections 6, 9, 10, 16, and 16.5 and by
18 adding Section 16.7 as follows:

19 (410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

20 Sec. 6. Candling; labeling; sales by producers; retail
21 sales; temperature requirements. All eggs sold at retail or
22 purchased by institutional consumers must be candled for
23 quality and graded for size.

24 A producer may sell on his own premises where eggs are

1 produced, direct to household consumers, for the consumer's
2 personal use and that consumer's non-paying guests, nest run
3 eggs without candling or grading those eggs.

4 All eggs designated for sale off the premises where the
5 entire flock is located, such as at farmers' markets, and at
6 retail or for institutional use must be candled and graded and
7 held in a place or room in which the temperature may not exceed
8 45 degrees Fahrenheit after processing. Nest run eggs shall be
9 held at 60 degrees Fahrenheit or less at all times. During
10 transportation, the egg temperature may not exceed 45 degrees
11 Fahrenheit.

12 Hatcheries buying eggs for hatching purposes from
13 producers under contract may sell their surplus eggs to a
14 licensed packer or handler provided that the hatchery shall
15 keep records which indicate the number of cases sold, the date
16 of sale and the name and address of the packer or handler
17 making the purchase.

18 All eggs candled or candled and graded outside the State
19 must meet Federal standards before they can be sold or offered
20 for sale in the State. No eggs may be offered for sale for
21 consumer use after the original 30-day candling date.

22 Each container of eggs offered for sale or sold at
23 wholesale or retail must be labeled in accordance with the
24 standards established by the Department showing grade, size,
25 packer identification, and candling date, and must ~~may~~ be
26 labeled with an expiration date, or other similar language as

1 specified by USDA standards, that is not later than 30 days
2 from the candling date for grade A eggs and not later than 15
3 days after the candling date for grade AA eggs.

4 The grade and size of eggs must be conspicuously marked in
5 bold face type on all consumer-size containers.

6 The size and height of lettering or numbering requirement
7 shall be set by regulation and shall conform as near as
8 possible to those required by Federal law.

9 All advertising of shell eggs for sale at retail for a
10 stated price shall contain the grade and size of the eggs. The
11 information contained in such advertising shall not be
12 misleading or deceptive. In cases of food-borne disease
13 outbreaks in which eggs are identified as the source of the
14 disease, all eggs from the flocks from which those
15 disease-causing eggs came shall be identified with a producer
16 identification or flock code number to control the movement of
17 those eggs.

18 (Source: P.A. 92-677, eff. 7-16-02.)

19 (410 ILCS 615/9) (from Ch. 56 1/2, par. 55-9)

20 Sec. 9. Licenses; fees. The Department shall issue a
21 license to any person upon receipt and approval of a proper
22 application and the required fee. The license fee and
23 classification of the license shall be established by rule.

24 A license must be obtained for each separate business
25 location and this license shall be posted in a conspicuous

1 place at the location for which it was purchased. Licenses are
2 non-transferable.

3 The application for an initial license may be filed at any
4 time prior to beginning business as an egg handler. The
5 licensing year for an egg license shall be July 1 through June
6 30. The egg license shall expire at the end of the licensing
7 year.

8 A penalty of \$50 shall be assessed for any renewal license
9 not renewed by July 1 of the year in which the license renewal
10 is due. This penalty shall be assessed in addition to the
11 license fee.

12 ~~The application for renewal of a license shall be filed~~
13 ~~with the Department annually by May 1.~~

14 ~~Any license that is in effect on the effective date of this~~
15 ~~Act shall remain in effect until the date of required renewal~~
16 ~~as set forth in the Act.~~

17 (Source: P.A. 89-154, eff. 7-19-95.)

18 (410 ILCS 615/10) (from Ch. 56 1/2, par. 55-10)

19 Sec. 10. Inspection fee. The Director shall set, by
20 regulation, a per case inspection fee which shall cover the
21 administrative and inspection costs of the program required by
22 the Act. In no case shall the rate exceed 11¢ ~~6¢~~ per each 30
23 dozen eggs or fraction thereof.

24 The inspection fee as set shall be imposed upon eggs
25 bearing a designated size and grade sold or offered for sale in

1 Illinois. The first handler in Illinois who packed and sold the
2 eggs must pay the prescribed inspection fee on those eggs. If
3 eggs are shipped into Illinois, the handler who invoiced the
4 eggs to Illinois must pay the fee. When the handler sells the
5 eggs, the inspection fee shall be charged in addition to the
6 sale price of the eggs and shall be remitted to the seller by
7 the purchaser. Each sales invoice shall indicate the amount of
8 inspection fee for the transaction. Eggs sold and shipped out
9 of the State of Illinois by Illinois packers are exempt from
10 the inspection fee.

11 The inspection fee shall be paid only once on the same
12 quantity of eggs so long as those eggs maintain their identity
13 by remaining in their original case, carton or package. All
14 inspection fees shall be paid into the "Agricultural Master
15 Fund" to the credit of a special account designated as the
16 "Auxiliary Egg Inspection Fund". All amounts credited to the
17 "Auxiliary Egg Inspection Fund" shall be used for the
18 enforcement of the provisions of this Act. The method and
19 manner of collecting the inspection fee levied, whether it be
20 by the use of stamps, monthly reporting and collecting from
21 dealers or any other method shall be prescribed by the Director
22 of Agriculture, pursuant to rules and regulations adopted for
23 this purpose as authorized under the provisions of this Act.

24 (Source: P.A. 92-677, eff. 7-16-02.)

1 Sec. 16. Effective November 1, 1975, no person shall engage
2 in the business of removing eggs from their shells, in the
3 manufacture of or preparation of frozen, liquid, desiccated or
4 any other forms of whole eggs, yolks, whites or any mixture of
5 yolks and whites for food purposes, with or without the
6 addition of any other wholesome ingredients, without first
7 obtaining an Egg Breaker's License from the Department. The
8 Department shall inspect the establishment and the equipment to
9 be used in the egg breaking establishment and shall also
10 ascertain if the establishment complies in method, equipment
11 and the rules and regulations in regard to sanitation, which
12 shall from time to time be established by the Department to
13 govern these establishments. If, after such inspection, it
14 appears that such establishment complies with the provisions of
15 the rules and regulations in regard to sanitation governing egg
16 breaking establishments, the Department shall issue an Egg
17 Breaker's License to the establishment, upon payment of the
18 required fee. Beginning on November 1, 2010, the license year
19 shall begin on November 1 and expire on June 30, 2011.
20 Thereafter, the license year shall begin on July 1 of each
21 year, and all licenses shall expire on June 30 of the following
22 year. ~~The license year shall begin on November 1, of each year~~
23 ~~and all licenses shall expire on October 31, of each year.~~ The
24 license fee shall be \$200 for a year or fraction thereof.

25 All liquid, frozen or dried egg products sold or offered
26 for sale shall be processed under continuous supervision of an

1 inspector of the Department or the United States Department of
2 Agriculture in an Official Plant as specified in the Egg
3 Products Inspection Act.

4 (Source: P.A. 91-357, eff. 7-29-99.)

5 (410 ILCS 615/16.5)

6 Sec. 16.5. Violations; administrative monetary penalties.

7 The Director is authorized to hold administrative hearings to
8 determine violations of this Act or the Department's rules and
9 regulations adopted under this Act. After finding that a
10 violation has occurred, the Director may impose administrative
11 monetary penalties as follows:

12 (1) Against a licensee who sells or offers for sale
13 non-inspected frozen, liquid, or dried egg products:

14 (A) \$500 for a first violation.

15 (B) \$1,000 for a second violation within 2 years
16 after the first violation.

17 (C) \$2,000 for a third or subsequent violation
18 within 2 years after the immediately preceding
19 violation.

20 (2) Against a licensee who makes a false, deceptive, or
21 misleading statement, representation, or assertion
22 concerning the quality, size, weight, or condition of, or
23 any other matter relating to advertising and selling, eggs
24 and egg products: ~~7, \$200.~~

25 (A) \$200 for a first violation.

1 (B) \$500 for a second violation within 2 years
2 after the first violation.

3 (C) \$1,000 for a third or subsequent violation
4 within 2 years after the immediately preceding
5 violation.

6 (3) Against a licensee who furnishes an invoice,
7 statement, or bill showing a standard of size, standard of
8 quality, representation of freshness, or any other
9 description of eggs or egg products that is false,
10 deceptive, or misleading in any particular: ~~,\$200.~~

11 (A) \$200 for a first violation.

12 (B) \$500 for a second violation within 2 years
13 after the first violation.

14 (C) \$1,000 for a third or subsequent violation
15 within 2 years after the immediately preceding
16 violation.

17 (4) Against any person who resists, hinders,
18 obstructs, or in any way interferes with any officer,
19 inspector, or employee of the Department in the discharge
20 of his or her duties under the provisions of this Act,
21 \$300.

22 (5) Against any person who buys, sells, trades, or
23 barters eggs in this State without having obtained a
24 license, \$300.

25 (6) For all other violations:

26 (A) \$200 ~~\$100~~ for a first violation.

1 (B) \$400 ~~\$200~~ for a second violation within 2 years
2 after the first violation.

3 (C) \$600 ~~\$400~~ for a third or subsequent violation
4 within 2 years after the immediately preceding
5 violation.

6 A penalty not paid within 60 days after it is due may be
7 submitted to the Attorney General's office or an approved
8 private collection agency for collection.

9 (Source: P.A. 89-154, eff. 7-19-95.)

10 (410 ILCS 615/16.7 new)

11 Sec. 16.7. Suspension and revocation of license.

12 (a) The Director may suspend a license if the Department
13 has reason to believe that any one or more of the following has
14 occurred:

15 (1) A licensee has made a material misstatement in an
16 application for an original or renewal license under this
17 Act.

18 (2) A licensee has violated this Act or any rules
19 adopted under this Act, and the violation or pattern of
20 violations indicates a danger to public health.

21 (3) A licensee has aided or abetted another in the
22 violation of this Act or any rule adopted under this Act,
23 and the violation or pattern of violations indicates a
24 danger to public health.

25 (4) A licensee has allowed his or her license to be

1 used by an unlicensed person.

2 (5) A licensee has been convicted of a felony violation
3 of this Act or any crime an essential element of which is
4 misstatement, fraud, or dishonesty.

5 (6) A licensee has made a false, deceptive, or
6 misleading statement, representation, or assertion
7 concerning the quality, size, weight, or condition of, or
8 any other matter relating to advertising and selling of,
9 eggs and egg products.

10 (7) A licensee has failed to possess the necessary
11 qualifications or to meet the requirements of this Act for
12 the issuance or holding of a license.

13 (b) Within 10 days after suspending a person's license, the
14 Department must commence an administrative hearing to
15 determine whether to reinstate or revoke the license. After the
16 Department schedules the administrative hearing, but no later
17 than 5 days before the scheduled hearing date, the Department
18 shall serve on the licensee written notice of the date, place,
19 and time of the hearing. The Department may serve this notice
20 by personal service on the licensee or by registered or
21 certified mail, return receipt requested, to the licensee's
22 place of business. After the hearing, the Director shall issue
23 an order either reinstating or revoking the license.

24 Section 15. The Illinois Pesticide Act is amended by
25 changing Sections 6, 11, 11.1, and 12 and by adding Section

1 13.3 as follows:

2 (415 ILCS 60/6) (from Ch. 5, par. 806)

3 Sec. 6. Registration.

4 1. Every pesticide which is distributed, sold, offered for
5 sale within this State, delivered for transportation or
6 transported in interstate commerce or between points within the
7 State through any point outside the State, shall be registered
8 with the Director or his designated agent, subject to
9 provisions of this Act. Such registration shall be renewed
10 annually with registrations expiring December 31 each year.
11 Registration is not required if a pesticide is shipped from one
12 plant or warehouse to another plant or warehouse by the same
13 person and is used solely at such plant or warehouse as a
14 constituent part to make a pesticide which is registered under
15 provisions of this Act and FIFRA.

16 2. Registration applicant shall file a statement with the
17 Director which shall include:

18 A. The name and address of the applicant and the name
19 and address of the person whose name will appear on the
20 label if different from the applicant's.

21 B. The name of the pesticide.

22 C. A copy of the labeling accompanying the pesticide
23 under customary conditions of distribution, sale and use,
24 including ingredient statement, direction for use, use
25 classification, and precautionary or warning statements.

1 3. The Director may require the submission of complete
2 formula data.

3 4. The Director may require a full description of tests
4 made and the results thereof, upon which the claims are based,
5 for any pesticide not registered pursuant to FIFRA, or on any
6 pesticide under consideration to be classified for restricted
7 use.

8 A. The Director will not consider data he required of
9 the initial registrant of a pesticide in support of another
10 applicants' registration unless the subsequent applicant
11 has obtained written permission to use such data.

12 B. In the case of renewal registration, the Director
13 may accept a statement only with respect to information
14 which is different from that furnished previously.

15 5. The Director may prescribe other requirements to support
16 a pesticide registration by regulation.

17 6. For the years preceding the year 2004, any registrant
18 desiring to register a pesticide product at any time during one
19 year shall pay the annual registration fee of \$100 per product
20 registered for that applicant. For the years 2004 through 2010
21 ~~and thereafter~~, the annual product registration fee is \$200 per
22 product. For the years 2011 and thereafter, the annual product
23 registration fee shall be \$300 per product.

24 In addition, for the years preceding the year 2004 any
25 business registering a pesticide product at any time during one
26 year shall pay the annual business registration fee of \$250.

1 For the years 2004 and thereafter, the annual business
2 registration fee shall be \$400. Each legal entity of the
3 business shall pay the annual business registration fee.

4 For the years preceding the year 2004, any applicant
5 requesting an experimental use permit shall pay the annual fee
6 of \$100 per permit and all special local need pesticide
7 registration applicants shall pay an annual fee of \$100 per
8 product. For the years 2004 through 2010 ~~and thereafter~~, the
9 annual experimental use permit fee and special local need
10 pesticide registration fee is \$200 per permit. For the years
11 2011 and thereafter, the annual experimental use permit and
12 special local need pesticide registration fee shall be \$300 per
13 product. Subsequent SLN registrations for a pesticide already
14 registered shall be exempted from the registration fee.

15 A. All registration accepted and approved by the
16 Director shall expire on the 31st day of December in any
17 one year unless cancelled. Registration for a special local
18 need may be granted for a specific period of time with the
19 approval date and expiration date specified.

20 B. If a registration for special local need granted by
21 the Director does not receive approval of the Administrator
22 of USEPA, the registration shall expire on the date of the
23 Administrator's disapproval.

24 7. Registrations approved and accepted by the Director and
25 in effect on the 31st day of December, for which renewal
26 application is made, shall continue in full force and effect

1 until the Director notifies the registrant that the renewal has
2 been approved and accepted or the registration is denied under
3 this Act. Renewal registration forms will be provided to
4 applicants by the Director.

5 8. If the renewal of a pesticide registration is not filed
6 within 30 days of the date of expiration, a penalty late
7 registration assessment of \$400 ~~\$300~~ per product shall apply in
8 lieu of the normal annual product registration fee. The late
9 registration assessment shall not apply if the applicant
10 furnishes an affidavit certifying that no unregulated
11 pesticide was distributed or sold during the period of
12 registration. The late assessment is not a bar to prosecution
13 for doing business without proper registry.

14 9. The Director may prescribe by regulation to allow
15 pesticide use for a special local need, pursuant to FIFRA.

16 10. The Director may prescribe by regulation the provisions
17 for and requirements of registering a pesticide intended for
18 experimental use.

19 11. The Director shall not make any lack of essentiality a
20 criterion for denial of registration of any pesticide. Where 2
21 pesticides meet the requirements, one should not be registered
22 in preference to the other.

23 12. It shall be the duty of the pesticide registrant to
24 properly dispose of any pesticide the registration of which has
25 been suspended, revoked or cancelled or which is otherwise not
26 properly registered in the State.

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 (415 ILCS 60/11) (from Ch. 5, par. 811)

3 Sec. 11. Certified Pesticide Applicators. No person shall
4 use or supervise the use of pesticides classified for
5 restricted use without a license issued by the Director.
6 Persons licensed or desiring to be licensed as certified
7 pesticide applicators shall comply with the certification
8 requirements as set forth in Section 9 of this Act in order to
9 protect public health and the environment, including injury to
10 the applicator or other persons using these pesticides.

11 An applicant for certification as a private pesticide
12 applicator shall meet qualification requirements prescribed by
13 regulation. The application for certification shall be made in
14 writing to the Director, on forms available from the Director
15 or the local county agricultural extension adviser's office and
16 be accompanied by payment of a \$10 license fee in the years
17 preceding the year 2001. During the years 2001, 2002, 2003,
18 2004, 2005, and 2006, the private pesticide applicator license
19 fee shall be \$15. During the years 2007 through 2010 ~~and~~
20 ~~thereafter~~, the private pesticide applicator license fee shall
21 be \$20. For the years 2011 and thereafter, the private
22 pesticide applicator license fee shall be \$30. A private
23 pesticide applicator shall be assessed a fee of \$5 for a
24 duplicate license. Such application shall include:

25 A. The full name of the applicant.

1 B. The mailing address of the applicant.

2 C. The documents required as evidence of competence and
3 knowledge regarding the use of pesticides.

4 Certification, as a private pesticide applicator, issued
5 by the Director shall be valid for a period prescribed by
6 regulation. The Director shall develop regulatory standards to
7 ensure that certified private pesticide applicators continue
8 to meet the requirements of a changing technology and assure a
9 continued level of competence and ability.

10 (Source: P.A. 90-205, eff. 1-1-98.)

11 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

12 Sec. 11.1. Public and Commercial Not-for-Hire License. No
13 public or commercial not-for-hire applicator shall use or
14 supervise the use of any pesticide without a license issued by
15 the Director. For the years 2011 and thereafter, the public or
16 commercial not-for-hire pesticide applicator license fee shall
17 be \$20. The late application fee for a public or commercial
18 not-for-hire applicator license shall be \$20 in addition to the
19 normal license fees. A public or commercial not-for-hire
20 applicator shall be assessed a fee of \$5 for a duplicate
21 license.

22 1. Application for certification as a commercial
23 not-for-hire pesticide applicator shall be made in writing on
24 designated forms available from the Director. Each application
25 shall contain information regarding the qualifications of the

1 applicant, classification of certification being sought, and
2 shall include the following:

- 3 A. The full name of the applicant.
- 4 B. The name of the applicant's employer.
- 5 C. The address at the applicant's place of employment.
- 6 D. Any other information prescribed by the Director on
7 the designated form.

8 2. The Director shall not issue a certification to a
9 commercial not-for-hire pesticide applicator until the
10 individual identified has demonstrated his competence and
11 knowledge regarding pesticide use in accordance with Section 9
12 of this Act.

13 3. The Director shall not renew a certification as a
14 commercial not-for-hire pesticide applicator until the
15 applicant reestablishes his qualifications in accordance with
16 Section 9 of this Act or has met other requirements imposed by
17 regulation in order to ensure that the applicant meets the
18 requirements of changing technology and to assure a continued
19 level of competence and ability.

20 4. Application for certification as a public pesticide
21 applicator shall be made in writing on designated forms
22 available from the Director. Each application shall contain
23 information regarding qualifications of applicant,
24 classification of certification being sought, and shall
25 include the following:

- 26 A. The full name of the applicant.

1 B. The name of the applicant's employer.

2 C. Any other information prescribed by the Director on
3 the designated form.

4 5. The Director shall not issue a certificate to a public
5 pesticide applicator until the individual identified has
6 demonstrated his competence and knowledge regarding pesticide
7 use in accordance with Section 9 of this Act.

8 6. The Director shall not renew a certification as a public
9 pesticide applicator until the applicant reestablishes his
10 qualifications in accordance with Section 9 of this Act or has
11 met other requirements imposed by regulation in order to ensure
12 that the applicant meets the requirements of changing
13 technology and to assure a continued level of competence and
14 ability.

15 7. Persons applying general use pesticides, approved by the
16 Inter-Agency Committee on the Use of Pesticides, to scrap tires
17 for the control of mosquitoes shall be exempt from the license
18 requirements of this Section.

19 (Source: P.A. 90-205, eff. 1-1-98.)

20 (415 ILCS 60/12) (from Ch. 5, par. 812)

21 Sec. 12. Licensed Operator. No pesticide operator shall use
22 any pesticides without a pesticide operator license issued by
23 the Director.

24 1. Application for an operator license shall be made in
25 writing on designated forms available from the Director. Each

1 application shall contain information regarding the nature of
2 applicants pesticide use, his qualifications, and such other
3 facts as prescribed on the form. The application shall also
4 include the following:

5 A. The full name of applicant.

6 B. The address of the applicant.

7 C. The name of and license/certification number of the
8 pesticide applicator under whom the applicant will work.

9 2. The Director shall not issue a pesticide operator
10 license until the individual identified has demonstrated his
11 competence and knowledge regarding pesticide use in accordance
12 with Section 9 of this Act.

13 3. The Director shall not issue an operator license to any
14 person who is unable to provide the name and
15 license/certification number of an applicator under whom the
16 operator will work.

17 4. For the years preceding the year 2001, a licensed
18 commercial operator working for or under the supervision of a
19 certified licensed commercial pesticide applicator shall pay
20 an annual fee of \$25. For the years 2001, 2002, and 2003, the
21 annual fee for a commercial operator license is \$30. For the
22 years 2004, 2005, and 2006, the annual fee for a commercial
23 operator license is \$35. For the years 2007 and thereafter, the
24 annual fee for a commercial operator license is \$40. The late
25 application fee for an operator license shall be \$20 in
26 addition to the normal license fee. A licensed operator shall

1 be assessed a fee of \$5 for a duplicate license.

2 5. For the years 2011 and thereafter, the public or
3 commercial not-for-hire pesticide operator license fee shall
4 be \$15. The late application fee for a public or commercial
5 not-for-hire applicator license shall be \$20 in addition to the
6 normal license fees. A public or commercial not-for-hire
7 operator shall be assessed a fee of \$5 for a duplicate license.

8 (Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

9 (415 ILCS 60/13.3 new)

10 Sec. 13.3. Agrichemical facility containment permits. An
11 agrchemical containment permit issued by the Department shall
12 be obtained for each existing and new agrichemical facility and
13 non-commercial agrichemical facility as defined by rules
14 promulgated by the Department. A permit fee of \$100 shall be
15 submitted to the Department with each permit application or
16 permit renewal application. All moneys collected under this
17 Section must be deposited into the Pesticide Control Fund.

18 Section 20. The Lawn Care Products Application and Notice
19 Act is amended by changing Section 5 as follows:

20 (415 ILCS 65/5) (from Ch. 5, par. 855)

21 Sec. 5. Containment of spills, wash water, and rinsate
22 collection.

23 (a) No loading of lawn care products for distribution to a

1 customer or washing or rinsing of pesticide residues from
2 vehicles, application equipment, mixing equipment, floors or
3 other items used for the storage, handling, preparation for
4 use, transport, or application of pesticides to lawns shall be
5 performed at a facility except in designated containment areas
6 in accordance with the requirements of this Section. A lawn
7 care containment permit, issued by the Department, shall be
8 obtained prior to the operation of the containment area. The
9 Department shall issue a lawn care containment permit when the
10 containment area or facility complies with the provisions of
11 this Section and the rules and regulations adopted under
12 Sections 5 and 6. A permit fee of \$100 shall be submitted to
13 the Department with each permit application or permit renewal
14 application. All moneys collected pursuant to this Section
15 shall be deposited into the Pesticide Control Fund.

16 (b) No later than January 1, 1993, containment areas shall
17 be in use in any facility as defined in this Act and no wash
18 water or rinsates may be released into the environment except
19 in accordance with applicable law. Containment areas shall
20 include the following requirements:

21 (1) The containment area shall be constructed of
22 concrete, asphalt or other impervious materials which
23 include, but are not limited to, polyethylene containment
24 pans and synthetic membrane liners. All containment area
25 materials shall be compatible with the lawncare products to
26 be contained.

1 (2) The containment area shall be designed to capture
2 spills, washwaters, and rinsates generated in the loading
3 of application devices, the lawncare product-related
4 servicing of vehicles, and the triple rinsing of pesticide
5 containers and to prevent the release of such spills,
6 washwaters, or rinsates to the environment other than as
7 described in paragraph (3) of this subsection (b).

8 (3) Spills, washwaters, and rinsates captured in the
9 containment area may be used in accordance with the label
10 rates of the lawncare products, reused as makeup water for
11 dilution of pesticides in preparation of application, or
12 disposed in accordance with applicable local, State and
13 federal regulations.

14 (c) The requirements of this Section shall not apply to
15 situations constituting an emergency where washing or rinsing
16 of pesticide residues from equipment or other items is
17 necessary to prevent imminent harm to human health or the
18 environment.

19 (d) The requirements of this Section shall not apply to
20 persons subject to the containment requirements of the Illinois
21 Pesticide Act or the Illinois Fertilizer Act of 1961 and any
22 rules or regulations adopted thereunder.

23 (Source: P.A. 92-113, eff. 7-20-01.)

24 Section 25. The Illinois Commercial Feed Act of 1961 is
25 amended by changing Sections 4 and 6 as follows:

1 (505 ILCS 30/4) (from Ch. 56 1/2, par. 66.4)

2 Sec. 4. Product Registration and Firm License.

3 (a) No person who manufactures feed in this State or whose
4 name appears on the label shall distribute a commercial feed
5 unless the person has secured a license under this Act on forms
6 provided by the Department which identify the name and address
7 of the firm and the location of each manufacturing facility of
8 that firm within this State. An application for the license
9 shall be accompanied by a fee of \$30 ~~\$25~~ for each year or any
10 portion thereof. All firm licenses shall expire December 31 of
11 each year. Each commercial feed shall be registered before
12 being distributed in this State, provided, however, that
13 customer-formula feeds are exempt from registration. The
14 application for registration shall be submitted to the Director
15 on forms furnished or acceptable to the Director. The
16 registration shall be accompanied by a label and such other
17 information as the Director may require describing the product.
18 All registrations are permanent unless amended or cancelled by
19 the registrant.

20 (b) A distributor shall not be required to register any
21 product which is already registered under this Act by another
22 person, unless the product has been repackaged or relabelled.

23 (c) Changes in the guarantee of either chemical or
24 ingredient composition of a registered product may be permitted
25 provided that such changes would not result in a lowering of

1 the feeding value of the product for the purpose for which
2 designed.

3 (d) The Director is empowered to refuse a product
4 registration or a firm license not in compliance with the
5 provisions of this Act and to suspend or revoke any product
6 registration or firm license subsequently found not to be in
7 compliance with any provision of this Act; provided, however,
8 that no product registration or firm license shall be refused
9 or revoked until an opportunity has been afforded the
10 respondent to be heard before the Director.

11 (Source: P.A. 87-664.)

12 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

13 Sec. 6. Inspection fees and reports.

14 (a) An inspection fee at the rate of 30 ~~20~~ cents per ton
15 shall be paid to the Director on commercial feed distributed in
16 this State by the person who first distributes the commercial
17 feed subject to the following:

18 (1) The inspection fee is not required on the first
19 distribution, if made to an Exempt Buyer, who with approval
20 from the Director, will become responsible for the fee.

21 (2) Customer-formula feeds are hereby exempted if the
22 inspection fee is paid on the commercial feeds which they
23 contain.

24 (3) A fee shall not be paid on a commercial feed if the
25 payment has been made by a previous distributor.

1 (4) In the case of pet food and specialty pet food
2 which are distributed in the State in packages of 10 pounds
3 or less, an annual fee of \$90 ~~\$75~~ shall be paid in lieu of
4 an inspection fee. The inspection fee required by
5 subsection (a) shall apply to pet food and specialty pet
6 food distribution in packages exceeding 10 pounds. All fees
7 collected pursuant to this Section shall be paid into the
8 Feed Control Fund in the State Treasury.

9 (b) The minimum inspection fee shall be \$25 every 6 months.

10 (c) Each person who is liable for the payment of the
11 inspection fee shall:

12 (1) File, not later than the last day of January and
13 July of each year, a statement setting forth the number of
14 net tons of commercial feeds distributed in this State
15 during the preceding calendar 6 months period; and upon
16 filing such statement shall pay the inspection fee at the
17 rate stated in paragraph (a) of this Section. This report
18 shall be made on a summary form provided by the Director or
19 on other forms as approved by the Director. If the tonnage
20 report is not filed and the inspection fee is not paid
21 within 15 days after the end of the filing date a
22 collection fee amounting to 10% of the inspection fee that
23 is due or \$50 whichever is greater, shall be assessed
24 against the person who is liable for the payment of the
25 inspection fee in addition to the inspection fee that is
26 due.

1 (2) Keep such records as may be necessary or required
2 by the Director to indicate accurately the tonnage of
3 commercial feed distributed in this State, and the Director
4 shall have the right to examine such records to verify
5 statements of tonnage. Failure to make an accurate
6 statement of tonnage or to pay the inspection fee or comply
7 as provided herein shall constitute sufficient cause for
8 the cancellation of all registrations or firm licenses on
9 file for the manufacturer or distributor.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 Section 30. The Animal Disease Laboratories Act is amended
12 by changing Section 1 as follows:

13 (510 ILCS 10/1) (from Ch. 8, par. 105.11)

14 Sec. 1. Laboratory services.

15 (a) The Department of Agriculture is authorized to
16 establish such additional number of animal disease
17 laboratories, not exceeding five, as may be necessary to serve
18 the livestock and poultry industry of the State.

19 (b) Such laboratories each shall be in charge of a licensed
20 veterinarian, who in addition to making serological blood
21 tests, shall be competent to make diagnoses of such cases of
22 livestock and poultry diseases as may be submitted to such
23 laboratories.

24 (c) The Department may enter into an arrangement with the

1 College of Veterinary Medicine of the University of Illinois
2 whereby any cases submitted to such laboratories which are not
3 susceptible of diagnosis in the field or by common laboratory
4 procedure, or upon which research is required, may be submitted
5 to such College of Veterinary Medicine for diagnosis or
6 research.

7 (d) The Department may establish and collect reasonable
8 fees for diagnostic services performed by such animal disease
9 laboratories. ~~However, no fees may be collected for diagnostic~~
10 ~~tests required by Illinois law.~~

11 (e) The Department may establish and collect reasonable
12 fees for providing analyses of research samples, out-of-state
13 samples, non-agricultural samples, and survey project samples.
14 These samples shall be defined by rule. The fees shall be
15 deposited into the Illinois Department of Agriculture
16 Laboratory Services Revolving Fund. ~~The fees collected shall~~
17 ~~not exceed the Department's actual cost to provide these~~
18 ~~services.~~

19 (f) Moneys collected under subsection (e) shall be
20 appropriated from the Illinois Department of Agriculture
21 Laboratory Services Revolving Fund solely for the purposes of
22 (1) testing specimens submitted in support of Department
23 programs established for animal health, welfare, and safety,
24 and the protection of Illinois consumers of Illinois
25 agricultural products, and (2) testing specimens submitted by
26 veterinarians and agency personnel to determine whether

1 chemically hazardous or biologically infectious substances or
2 other disease causing conditions are present.

3 (g) The Director may issue rules, consistent with the
4 provisions of this Act, for the administration and enforcement
5 of this Act. These rules shall be approved by the Advisory
6 Board of Livestock Commissioners.

7 (Source: P.A. 90-403, eff. 1-1-98.)

8 Section 35. The Livestock Management Facilities Act is
9 amended by changing Section 30 as follows:

10 (510 ILCS 77/30)

11 Sec. 30. Certified Livestock Manager. The Department shall
12 establish a Certified Livestock Manager program in conjunction
13 with the livestock industry that will enhance management skills
14 in critical areas, such as environmental awareness, safety
15 concerns, odor control techniques and technology, neighbor
16 awareness, current best management practices, and the
17 developing and implementing of manure management plans.

18 (a) Applicability. A livestock waste handling facility
19 serving 300 or greater animal units shall be operated only
20 under the supervision of a certified livestock manager. Not
21 withstanding the before-stated provision, a livestock waste
22 handling facility may be operated on an interim basis, but not
23 to exceed 6 months, to allow for the owner or operator of the
24 facility to become certified.

1 (b) A certification program shall include the following:

2 (1) A general working knowledge of best management
3 practices.

4 (2) A general working knowledge of livestock waste
5 handling practices and procedures.

6 (3) A general working knowledge of livestock
7 management operations and related safety issues.

8 (4) An awareness and understanding of the
9 responsibility of the owner or operator for all employees
10 who may be involved with waste handling.

11 (c) Any certification issued shall be valid for 3 years and
12 thereafter be subject to renewal. A renewal shall be valid for
13 a 3 year period and the procedures set forth in this Section
14 shall be followed. The Department may require anyone who is
15 certified to be recertified in less than 3 years for just cause
16 including but not limited to repeated complaints where
17 investigations reveal the need to improve management
18 practices.

19 (d) Methods for obtaining certified livestock manager
20 status.

21 (1) The owner or operator of a livestock waste handling
22 facility serving 300 or greater animal units but less than
23 1,000 animal units shall become a certified livestock
24 manager by:

25 (A) attending a training session conducted by the
26 Department of Agriculture, Cooperative Extension

1 Service, or any agriculture association, which has
2 been approved by or is in cooperation with the
3 Department; or

4 (B) in lieu of attendance at a training session,
5 successfully completing a written competency
6 examination.

7 (2) The owner or operator of a livestock waste handling
8 facility serving 1,000 or greater animal units shall become
9 a certified livestock manager by attending a training
10 session conducted by the Department of Agriculture,
11 Cooperative Extension Service, or any agriculture
12 association, which has been approved by or is in
13 cooperation with the Department and successfully
14 completing a written competency examination.

15 (e) The certified livestock manager certificate shall be
16 issued by the Department and shall indicate that the person
17 named on the certificate is certified as a livestock management
18 facility manager, the dates of certification, and when renewal
19 is due.

20 (f) For the years prior to 2011, the ~~The~~ Department shall
21 charge \$10 for the issuance or renewal of a certified livestock
22 manager certificate. For the years 2011 and thereafter, the
23 Department shall charge \$30 for the issuance or renewal of a
24 certified livestock manager certificate. The Department may,
25 by rule, establish fees to cover the costs of materials and
26 training for training sessions given by the Department.

1 (g) The owner or operator of a livestock waste handling
2 facility operating in violation of the provisions of subsection
3 (a) of this Section shall be issued a warning letter for the
4 first violation and shall be required to have a certified
5 manager for the livestock waste handling facility within 30
6 working days. For failure to comply with the warning letter
7 within the 30 day period, the person shall be fined an
8 administrative penalty of up to \$1,000 by the Department and
9 shall be required to enter into an agreement to have a
10 certified manager for the livestock waste handling facility
11 within 30 working days. For continued failure to comply, the
12 Department may issue an operational cease and desist order
13 until compliance is attained.

14 (Source: P.A. 89-456, eff. 5-21-96; 90-565, eff. 6-1-98.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	225 ILCS 470/8.1	from Ch. 147, par. 108.1
4	410 ILCS 615/6	from Ch. 56 1/2, par. 55-6
5	410 ILCS 615/9	from Ch. 56 1/2, par. 55-9
6	410 ILCS 615/10	from Ch. 56 1/2, par. 55-10
7	410 ILCS 615/16	from Ch. 56 1/2, par. 55-16
8	410 ILCS 615/16.5	
9	410 ILCS 615/16.7 new	
10	415 ILCS 60/6	from Ch. 5, par. 806
11	415 ILCS 60/11	from Ch. 5, par. 811
12	415 ILCS 60/11.1	from Ch. 5, par. 811.1
13	415 ILCS 60/12	from Ch. 5, par. 812
14	415 ILCS 60/13.3 new	
15	415 ILCS 65/5	from Ch. 5, par. 855
16	505 ILCS 30/4	from Ch. 56 1/2, par. 66.4
17	505 ILCS 30/6	from Ch. 56 1/2, par. 66.6
18	510 ILCS 10/1	from Ch. 8, par. 105.11
19	510 ILCS 77/30	