

AN ACT concerning State government.

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

Section 5. The Weights and Measures Act is amended by changing Section 8.1 as follows:

(225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

repairs, or reconditions a commercial weighing or measuring device.

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

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

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

serviceperson.

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

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

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

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

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

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

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

All final administrative decisions of the Director under this Section shall be subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 1 of the Administrative Review Law.

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

Section 10. The Illinois Egg and Egg Products Act is amended by changing Sections 6, 9, 10, 14.2, 16, and 16.5 and by adding Section 16.7 as follows:

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

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

A producer may sell on his own premises where eggs are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(410 ILCS 615/14.2) (from Ch. 56 1/2, par. 55-14.2)

Sec. 14.2. For the purpose of carrying out the provisions of this Act and the rules and regulations promulgated thereunder, the Department through its authorized inspectors or agents is empowered:

(a) To enter on any business day during the usual hours of business, any place or conveyance within the State where eggs are produced, candled, incubated, stored, packed, delivered for shipment, loaded, shipped, transported or sold. †

(b) To enter on any business day during the usual hours of business, with or without the presence of the owner, manager, or other responsible person, any restaurant kitchen or the kitchen and food storage area of any other public eating place including but not limited to hotels, boarding houses, hospitals, nursing homes, government institutions, or any other business facility or place in which eggs or egg products are stored, prepared, or offered as food for use by its patrons, residents, inmates, or patients. †

(c) To enter on any business day during the usual hours of business the cooking or food preparation area of any bakery where eggs and egg products are used in the manufacture of bakery products, with or without the presence of the owner or persons employed as bakers, or to enter at any time while those bakery products are being prepared.

(d) To sample any eggs or egg products for analysis or testing. Sample eggs or egg products shall be furnished at no cost to the Department.

(e) To inspect all invoices, eggs and egg products, and the cases and containers for eggs or egg products and the equipment found in the places or conveyances described in paragraph (a) and to seize and hold as evidence an advertisement, sign, placard, invoice, case or container of eggs or egg products, or all or any part of any pack, load, lot, consignment, or shipment of eggs or egg products packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provision of this Act. ~~Possession of a commodity described in this Section by any person engaged in the sale of that commodity is prima facie evidence that the commodity is for sale.~~

(f) To seize and hold any case or container of eggs or egg products from any person or business who is not licensed under Section 8 of this Act and is required to be licensed.

Possession of a commodity described in this Section by any person engaged in the sale of that commodity is prima facie evidence that the commodity is for sale.

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

(410 ILCS 615/16) (from Ch. 56 1/2, par. 55-16)

Sec. 16. Effective November 1, 1975, no person shall engage

in the business of removing eggs from their shells, in the manufacture of or preparation of frozen, liquid, desiccated or any other forms of whole eggs, yolks, whites or any mixture of yolks and whites for food purposes, with or without the addition of any other wholesome ingredients, without first obtaining an Egg Breaker's License from the Department. The Department shall inspect the establishment and the equipment to be used in the egg breaking establishment and shall also ascertain if the establishment complies in method, equipment and the rules and regulations in regard to sanitation, which shall from time to time be established by the Department to govern these establishments. If, after such inspection, it appears that such establishment complies with the provisions of the rules and regulations in regard to sanitation governing egg breaking establishments, the Department shall issue an Egg Breaker's License to the establishment, upon payment of the required fee. Beginning on November 1, 2010, the license year shall begin on November 1 and expire on June 30, 2011. Thereafter, the license year shall begin on July 1 of each year, and all licenses shall expire on June 30 of the following year. ~~The license year shall begin on November 1, of each year and all licenses shall expire on October 31, of each year.~~ The license fee shall be \$200 for a year or fraction thereof.

All liquid, frozen or dried egg products sold or offered for sale shall be processed under continuous supervision of an inspector of the Department or the United States Department of

Agriculture in an Official Plant as specified in the Egg Products Inspection Act.

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

(410 ILCS 615/16.5)

Sec. 16.5. Violations; administrative monetary penalties. The Director is authorized to hold administrative hearings to determine violations of this Act or the Department's rules and regulations adopted under this Act. After finding that a violation has occurred, the Director may impose administrative monetary penalties as follows:

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

(A) \$500 for a first violation.

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

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

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

(A) \$200 for a first violation.

(B) \$500 for a second violation within 2 years

after the first violation.

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

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

(A) \$200 for a first violation.

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

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

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

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

(6) For all other violations:

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

(B) \$400 ~~\$200~~ for a second violation within 2 years

after the first violation.

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

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

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

(410 ILCS 615/16.7 new)

Sec. 16.7. Suspension and revocation of license.

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

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

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

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

(4) A licensee has allowed his or her license to be used by an unlicensed person.

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

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

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

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

Section 15. The Illinois Pesticide Act is amended by changing Sections 6, 11, 11.1, and 12 and by adding Section 13.3 as follows:

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

Sec. 6. Registration.

1. Every pesticide which is distributed, sold, offered for sale within this State, delivered for transportation or transported in interstate commerce or between points within the State through any point outside the State, shall be registered with the Director or his designated agent, subject to provisions of this Act. Such registration shall be for a period determined under item 1.5 of this Section and shall expire on December 31st ~~be renewed annually with registrations expiring December 31 each year.~~ Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse by the same person and is used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under provisions of this Act and FIFRA.

1.5. In order to stagger product registrations, the Department shall, for the 2011 registration year, register half of the applicants and their products for one year and the other half for 2 years. Thereafter, a business registration and product registration shall be for 2 years.

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

A. The name and address of the applicant and the name and address of the person whose name will appear on the

label if different from the applicant's.

B. The name of the pesticide.

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

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

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

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

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

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

6. For the years preceding the year 2004, any registrant desiring to register a pesticide product at any time during one year shall pay the annual registration fee of \$100 per product registered for that applicant. For the years 2004 through 2010

~~and thereafter~~, the annual product registration fee is \$200 per product. For the years 2011 and thereafter, the product registration fee shall be \$300 per product per year and shall be paid at the time of registration.

In addition, for the years preceding the year 2004 any business registering a pesticide product at any time during one year shall pay the annual business registration fee of \$250. For the years 2004 through 2010 ~~and thereafter~~, the annual business registration fee shall be \$400. For the years 2011 and thereafter, the business registration fee shall be \$400 per year and shall be paid at the time of registration. Each legal entity of the business shall pay the ~~annual~~ business registration fee.

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

A. All registration accepted and approved by the Director shall expire on the 31st day of December in any

one year unless cancelled. Registration for a special local need may be granted for a specific period of time with the approval date and expiration date specified.

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

7. Registrations approved and accepted by the Director and in effect on the 31st day of December, for which renewal application is made, shall continue in full force and effect until the Director notifies the registrant that the renewal has been approved and accepted or the registration is denied under this Act. Renewal registration forms will be provided to applicants by the Director.

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

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

10. The Director may prescribe by regulation the provisions

for and requirements of registering a pesticide intended for experimental use.

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

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

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

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

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

An applicant for certification as a private pesticide applicator shall meet qualification requirements prescribed by regulation. The application for certification shall be made in writing to the Director, on forms available from the Director or the local county agricultural extension adviser's office and

be accompanied by payment of a \$10 license fee in the years preceding the year 2001. During the years 2001, 2002, 2003, 2004, 2005, and 2006, the private pesticide applicator license fee shall be \$15. During the years 2007 through 2010 ~~and thereafter~~, the private pesticide applicator license fee shall be \$20. For the years 2011 and thereafter, the private pesticide applicator license fee shall be \$30. A private pesticide applicator shall be assessed a fee of \$5 for a duplicate license. Such application shall include:

- A. The full name of the applicant.
- B. The mailing address of the applicant.
- C. The documents required as evidence of competence and knowledge regarding the use of pesticides.

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

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

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

Sec. 11.1. Public and Commercial Not-for-Hire License. No public or commercial not-for-hire applicator shall use or supervise the use of any pesticide without a license issued by the Director. For the years 2011 and thereafter, the public or

commercial not-for-hire pesticide applicator license fee shall be \$20. The late application fee for a public or commercial not-for-hire applicator license shall be \$20 in addition to the normal license fees. A public or commercial not-for-hire applicator shall be assessed a fee of \$5 for a duplicate license.

1. Application for certification as a commercial not-for-hire pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the qualifications of the applicant, classification of certification being sought, and shall include the following:

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

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

3. The Director shall not renew a certification as a commercial not-for-hire pesticide applicator until the applicant reestablishes his qualifications in accordance with Section 9 of this Act or has met other requirements imposed by

regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of competence and ability.

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

A. The full name of the applicant.

B. The name of the applicant's employer.

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

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

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

7. Persons applying general use pesticides, approved by the Inter-Agency Committee on the Use of Pesticides, to scrap tires

for the control of mosquitoes shall be exempt from the license requirements of this Section.

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

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

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

1. Application for an operator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the nature of applicants pesticide use, his qualifications, and such other facts as prescribed on the form. The application shall also include the following:

- A. The full name of applicant.
- B. The address of the applicant.
- C. The name of and license/certification number of the pesticide applicator under whom the applicant will work.

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

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

4. For the years preceding the year 2001, a licensed commercial operator working for or under the supervision of a certified licensed commercial pesticide applicator shall pay an annual fee of \$25. For the years 2001, 2002, and 2003, the annual fee for a commercial operator license is \$30. For the years 2004, 2005, and 2006, the annual fee for a commercial operator license is \$35. For the years 2007 and thereafter, the annual fee for a commercial operator license is \$40. The late application fee for an operator license shall be \$20 in addition to the normal license fee. A licensed operator shall be assessed a fee of \$5 for a duplicate license.

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

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

(415 ILCS 60/13.3 new)

Sec. 13.3. Agrichemical facility containment permits. An agrichemical containment permit issued by the Department shall be obtained for each existing and new agrichemical facility and non-commercial agrichemical facility as defined by rules promulgated by the Department. A permit fee of \$100 shall be submitted to the Department with each permit application or

permit renewal application. All moneys collected under this Section must be deposited into the Pesticide Control Fund.

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

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

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

(a) No loading of lawn care products for distribution to a customer or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors or other items used for the storage, handling, preparation for use, transport, or application of pesticides to lawns shall be performed at a facility except in designated containment areas in accordance with the requirements of this Section. A lawn care containment permit, issued by the Department, shall be obtained prior to the operation of the containment area. The Department shall issue a lawn care containment permit when the containment area or facility complies with the provisions of this Section and the rules and regulations adopted under Sections 5 and 6. A permit fee of \$100 shall be submitted to the Department with each permit application or permit renewal application. All moneys collected pursuant to this Section shall be deposited into the Pesticide Control Fund.

(b) No later than January 1, 1993, containment areas shall

be in use in any facility as defined in this Act and no wash water or rinsates may be released into the environment except in accordance with applicable law. Containment areas shall include the following requirements:

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

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

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

(c) The requirements of this Section shall not apply to situations constituting an emergency where washing or rinsing of pesticide residues from equipment or other items is

necessary to prevent imminent harm to human health or the environment.

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

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

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

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

Sec. 4. Product Registration and Firm License.

(a) No person who manufactures feed in this State or whose name appears on the label shall distribute a commercial feed unless the person has secured a license under this Act on forms provided by the Department which identify the name and address of the firm and the location of each manufacturing facility of that firm within this State. An application for the license shall be accompanied by a fee of \$30 ~~\$25~~ for each year or any portion thereof. All firm licenses shall expire December 31 of each year. Each commercial feed shall be registered before being distributed in this State, provided, however, that customer-formula feeds are exempt from registration. The application for registration shall be submitted to the Director on forms furnished or acceptable to the Director. The

registration shall be accompanied by a label and such other information as the Director may require describing the product. All registrations are permanent unless amended or cancelled by the registrant.

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

(c) Changes in the guarantee of either chemical or ingredient composition of a registered product may be permitted provided that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

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

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

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

Sec. 6. Inspection fees and reports.

(a) An inspection fee at the rate of 30 ~~20~~ cents per ton shall be paid to the Director on commercial feed distributed in

this State by the person who first distributes the commercial feed subject to the following:

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

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

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

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

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

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

(1) File, not later than the last day of January and July of each year, a statement setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar 6 months period; and upon filing such statement shall pay the inspection fee at the

rate stated in paragraph (a) of this Section. This report shall be made on a summary form provided by the Director or on other forms as approved by the Director. If the tonnage report is not filed and the inspection fee is not paid within 15 days after the end of the filing date a collection fee amounting to 10% of the inspection fee that is due or \$50 whichever is greater, shall be assessed against the person who is liable for the payment of the inspection fee in addition to the inspection fee that is due.

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

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

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

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

Sec. 1. Laboratory services.

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

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

(c) The Department may enter into an arrangement with the College of Veterinary Medicine of the University of Illinois whereby any cases submitted to such laboratories which are not susceptible of diagnosis in the field or by common laboratory procedure, or upon which research is required, may be submitted to such College of Veterinary Medicine for diagnosis or research.

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

(e) The Department may establish and collect reasonable fees for providing analyses of research samples, out-of-state samples, non-agricultural samples, and survey project samples. These samples shall be defined by rule. The fees shall be deposited into the Illinois Department of Agriculture Laboratory Services Revolving Fund. ~~The fees collected shall~~

~~not exceed the Department's actual cost to provide these services.~~

(f) Moneys collected under subsection (e) shall be appropriated from the Illinois Department of Agriculture Laboratory Services Revolving Fund solely for the purposes of (1) testing specimens submitted in support of Department programs established for animal health, welfare, and safety, and the protection of Illinois consumers of Illinois agricultural products, and (2) testing specimens submitted by veterinarians and agency personnel to determine whether chemically hazardous or biologically infectious substances or other disease causing conditions are present.

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

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

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

(510 ILCS 77/30)

Sec. 30. Certified Livestock Manager. The Department shall establish a Certified Livestock Manager program in conjunction with the livestock industry that will enhance management skills in critical areas, such as environmental awareness, safety

concerns, odor control techniques and technology, neighbor awareness, current best management practices, and the developing and implementing of manure management plans.

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

(b) A certification program shall include the following:

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

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

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

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

(c) Any certification issued shall be valid for 3 years and thereafter be subject to renewal. A renewal shall be valid for a 3 year period and the procedures set forth in this Section shall be followed. The Department may require anyone who is certified to be recertified in less than 3 years for just cause including but not limited to repeated complaints where

investigations reveal the need to improve management practices.

(d) Methods for obtaining certified livestock manager status.

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

(A) attending a training session conducted by the Department of Agriculture, Cooperative Extension Service, or any agriculture association, which has been approved by or is in cooperation with the Department; or

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

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

(e) The certified livestock manager certificate shall be issued by the Department and shall indicate that the person

named on the certificate is certified as a livestock management facility manager, the dates of certification, and when renewal is due.

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

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

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

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

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Statutes amended in order of appearance

225 ILCS 470/8.1	from Ch. 147, par. 108.1
410 ILCS 615/6	from Ch. 56 1/2, par. 55-6
410 ILCS 615/9	from Ch. 56 1/2, par. 55-9
410 ILCS 615/10	from Ch. 56 1/2, par. 55-10
410 ILCS 615/16	from Ch. 56 1/2, par. 55-16
410 ILCS 615/16.5	
410 ILCS 615/16.7 new	
415 ILCS 60/6	from Ch. 5, par. 806
415 ILCS 60/11	from Ch. 5, par. 811
415 ILCS 60/11.1	from Ch. 5, par. 811.1
415 ILCS 60/12	from Ch. 5, par. 812
415 ILCS 60/13.3 new	
415 ILCS 65/5	from Ch. 5, par. 855
505 ILCS 30/4	from Ch. 56 1/2, par. 66.4
505 ILCS 30/6	from Ch. 56 1/2, par. 66.6
510 ILCS 10/1	from Ch. 8, par. 105.11
510 ILCS 77/30	