



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3448

Introduced 2/14/2020, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

225 ILCS 470/8.1

Amends the Weights and Measures Act. Provides continuing education requirements for persons registered to install, service, recondition, or repair a weighing or measuring devices used in trade or commerce. Provides for phase-in process to apply continuing education requirements for persons currently registered to install, service, recondition, or repair a weighing or measuring devices used in trade or commerce. Changes the annual registration fee for servicepersons and special sealers in years in which the continuing education course must be completed. Provides that applications and reports shall be filed in a manner prescribed by the Director of Agriculture (currently, in writing). Defines "continuing education course".

LRB101 20398 JWD 69947 b

1 AN ACT concerning regulation.

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

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

6 (225 ILCS 470/8.1)

7 Sec. 8.1. Registration of servicepersons, service agencies
8 ~~agents~~, and special sealers.

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

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

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

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

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

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

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

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

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

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

26 (A) The annual fee for a Serviceperson Certificate

1 of Registration shall be \$30, except that in the year
2 that the continuing education course must be
3 completed, the fee shall be \$60.

4 (B) The annual fee for a Special Sealer Certificate
5 of Registration shall be \$100, except that in the year
6 that the continuing education course must be
7 completed, the fee shall be \$200.

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

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

16 Beginning with the 2020 registration year, a registrant
17 must complete a continuing education course for each type of
18 weighing and measuring device the registrant intends to
19 install, service, recondition, or repair. A registrant must
20 complete a continuing education course every 5 years
21 thereafter, provided the serviceperson, service agency, or
22 special sealer is registered annually and remains in good
23 standing. If a serviceperson, service agency, or special sealer
24 fails to register with the Department, he or she must retest
25 after a year lapse. For those registrants that have been
26 continuously registered for 5 or more years on the effective

1 date of this amendatory Act of the 101st General Assembly, the
2 Department shall require one-third of those registrants to
3 complete a continuing education course required under this
4 Section in the 2020 registration year, one-third of those
5 registrants to complete a continuing education course in the
6 2021 registration year, and one-third of those registrants to
7 complete a continuing education course in the 2022 registration
8 year.

9 (e) As used in this Section:

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

22 "Continuing education course" means an online course
23 prepared and provided by the Department. The continuing
24 education course shall be available through a link on the
25 Department's website and shall provide the registrant with
26 information concerning industry and Department practices. To

1 complete the continuing education course, the registrant is
2 required to review the educational materials but is not
3 required to pass an examination.

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

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

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

26 "Service agency" means any individual, agency, firm,

1 company, or corporation that, for hire, award, commission, or
2 any other payment of any kind, ~~sells,~~ installs, services,
3 repairs, or reconditions a commercial weighing or measuring
4 device. Each service agency shall have a registered
5 serviceperson prior to qualifying as a registered service
6 agency.

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

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

1 Within 5 days after a device is restored to service or
2 placed in service, the original of a properly executed "Placed
3 in Service Report", ~~together with any official rejection tag or~~
4 ~~seal removed from the device~~, shall be submitted in a manner
5 prescribed by ~~mailed to~~ the Department. A copy of the report
6 shall be handed to the owner or operator of the device and a
7 copy of the report shall be retained by the service agency or
8 serviceperson.

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

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

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

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

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

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

18 (Source: P.A. 96-1310, eff. 7-27-10; 96-1333, eff. 7-27-10;
19 97-333, eff. 8-12-11.)