



Sen. Scott M. Bennett

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10100SB3448sam001

LRB101 20398 CMG 71083 a

1 AMENDMENT TO SENATE BILL 3448

2 AMENDMENT NO. _____. Amend Senate Bill 3448 by replacing
3 everything after the enacting clause with the following:

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.

1 (b) Each application shall provide such information that
2 will enable the Department to pass on the qualifications of the
3 applicant for the certificate of registration. The information
4 requests shall include present residence, location of the
5 business to be licensed under this Act, whether the applicant
6 has had any previous registration under this Act or any
7 federal, state, county, or local law, ordinance, or regulation
8 relating to servicepersons and service agencies ~~Agencies~~,
9 whether the applicant has ever had a registration suspended or
10 revoked, whether the applicant has been convicted of a felony,
11 and such other information as the Department deems necessary to
12 determine if the applicant is qualified to receive a
13 certificate of registration.

14 (c) Before any certificate of registration is issued, the
15 Department shall require the registrant to meet the following
16 qualifications:

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

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

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

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

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

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

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

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

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

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

19 Beginning with the 2021 registration year, a registrant
20 must complete a continuing education course for each type of
21 weighing and measuring device the registrant intends to
22 install, service, recondition, or repair. A registrant must
23 complete a continuing education course every 5 years
24 thereafter, provided the serviceperson, service agency, or
25 special sealer is registered annually and remains in good
26 standing. If a serviceperson, service agency, or special sealer

1 fails to register with the Department, he or she must retest
2 after a year lapse. For those registrants that have been
3 continuously registered for 5 or more years on the effective
4 date of this amendatory Act of the 101st General Assembly, the
5 Department shall require one-third of those registrants to
6 complete a continuing education course required under this
7 Section in the 2021 registration year, one-third of those
8 registrants to complete a continuing education course in the
9 2022 registration year, and one-third of those registrants to
10 complete a continuing education course in the 2023 registration
11 year.

12 (e) As used in this Section:

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

25 "Continuing education course" means an online course
26 prepared and provided by the Department. The continuing

1 education course shall be available through a link on the
2 Department's website and shall provide the registrant with
3 information concerning industry and Department practices. To
4 complete the continuing education course, the registrant is
5 required to review the educational materials but is not
6 required to pass an examination.

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

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

24 "Serviceperson" means any individual who ~~sells,~~ installs,
25 services, repairs, or reconditions, for hire, award,
26 commission, or any other payment of kind, a commercial weighing

1 or measuring device. Each serviceperson must be associated with
2 a primary service agency.

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

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

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

1 sealer places into service a weighing or measuring device,
2 there shall be affixed to the device indicator a decal provided
3 by the Department that indicates the device accuracy.

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

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

1 field standard compliance to specifications and tolerance when
2 field standards are initially placed into service or at any
3 intermediate point between calibration, or both.

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

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

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

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

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

21 (Source: P.A. 96-1310, eff. 7-27-10; 96-1333, eff. 7-27-10;
22 97-333, eff. 8-12-11.)".