

AN ACT concerning regulation.

**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)

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

(a) 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. A certificate of registration shall be renewed annually. Applications by individuals for a certificate of registration shall be made to the Department, in a manner ~~shall be in writing on forms~~ prescribed by the Department, and shall be accompanied by the required fee.

(b) 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 ~~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.

(c) 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 or completes a continuing education course for each type of weighing or measuring device he intends to install, service, recondition, or repair as required under this Section.

(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.

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

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

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

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

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

(e) As used in this Section:

"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.

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

"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.

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"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. Each serviceperson must be associated with a primary service agency.

"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. Each service agency shall have a registered

serviceperson prior to qualifying as a registered service agency.

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

(f) Each registered service agency and serviceperson shall have report forms, known as "Placed in Service Reports". An original and 2 copies of these forms shall be executed and shall include the assigned registration number for both the registered serviceperson and the registered service agency for each rejected or repaired device restored to service and for each newly installed device placed in service. The report ~~(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 submitted in a manner

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

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

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

(h) 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 3-101 of the Code of Civil Procedure.

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