

1 AMENDMENT TO HOUSE BILL 548

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 548 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Structural Pest Control Act is amended  
5 by changing Section 21 as follows:

6 (225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 21. Penalty}. Any person who violates this Act or  
9 any rule or regulation adopted by the Department, or who  
10 violates any determination or order of the Department under  
11 this Act shall be guilty of a Class A misdemeanor and shall  
12 be fined a sum not less than \$100. A person convicted of a  
13 second or subsequent violation of subsections (a) or (f) of  
14 Section 4 of this Act is guilty of a Class 4 felony.

15 Each day's violation constitutes a separate offense. The  
16 State's Attorney of the county in which the violation  
17 occurred or the Attorney General shall bring such actions in  
18 the name of the people of the State of Illinois.

19 (Source: P.A. 82-725.)

20 Section 10. The Illinois Pesticide Act is amended by  
21 changing Section 24 as follows:

1 (415 ILCS 60/24) (from Ch. 5, par. 824)

2 Sec. 24. Criminal Penalties.

3 (a) ~~1~~: Except as otherwise provided in this Section, any  
4 person violating any provisions of this Act or regulations  
5 adopted thereunder is shall--be guilty of a Class A  
6 misdemeanor with a fine of not less than \$5,000.

7 (b) A retailer convicted of distributing or selling a  
8 pesticide that has never been registered with the United  
9 States Environmental Protection Agency shall be guilty of a  
10 Class A misdemeanor with a fine of not less than \$5,000. A  
11 retailer convicted of a second or subsequent violation of  
12 distributing or selling a pesticide that has never been  
13 registered with the United States Environmental Protection  
14 Agency shall be guilty of a Class 4 felony. For the purposes  
15 of this Section, "retailer" means a person who transfers  
16 ownership of or title to pesticides to a purchaser for use  
17 and who is not certified under the Structural Pest Control  
18 Act.

19 (c) A wholesaler who distributes or sells a pesticide  
20 that has never been registered with the United States  
21 Environmental Protection Agency shall be guilty of a Class 4  
22 felony for a first offense and shall be guilty of a Class 3  
23 felony for a second or subsequent offense. For the purposes  
24 of this Section, "wholesaler" means a person who sells or  
25 distributes pesticides to a retailer.

26 (Source: P.A. 85-177.)

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