



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4866**

Introduced 1/15/2010, by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Weights and Measures Act. Increases certain fees. Amends the Illinois Egg and Egg Products Act. Requires expiration dates to be printed on egg containers. Changes the dates upon which license years begin and end. Increases fees and fines. Authorizes the Director of Agriculture to suspend and revoke licenses under the Act. Amends the Illinois Pesticide Act. Increases the annual product registration fee, the annual experimental use permit fee, the special local need pesticide registration fee, the renewal fee for pesticide registrations, and the private pesticide applicator license fee. Authorizes the Department to collect a public or commercial not-for-hire pesticide applicator license fee, a public or commercial not-for-hire pesticide operator license fee, and associated late fees. Requires certain agrichemical facilities to apply for an agrichemical facility containment permit and to pay a permit fee. Amends the Lawn Care Products Application and Notice Act. Requires a permit fee to be submitted with each permit application and each permit renewal application. Amends the Illinois Commercial Feed Act of 1961. Increases certain license and inspection fees. Amends the Animal Disease Laboratories Act. Removes provisions prohibiting the Department from collecting diagnostic test fees and limiting its imposition of other fees. Amends the Livestock Management Facilities Act. Increases the fee for the issuance or renewal of a certified livestock manager certificate. Effective immediately.

LRB096 16632 JDS 31908 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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) (from Ch. 147, par. 108.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 repairs, or reconditions a commercial weighing or measuring  
2 device.

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

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

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

1 serviceperson.

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

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

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

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

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

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

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

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

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

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

19           (410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

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

24           A producer may sell on his own premises where eggs are

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

4 All eggs designated for sale off the premises where the  
5 entire flock is located, such as at farmers' markets, and at  
6 retail or for institutional use must be candled and graded and  
7 held in a place or room in which the temperature may not exceed  
8 45 degrees Fahrenheit after processing. Nest run eggs shall be  
9 held at 60 degrees Fahrenheit or less at all times. During  
10 transportation, the egg temperature may not exceed 45 degrees  
11 Fahrenheit.

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

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

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



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

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

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

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

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

19 (410 ILCS 615/9) (from Ch. 56 1/2, par. 55-9)

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

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

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

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

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

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

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

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

18 (410 ILCS 615/10) (from Ch. 56 1/2, par. 55-10)

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

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

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

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

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

1           Sec. 16. Effective November 1, 1975, no person shall engage  
2 in the business of removing eggs from their shells, in the  
3 manufacture of or preparation of frozen, liquid, desiccated or  
4 any other forms of whole eggs, yolks, whites or any mixture of  
5 yolks and whites for food purposes, with or without the  
6 addition of any other wholesome ingredients, without first  
7 obtaining an Egg Breaker's License from the Department. The  
8 Department shall inspect the establishment and the equipment to  
9 be used in the egg breaking establishment and shall also  
10 ascertain if the establishment complies in method, equipment  
11 and the rules and regulations in regard to sanitation, which  
12 shall from time to time be established by the Department to  
13 govern these establishments. If, after such inspection, it  
14 appears that such establishment complies with the provisions of  
15 the rules and regulations in regard to sanitation governing egg  
16 breaking establishments, the Department shall issue an Egg  
17 Breaker's License to the establishment, upon payment of the  
18 required fee. Beginning on November 1, 2010, the license year  
19 shall begin on November 1 and expire on June 30, 2011.  
20 Thereafter, the license year shall begin on July 1 of each  
21 year, and all licenses shall expire on June 30 of the following  
22 year. ~~The license year shall begin on November 1, of each year~~  
23 ~~and all licenses shall expire on October 31, of each year.~~ The  
24 license fee shall be \$200 for a year or fraction thereof.

25           All liquid, frozen or dried egg products sold or offered  
26 for sale shall be processed under continuous supervision of an

1 inspector of the Department or the United States Department of  
2 Agriculture in an Official Plant as specified in the Egg  
3 Products Inspection Act.

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

5 (410 ILCS 615/16.5)

6 Sec. 16.5. Violations; administrative monetary penalties.

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

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

14 (A) \$500 for a first violation.

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

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

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

25 (A) \$200 for a first violation.

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

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

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

11           (A) \$200 for a first violation.

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

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

17          (4) Against any person who resists, hinders,  
18          obstructs, or in any way interferes with any officer,  
19          inspector, or employee of the Department in the discharge  
20          of his or her duties under the provisions of this Act,  
21          \$300.

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

25          (6) For all other violations:

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

1 (B) \$400 ~~\$200~~ for a second violation within 2 years  
2 after the first violation.

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

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

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

10 (410 ILCS 615/16.7 new)

11 Sec. 16.7. Suspension and revocation of license.

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

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

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

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

25 (4) A licensee has allowed his or her license to be

1 used by an unlicensed person.

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

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

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

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

24 Section 15. The Illinois Pesticide Act is amended by  
25 changing Sections 6, 11, 11.1, and 12 and by adding Section



1 13.3 as follows:

2 (415 ILCS 60/6) (from Ch. 5, par. 806)

3 Sec. 6. Registration.

4 1. Every pesticide which is distributed, sold, offered for  
5 sale within this State, delivered for transportation or  
6 transported in interstate commerce or between points within the  
7 State through any point outside the State, shall be registered  
8 with the Director or his designated agent, subject to  
9 provisions of this Act. Such registration shall be renewed  
10 annually with registrations expiring December 31 each year.  
11 Registration is not required if a pesticide is shipped from one  
12 plant or warehouse to another plant or warehouse by the same  
13 person and is used solely at such plant or warehouse as a  
14 constituent part to make a pesticide which is registered under  
15 provisions of this Act and FIFRA.

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

18 A. The name and address of the applicant and the name  
19 and address of the person whose name will appear on the  
20 label if different from the applicant's.

21 B. The name of the pesticide.

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

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

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

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

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

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

17           6. For the years preceding the year 2004, any registrant  
18 desiring to register a pesticide product at any time during one  
19 year shall pay the annual registration fee of \$100 per product  
20 registered for that applicant. For the years 2004 through 2010  
21 ~~and thereafter~~, the annual product registration fee is \$200 per  
22 product. For the years 2011 and thereafter, the annual product  
23 registration fee shall be \$300 per product.

24           In addition, for the years preceding the year 2004 any  
25 business registering a pesticide product at any time during one  
26 year shall pay the annual business registration fee of \$250.

1 For the years 2004 and thereafter, the annual business  
2 registration fee shall be \$400. Each legal entity of the  
3 business shall pay the annual business registration fee.

4 For the years preceding the year 2004, any applicant  
5 requesting an experimental use permit shall pay the annual fee  
6 of \$100 per permit and all special local need pesticide  
7 registration applicants shall pay an annual fee of \$100 per  
8 product. For the years 2004 through 2010 ~~and thereafter~~, the  
9 annual experimental use permit fee and special local need  
10 pesticide registration fee is \$200 per permit. For the years  
11 2011 and thereafter, the annual experimental use permit and  
12 special local need pesticide registration fee shall be \$300 per  
13 product. Subsequent SLN registrations for a pesticide already  
14 registered shall be exempted from the registration fee.

15 A. All registration accepted and approved by the  
16 Director shall expire on the 31st day of December in any  
17 one year unless cancelled. Registration for a special local  
18 need may be granted for a specific period of time with the  
19 approval date and expiration date specified.

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

24 7. Registrations approved and accepted by the Director and  
25 in effect on the 31st day of December, for which renewal  
26 application is made, shall continue in full force and effect

1 until the Director notifies the registrant that the renewal has  
2 been approved and accepted or the registration is denied under  
3 this Act. Renewal registration forms will be provided to  
4 applicants by the Director.

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

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

16 10. The Director may prescribe by regulation the provisions  
17 for and requirements of registering a pesticide intended for  
18 experimental use.

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

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

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

2 (415 ILCS 60/11) (from Ch. 5, par. 811)

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

11 An applicant for certification as a private pesticide  
12 applicator shall meet qualification requirements prescribed by  
13 regulation. The application for certification shall be made in  
14 writing to the Director, on forms available from the Director  
15 or the local county agricultural extension adviser's office and  
16 be accompanied by payment of a \$10 license fee in the years  
17 preceding the year 2001. During the years 2001, 2002, 2003,  
18 2004, 2005, and 2006, the private pesticide applicator license  
19 fee shall be \$15. During the years 2007 through 2010 ~~and~~  
20 ~~thereafter~~, the private pesticide applicator license fee shall  
21 be \$20. For the years 2011 and thereafter, the private  
22 pesticide applicator license fee shall be \$30. A private  
23 pesticide applicator shall be assessed a fee of \$5 for a  
24 duplicate license. Such application shall include:

25 A. The full name of the applicant.

1 B. The mailing address of the applicant.

2 C. The documents required as evidence of competence and  
3 knowledge regarding the use of pesticides.

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

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

11 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

12 Sec. 11.1. Public and Commercial Not-for-Hire License. No  
13 public or commercial not-for-hire applicator shall use or  
14 supervise the use of any pesticide without a license issued by  
15 the Director. For the years 2011 and thereafter, the public or  
16 commercial not-for-hire pesticide applicator license fee shall  
17 be \$20. The late application fee for a public or commercial  
18 not-for-hire applicator license shall be \$20 in addition to the  
19 normal license fees. A public or commercial not-for-hire  
20 applicator shall be assessed a fee of \$5 for a duplicate  
21 license.

22 1. Application for certification as a commercial  
23 not-for-hire pesticide applicator shall be made in writing on  
24 designated forms available from the Director. Each application  
25 shall contain information regarding the qualifications of the

1 applicant, classification of certification being sought, and  
2 shall include the following:

3 A. The full name of the applicant.

4 B. The name of the applicant's employer.

5 C. The address at the applicant's place of employment.

6 D. Any other information prescribed by the Director on  
7 the designated form.

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

13 3. The Director shall not renew a certification as a  
14 commercial not-for-hire pesticide applicator until the  
15 applicant reestablishes his qualifications in accordance with  
16 Section 9 of this Act or has met other requirements imposed by  
17 regulation in order to ensure that the applicant meets the  
18 requirements of changing technology and to assure a continued  
19 level of competence and ability.

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

26 A. The full name of the applicant.

1           B. The name of the applicant's employer.

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

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

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

15          7. Persons applying general use pesticides, approved by the  
16          Inter-Agency Committee on the Use of Pesticides, to scrap tires  
17          for the control of mosquitoes shall be exempt from the license  
18          requirements of this Section.

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

20                 (415 ILCS 60/12) (from Ch. 5, par. 812)

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

24                 1. Application for an operator license shall be made in  
25          writing on designated forms available from the Director. Each



1 application shall contain information regarding the nature of  
2 applicants pesticide use, his qualifications, and such other  
3 facts as prescribed on the form. The application shall also  
4 include the following:

5 A. The full name of applicant.

6 B. The address of the applicant.

7 C. The name of and license/certification number of the  
8 pesticide applicator under whom the applicant will work.

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

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

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

1 be assessed a fee of \$5 for a duplicate license.

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

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

9 (415 ILCS 60/13.3 new)

10 Sec. 13.3. Agrichemical facility containment permits. An  
11 agrichemical containment permit issued by the Department shall  
12 be obtained for each existing and new agrichemical facility and  
13 non-commercial agrichemical facility as defined by rules  
14 promulgated by the Department. A permit fee of \$100 shall be  
15 submitted to the Department with each permit application or  
16 permit renewal application. All moneys collected under this  
17 Section must be deposited into the Pesticide Control Fund.

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

20 (415 ILCS 65/5) (from Ch. 5, par. 855)

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

23 (a) No loading of lawn care products for distribution to a

1 customer or washing or rinsing of pesticide residues from  
2 vehicles, application equipment, mixing equipment, floors or  
3 other items used for the storage, handling, preparation for  
4 use, transport, or application of pesticides to lawns shall be  
5 performed at a facility except in designated containment areas  
6 in accordance with the requirements of this Section. A lawn  
7 care containment permit, issued by the Department, shall be  
8 obtained prior to the operation of the containment area. The  
9 Department shall issue a lawn care containment permit when the  
10 containment area or facility complies with the provisions of  
11 this Section and the rules and regulations adopted under  
12 Sections 5 and 6. A permit fee of \$100 shall be submitted to  
13 the Department with each permit application or permit renewal  
14 application. All moneys collected pursuant to this Section  
15 shall be deposited into the Pesticide Control Fund.

16 (b) No later than January 1, 1993, containment areas shall  
17 be in use in any facility as defined in this Act and no wash  
18 water or rinsates may be released into the environment except  
19 in accordance with applicable law. Containment areas shall  
20 include the following requirements:

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

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

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

14          (c) The requirements of this Section shall not apply to  
15          situations constituting an emergency where washing or rinsing  
16          of pesticide residues from equipment or other items is  
17          necessary to prevent imminent harm to human health or the  
18          environment.

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

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

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

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

2 Sec. 4. Product Registration and Firm License.

3 (a) No person who manufactures feed in this State or whose  
4 name appears on the label shall distribute a commercial feed  
5 unless the person has secured a license under this Act on forms  
6 provided by the Department which identify the name and address  
7 of the firm and the location of each manufacturing facility of  
8 that firm within this State. An application for the license  
9 shall be accompanied by a fee of \$30 ~~\$25~~ for each year or any  
10 portion thereof. All firm licenses shall expire December 31 of  
11 each year. Each commercial feed shall be registered before  
12 being distributed in this State, provided, however, that  
13 customer-formula feeds are exempt from registration. The  
14 application for registration shall be submitted to the Director  
15 on forms furnished or acceptable to the Director. The  
16 registration shall be accompanied by a label and such other  
17 information as the Director may require describing the product.  
18 All registrations are permanent unless amended or cancelled by  
19 the registrant.

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

23 (c) Changes in the guarantee of either chemical or  
24 ingredient composition of a registered product may be permitted  
25 provided that such changes would not result in a lowering of

1 the feeding value of the product for the purpose for which  
2 designed.

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

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

12 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

13 Sec. 6. Inspection fees and reports.

14 (a) An inspection fee at the rate of 30 ~~20~~ cents per ton  
15 shall be paid to the Director on commercial feed distributed in  
16 this State by the person who first distributes the commercial  
17 feed subject to the following:

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

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

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

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

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

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

12                 (1) File, not later than the last day of January and  
13                 July of each year, a statement setting forth the number of  
14                 net tons of commercial feeds distributed in this State  
15                 during the preceding calendar 6 months period; and upon  
16                 filing such statement shall pay the inspection fee at the  
17                 rate stated in paragraph (a) of this Section. This report  
18                 shall be made on a summary form provided by the Director or  
19                 on other forms as approved by the Director. If the tonnage  
20                 report is not filed and the inspection fee is not paid  
21                 within 15 days after the end of the filing date a  
22                 collection fee amounting to 10% of the inspection fee that  
23                 is due or \$50 whichever is greater, shall be assessed  
24                 against the person who is liable for the payment of the  
25                 inspection fee in addition to the inspection fee that is  
26                 due.

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

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

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

13           (510 ILCS 10/1) (from Ch. 8, par. 105.11)

14           Sec. 1. Laboratory services.

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

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

24           (c) The Department may enter into an arrangement with the



1 College of Veterinary Medicine of the University of Illinois  
2 whereby any cases submitted to such laboratories which are not  
3 susceptible of diagnosis in the field or by common laboratory  
4 procedure, or upon which research is required, may be submitted  
5 to such College of Veterinary Medicine for diagnosis or  
6 research.

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

11 (e) The Department may establish and collect reasonable  
12 fees for providing analyses of research samples, out-of-state  
13 samples, non-agricultural samples, and survey project samples.  
14 These samples shall be defined by rule. The fees shall be  
15 deposited into the Illinois Department of Agriculture  
16 Laboratory Services Revolving Fund. ~~The fees collected shall~~  
17 ~~not exceed the Department's actual cost to provide these~~  
18 ~~services.~~

19 (f) Moneys collected under subsection (e) shall be  
20 appropriated from the Illinois Department of Agriculture  
21 Laboratory Services Revolving Fund solely for the purposes of  
22 (1) testing specimens submitted in support of Department  
23 programs established for animal health, welfare, and safety,  
24 and the protection of Illinois consumers of Illinois  
25 agricultural products, and (2) testing specimens submitted by  
26 veterinarians and agency personnel to determine whether

1 chemically hazardous or biologically infectious substances or  
2 other disease causing conditions are present.

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

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

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

10 (510 ILCS 77/30)

11 Sec. 30. Certified Livestock Manager. The Department shall  
12 establish a Certified Livestock Manager program in conjunction  
13 with the livestock industry that will enhance management skills  
14 in critical areas, such as environmental awareness, safety  
15 concerns, odor control techniques and technology, neighbor  
16 awareness, current best management practices, and the  
17 developing and implementing of manure management plans.

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

1 (b) A certification program shall include the following:

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

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

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

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

11 (c) Any certification issued shall be valid for 3 years and  
12 thereafter be subject to renewal. A renewal shall be valid for  
13 a 3 year period and the procedures set forth in this Section  
14 shall be followed. The Department may require anyone who is  
15 certified to be recertified in less than 3 years for just cause  
16 including but not limited to repeated complaints where  
17 investigations reveal the need to improve management  
18 practices.

19 (d) Methods for obtaining certified livestock manager  
20 status.

21 (1) The owner or operator of a livestock waste handling  
22 facility serving 300 or greater animal units but less than  
23 1,000 animal units shall become a certified livestock  
24 manager by:

25 (A) attending a training session conducted by the  
26 Department of Agriculture, Cooperative Extension

1 Service, or any agriculture association, which has  
2 been approved by or is in cooperation with the  
3 Department; or

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

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

15 (e) The certified livestock manager certificate shall be  
16 issued by the Department and shall indicate that the person  
17 named on the certificate is certified as a livestock management  
18 facility manager, the dates of certification, and when renewal  
19 is due.

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

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

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

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

1		INDEX
2		Statutes amended in order of appearance
3	225 ILCS 470/8.1	from Ch. 147, par. 108.1
4	410 ILCS 615/6	from Ch. 56 1/2, par. 55-6
5	410 ILCS 615/9	from Ch. 56 1/2, par. 55-9
6	410 ILCS 615/10	from Ch. 56 1/2, par. 55-10
7	410 ILCS 615/16	from Ch. 56 1/2, par. 55-16
8	410 ILCS 615/16.5	
9	410 ILCS 615/16.7 new	
10	415 ILCS 60/6	from Ch. 5, par. 806
11	415 ILCS 60/11	from Ch. 5, par. 811
12	415 ILCS 60/11.1	from Ch. 5, par. 811.1
13	415 ILCS 60/12	from Ch. 5, par. 812
14	415 ILCS 60/13.3 new	
15	415 ILCS 65/5	from Ch. 5, par. 855
16	505 ILCS 30/4	from Ch. 56 1/2, par. 66.4
17	505 ILCS 30/6	from Ch. 56 1/2, par. 66.6
18	510 ILCS 10/1	from Ch. 8, par. 105.11
19	510 ILCS 77/30	