

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, 14.2, 16, and 16.5 and
18 by 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.)

25 (410 ILCS 615/14.2) (from Ch. 56 1/2, par. 55-14.2)

1 Sec. 14.2. For the purpose of carrying out the provisions
2 of this Act and the rules and regulations promulgated
3 thereunder, the Department through its authorized inspectors
4 or agents is empowered:

5 (a) To enter on any business day during the usual hours
6 of business, any place or conveyance within the State where
7 eggs are produced, candled, incubated, stored, packed,
8 delivered for shipment, loaded, shipped, transported or
9 sold. †

10 (b) To enter on any business day during the usual hours
11 of business, with or without the presence of the owner,
12 manager, or other responsible person, any restaurant
13 kitchen or the kitchen and food storage area of any other
14 public eating place including but not limited to hotels,
15 boarding houses, hospitals, nursing homes, government
16 institutions, or any other business facility or place in
17 which eggs or egg products are stored, prepared, or offered
18 as food for use by its patrons, residents, inmates, or
19 patients. †

20 (c) To enter on any business day during the usual hours
21 of business the cooking or food preparation area of any
22 bakery where eggs and egg products are used in the
23 manufacture of bakery products, with or without the
24 presence of the owner or persons employed as bakers, or to
25 enter at any time while those bakery products are being
26 prepared.

1 (d) To sample any eggs or egg products for analysis or
2 testing. Sample eggs or egg products shall be furnished at
3 no cost to the Department.

4 (e) To inspect all invoices, eggs and egg products, and
5 the cases and containers for eggs or egg products and the
6 equipment found in the places or conveyances described in
7 paragraph (a) and to seize and hold as evidence an
8 advertisement, sign, placard, invoice, case or container
9 of eggs or egg products, or all or any part of any pack,
10 load, lot, consignment, or shipment of eggs or egg products
11 packed, stored, delivered for shipment, loaded, shipped,
12 transported, or sold in violation of any provision of this
13 Act. ~~Possession of a commodity described in this Section by
14 any person engaged in the sale of that commodity is prima
15 facie evidence that the commodity is for sale.~~

16 (f) To seize and hold any case or container of eggs or
17 egg products from any person or business who is not
18 licensed under Section 8 of this Act and is required to be
19 licensed.

20 Possession of a commodity described in this Section by any
21 person engaged in the sale of that commodity is prima facie
22 evidence that the commodity is for sale.

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

24 (410 ILCS 615/16) (from Ch. 56 1/2, par. 55-16)

25 Sec. 16. Effective November 1, 1975, no person shall engage

1 in the business of removing eggs from their shells, in the
2 manufacture of or preparation of frozen, liquid, desiccated or
3 any other forms of whole eggs, yolks, whites or any mixture of
4 yolks and whites for food purposes, with or without the
5 addition of any other wholesome ingredients, without first
6 obtaining an Egg Breaker's License from the Department. The
7 Department shall inspect the establishment and the equipment to
8 be used in the egg breaking establishment and shall also
9 ascertain if the establishment complies in method, equipment
10 and the rules and regulations in regard to sanitation, which
11 shall from time to time be established by the Department to
12 govern these establishments. If, after such inspection, it
13 appears that such establishment complies with the provisions of
14 the rules and regulations in regard to sanitation governing egg
15 breaking establishments, the Department shall issue an Egg
16 Breaker's License to the establishment, upon payment of the
17 required fee. Beginning on November 1, 2010, the license year
18 shall begin on November 1 and expire on June 30, 2011.
19 Thereafter, the license year shall begin on July 1 of each
20 year, and all licenses shall expire on June 30 of the following
21 year. ~~The license year shall begin on November 1, of each year~~
22 ~~and all licenses shall expire on October 31, of each year.~~ The
23 license fee shall be \$200 for a year or fraction thereof.

24 All liquid, frozen or dried egg products sold or offered
25 for sale shall be processed under continuous supervision of an
26 inspector of the Department or the United States Department of

1 Agriculture in an Official Plant as specified in the Egg
2 Products Inspection Act.

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

4 (410 ILCS 615/16.5)

5 Sec. 16.5. Violations; administrative monetary penalties.

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

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

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

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

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

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

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

25 (B) \$500 for a second violation within 2 years

1 after the first violation.

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

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

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

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

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

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

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

24 (6) For all other violations:

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

26 (B) \$400 ~~\$200~~ for a second violation within 2 years

1 after the first violation.

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

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

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

9 (410 ILCS 615/16.7 new)

10 Sec. 16.7. Suspension and revocation of license.

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

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

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

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

24 (4) A licensee has allowed his or her license to be
25 used by an unlicensed person.

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

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

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

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

23 Section 15. The Illinois Pesticide Act is amended by
24 changing Sections 6, 11, 11.1, and 12 and by adding Section
25 13.3 as follows:

1 (415 ILCS 60/6) (from Ch. 5, par. 806)

2 Sec. 6. Registration.

3 1. Every pesticide which is distributed, sold, offered for
4 sale within this State, delivered for transportation or
5 transported in interstate commerce or between points within the
6 State through any point outside the State, shall be registered
7 with the Director or his designated agent, subject to
8 provisions of this Act. Such registration shall be for a period
9 determined under item 1.5 of this Section and shall expire on
10 December 31st ~~be renewed annually with registrations expiring~~
11 ~~December 31 each year.~~ Registration is not required if a
12 pesticide is shipped from one plant or warehouse to another
13 plant or warehouse by the same person and is used solely at
14 such plant or warehouse as a constituent part to make a
15 pesticide which is registered under provisions of this Act and
16 FIFRA.

17 1.5. In order to stagger product registrations, the
18 Department shall, for the 2011 registration year, register half
19 of the applicants and their products for one year and the other
20 half for 2 years. Thereafter, a business registration and
21 product registration shall be for 2 years.

22 2. Registration applicant shall file a statement with the
23 Director which shall include:

24 A. The name and address of the applicant and the name
25 and address of the person whose name will appear on the

1 label if different from the applicant's.

2 B. The name of the pesticide.

3 C. A copy of the labeling accompanying the pesticide
4 under customary conditions of distribution, sale and use,
5 including ingredient statement, direction for use, use
6 classification, and precautionary or warning statements.

7 3. The Director may require the submission of complete
8 formula data.

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

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

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

21 5. The Director may prescribe other requirements to support
22 a pesticide registration by regulation.

23 6. For the years preceding the year 2004, any registrant
24 desiring to register a pesticide product at any time during one
25 year shall pay the annual registration fee of \$100 per product
26 registered for that applicant. For the years 2004 through 2010

1 ~~and thereafter~~, the annual product registration fee is \$200 per
2 product. For the years 2011 and thereafter, the product
3 registration fee shall be \$300 per product per year and shall
4 be paid at the time of registration.

5 In addition, for the years preceding the year 2004 any
6 business registering a pesticide product at any time during one
7 year shall pay the annual business registration fee of \$250.
8 For the years 2004 through 2010 ~~and thereafter~~, the annual
9 business registration fee shall be \$400. For the years 2011 and
10 thereafter, the business registration fee shall be \$400 per
11 year and shall be paid at the time of registration. Each legal
12 entity of the business shall pay the ~~annual~~ business
13 registration fee.

14 For the years preceding the year 2004, any applicant
15 requesting an experimental use permit shall pay the annual fee
16 of \$100 per permit and all special local need pesticide
17 registration applicants shall pay an annual fee of \$100 per
18 product. For the years 2004 through 2010 ~~and thereafter~~, the
19 annual experimental use permit fee and special local need
20 pesticide registration fee is \$200 per permit. For the years
21 2011 and thereafter, the annual experimental use permit and
22 special local need pesticide registration fee shall be \$300 per
23 product. Subsequent SLN registrations for a pesticide already
24 registered shall be exempted from the registration fee.

25 A. All registration accepted and approved by the
26 Director shall expire on the 31st day of December in any

1 one year unless cancelled. Registration for a special local
2 need may be granted for a specific period of time with the
3 approval date and expiration date specified.

4 B. If a registration for special local need granted by
5 the Director does not receive approval of the Administrator
6 of USEPA, the registration shall expire on the date of the
7 Administrator's disapproval.

8 7. Registrations approved and accepted by the Director and
9 in effect on the 31st day of December, for which renewal
10 application is made, shall continue in full force and effect
11 until the Director notifies the registrant that the renewal has
12 been approved and accepted or the registration is denied under
13 this Act. Renewal registration forms will be provided to
14 applicants by the Director.

15 8. If the renewal of a pesticide registration is not filed
16 within 30 days of the date of expiration, a penalty late
17 registration assessment of \$400 ~~\$300~~ per product shall apply in
18 lieu of the normal annual product registration fee. The late
19 registration assessment shall not apply if the applicant
20 furnishes an affidavit certifying that no unregulated
21 pesticide was distributed or sold during the period of
22 registration. The late assessment is not a bar to prosecution
23 for doing business without proper registry.

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

26 10. The Director may prescribe by regulation the provisions

1 for and requirements of registering a pesticide intended for
2 experimental use.

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

7 12. It shall be the duty of the pesticide registrant to
8 properly dispose of any pesticide the registration of which has
9 been suspended, revoked or cancelled or which is otherwise not
10 properly registered in the State.

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

12 (415 ILCS 60/11) (from Ch. 5, par. 811)

13 Sec. 11. Certified Pesticide Applicators. No person shall
14 use or supervise the use of pesticides classified for
15 restricted use without a license issued by the Director.
16 Persons licensed or desiring to be licensed as certified
17 pesticide applicators shall comply with the certification
18 requirements as set forth in Section 9 of this Act in order to
19 protect public health and the environment, including injury to
20 the applicator or other persons using these pesticides.

21 An applicant for certification as a private pesticide
22 applicator shall meet qualification requirements prescribed by
23 regulation. The application for certification shall be made in
24 writing to the Director, on forms available from the Director
25 or the local county agricultural extension adviser's office and

1 be accompanied by payment of a \$10 license fee in the years
2 preceding the year 2001. During the years 2001, 2002, 2003,
3 2004, 2005, and 2006, the private pesticide applicator license
4 fee shall be \$15. During the years 2007 through 2010 ~~and~~
5 ~~thereafter~~, the private pesticide applicator license fee shall
6 be \$20. For the years 2011 and thereafter, the private
7 pesticide applicator license fee shall be \$30. A private
8 pesticide applicator shall be assessed a fee of \$5 for a
9 duplicate license. Such application shall include:

10 A. The full name of the applicant.

11 B. The mailing address of the applicant.

12 C. The documents required as evidence of competence and
13 knowledge regarding the use of pesticides.

14 Certification, as a private pesticide applicator, issued
15 by the Director shall be valid for a period prescribed by
16 regulation. The Director shall develop regulatory standards to
17 ensure that certified private pesticide applicators continue
18 to meet the requirements of a changing technology and assure a
19 continued level of competence and ability.

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

21 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

22 Sec. 11.1. Public and Commercial Not-for-Hire License. No
23 public or commercial not-for-hire applicator shall use or
24 supervise the use of any pesticide without a license issued by
25 the Director. For the years 2011 and thereafter, the public or

1 commercial not-for-hire pesticide applicator license fee shall
2 be \$20. The late application fee for a public or commercial
3 not-for-hire applicator license shall be \$20 in addition to the
4 normal license fees. A public or commercial not-for-hire
5 applicator shall be assessed a fee of \$5 for a duplicate
6 license.

7 1. Application for certification as a commercial
8 not-for-hire pesticide applicator shall be made in writing on
9 designated forms available from the Director. Each application
10 shall contain information regarding the qualifications of the
11 applicant, classification of certification being sought, and
12 shall include the following:

13 A. The full name of the applicant.

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

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

16 D. Any other information prescribed by the Director on
17 the designated form.

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

23 3. The Director shall not renew a certification as a
24 commercial not-for-hire pesticide applicator until the
25 applicant reestablishes his qualifications in accordance with
26 Section 9 of this Act or has met other requirements imposed by

1 regulation in order to ensure that the applicant meets the
2 requirements of changing technology and to assure a continued
3 level of competence and ability.

4 4. Application for certification as a public pesticide
5 applicator shall be made in writing on designated forms
6 available from the Director. Each application shall contain
7 information regarding qualifications of applicant,
8 classification of certification being sought, and shall
9 include the following:

10 A. The full name of the applicant.

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

12 C. Any other information prescribed by the Director on
13 the designated form.

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

18 6. The Director shall not renew a certification as a public
19 pesticide applicator until the applicant reestablishes his
20 qualifications in accordance with Section 9 of this Act or has
21 met other requirements imposed by regulation in order to ensure
22 that the applicant meets the requirements of changing
23 technology and to assure a continued level of competence and
24 ability.

25 7. Persons applying general use pesticides, approved by the
26 Inter-Agency Committee on the Use of Pesticides, to scrap tires

1 for the control of mosquitoes shall be exempt from the license
2 requirements of this Section.

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

4 (415 ILCS 60/12) (from Ch. 5, par. 812)

5 Sec. 12. Licensed Operator. No pesticide operator shall use
6 any pesticides without a pesticide operator license issued by
7 the Director.

8 1. Application for an operator license shall be made in
9 writing on designated forms available from the Director. Each
10 application shall contain information regarding the nature of
11 applicants pesticide use, his qualifications, and such other
12 facts as prescribed on the form. The application shall also
13 include the following:

14 A. The full name of applicant.

15 B. The address of the applicant.

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

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

22 3. The Director shall not issue an operator license to any
23 person who is unable to provide the name and
24 license/certification number of an applicator under whom the
25 operator will work.

1 4. For the years preceding the year 2001, a licensed
2 commercial operator working for or under the supervision of a
3 certified licensed commercial pesticide applicator shall pay
4 an annual fee of \$25. For the years 2001, 2002, and 2003, the
5 annual fee for a commercial operator license is \$30. For the
6 years 2004, 2005, and 2006, the annual fee for a commercial
7 operator license is \$35. For the years 2007 and thereafter, the
8 annual fee for a commercial operator license is \$40. The late
9 application fee for an operator license shall be \$20 in
10 addition to the normal license fee. A licensed operator shall
11 be assessed a fee of \$5 for a duplicate license.

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

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

19 (415 ILCS 60/13.3 new)

20 Sec. 13.3. Agrichemical facility containment permits. An
21 agrchemical containment permit issued by the Department shall
22 be obtained for each existing and new agrichemical facility and
23 non-commercial agrichemical facility as defined by rules
24 promulgated by the Department. A permit fee of \$100 shall be
25 submitted to the Department with each permit application or

1 permit renewal application. All moneys collected under this
2 Section must be deposited into the Pesticide Control Fund.

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

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

6 Sec. 5. Containment of spills, wash water, and rinsate
7 collection.

8 (a) No loading of lawn care products for distribution to a
9 customer or washing or rinsing of pesticide residues from
10 vehicles, application equipment, mixing equipment, floors or
11 other items used for the storage, handling, preparation for
12 use, transport, or application of pesticides to lawns shall be
13 performed at a facility except in designated containment areas
14 in accordance with the requirements of this Section. A lawn
15 care containment permit, issued by the Department, shall be
16 obtained prior to the operation of the containment area. The
17 Department shall issue a lawn care containment permit when the
18 containment area or facility complies with the provisions of
19 this Section and the rules and regulations adopted under
20 Sections 5 and 6. A permit fee of \$100 shall be submitted to
21 the Department with each permit application or permit renewal
22 application. All moneys collected pursuant to this Section
23 shall be deposited into the Pesticide Control Fund.

24 (b) No later than January 1, 1993, containment areas shall

1 be in use in any facility as defined in this Act and no wash
2 water or rinsates may be released into the environment except
3 in accordance with applicable law. Containment areas shall
4 include the following requirements:

5 (1) The containment area shall be constructed of
6 concrete, asphalt or other impervious materials which
7 include, but are not limited to, polyethylene containment
8 pans and synthetic membrane liners. All containment area
9 materials shall be compatible with the lawncare products to
10 be contained.

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

18 (3) Spills, washwaters, and rinsates captured in the
19 containment area may be used in accordance with the label
20 rates of the lawncare products, reused as makeup water for
21 dilution of pesticides in preparation of application, or
22 disposed in accordance with applicable local, State and
23 federal regulations.

24 (c) The requirements of this Section shall not apply to
25 situations constituting an emergency where washing or rinsing
26 of pesticide residues from equipment or other items is

1 necessary to prevent imminent harm to human health or the
2 environment.

3 (d) The requirements of this Section shall not apply to
4 persons subject to the containment requirements of the Illinois
5 Pesticide Act or the Illinois Fertilizer Act of 1961 and any
6 rules or regulations adopted thereunder.

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

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

10 (505 ILCS 30/4) (from Ch. 56 1/2, par. 66.4)

11 Sec. 4. Product Registration and Firm License.

12 (a) No person who manufactures feed in this State or whose
13 name appears on the label shall distribute a commercial feed
14 unless the person has secured a license under this Act on forms
15 provided by the Department which identify the name and address
16 of the firm and the location of each manufacturing facility of
17 that firm within this State. An application for the license
18 shall be accompanied by a fee of \$30 ~~\$25~~ for each year or any
19 portion thereof. All firm licenses shall expire December 31 of
20 each year. Each commercial feed shall be registered before
21 being distributed in this State, provided, however, that
22 customer-formula feeds are exempt from registration. The
23 application for registration shall be submitted to the Director
24 on forms furnished or acceptable to the Director. The

1 registration shall be accompanied by a label and such other
2 information as the Director may require describing the product.
3 All registrations are permanent unless amended or cancelled by
4 the registrant.

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

8 (c) Changes in the guarantee of either chemical or
9 ingredient composition of a registered product may be permitted
10 provided that such changes would not result in a lowering of
11 the feeding value of the product for the purpose for which
12 designed.

13 (d) The Director is empowered to refuse a product
14 registration or a firm license not in compliance with the
15 provisions of this Act and to suspend or revoke any product
16 registration or firm license subsequently found not to be in
17 compliance with any provision of this Act; provided, however,
18 that no product registration or firm license shall be refused
19 or revoked until an opportunity has been afforded the
20 respondent to be heard before the Director.

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

22 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

23 Sec. 6. Inspection fees and reports.

24 (a) An inspection fee at the rate of 30 ~~20~~ cents per ton
25 shall be paid to the Director on commercial feed distributed in

1 this State by the person who first distributes the commercial
2 feed subject to the following:

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

6 (2) Customer-formula feeds are hereby exempted if the
7 inspection fee is paid on the commercial feeds which they
8 contain.

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

11 (4) In the case of pet food and specialty pet food
12 which are distributed in the State in packages of 10 pounds
13 or less, an annual fee of \$90 ~~\$75~~ shall be paid in lieu of
14 an inspection fee. The inspection fee required by
15 subsection (a) shall apply to pet food and specialty pet
16 food distribution in packages exceeding 10 pounds. All fees
17 collected pursuant to this Section shall be paid into the
18 Feed Control Fund in the State Treasury.

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

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

22 (1) File, not later than the last day of January and
23 July of each year, a statement setting forth the number of
24 net tons of commercial feeds distributed in this State
25 during the preceding calendar 6 months period; and upon
26 filing such statement shall pay the inspection fee at the

1 rate stated in paragraph (a) of this Section. This report
2 shall be made on a summary form provided by the Director or
3 on other forms as approved by the Director. If the tonnage
4 report is not filed and the inspection fee is not paid
5 within 15 days after the end of the filing date a
6 collection fee amounting to 10% of the inspection fee that
7 is due or \$50 whichever is greater, shall be assessed
8 against the person who is liable for the payment of the
9 inspection fee in addition to the inspection fee that is
10 due.

11 (2) Keep such records as may be necessary or required
12 by the Director to indicate accurately the tonnage of
13 commercial feed distributed in this State, and the Director
14 shall have the right to examine such records to verify
15 statements of tonnage. Failure to make an accurate
16 statement of tonnage or to pay the inspection fee or comply
17 as provided herein shall constitute sufficient cause for
18 the cancellation of all registrations or firm licenses on
19 file for the manufacturer or distributor.

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

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

23 (510 ILCS 10/1) (from Ch. 8, par. 105.11)

24 Sec. 1. Laboratory services.

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

5 (b) Such laboratories each shall be in charge of a licensed
6 veterinarian, who in addition to making serological blood
7 tests, shall be competent to make diagnoses of such cases of
8 livestock and poultry diseases as may be submitted to such
9 laboratories.

10 (c) The Department may enter into an arrangement with the
11 College of Veterinary Medicine of the University of Illinois
12 whereby any cases submitted to such laboratories which are not
13 susceptible of diagnosis in the field or by common laboratory
14 procedure, or upon which research is required, may be submitted
15 to such College of Veterinary Medicine for diagnosis or
16 research.

17 (d) The Department may establish and collect reasonable
18 fees for diagnostic services performed by such animal disease
19 laboratories. ~~However, no fees may be collected for diagnostic~~
20 ~~tests required by Illinois law.~~

21 (e) The Department may establish and collect reasonable
22 fees for providing analyses of research samples, out-of-state
23 samples, non-agricultural samples, and survey project samples.
24 These samples shall be defined by rule. The fees shall be
25 deposited into the Illinois Department of Agriculture
26 Laboratory Services Revolving Fund. ~~The fees collected shall~~

1 ~~not exceed the Department's actual cost to provide these~~
2 ~~services.~~

3 (f) Moneys collected under subsection (e) shall be
4 appropriated from the Illinois Department of Agriculture
5 Laboratory Services Revolving Fund solely for the purposes of
6 (1) testing specimens submitted in support of Department
7 programs established for animal health, welfare, and safety,
8 and the protection of Illinois consumers of Illinois
9 agricultural products, and (2) testing specimens submitted by
10 veterinarians and agency personnel to determine whether
11 chemically hazardous or biologically infectious substances or
12 other disease causing conditions are present.

13 (g) The Director may issue rules, consistent with the
14 provisions of this Act, for the administration and enforcement
15 of this Act. These rules shall be approved by the Advisory
16 Board of Livestock Commissioners.

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

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

20 (510 ILCS 77/30)

21 Sec. 30. Certified Livestock Manager. The Department shall
22 establish a Certified Livestock Manager program in conjunction
23 with the livestock industry that will enhance management skills
24 in critical areas, such as environmental awareness, safety

1 concerns, odor control techniques and technology, neighbor
2 awareness, current best management practices, and the
3 developing and implementing of manure management plans.

4 (a) Applicability. A livestock waste handling facility
5 serving 300 or greater animal units shall be operated only
6 under the supervision of a certified livestock manager. Not
7 withstanding the before-stated provision, a livestock waste
8 handling facility may be operated on an interim basis, but not
9 to exceed 6 months, to allow for the owner or operator of the
10 facility to become certified.

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

12 (1) A general working knowledge of best management
13 practices.

14 (2) A general working knowledge of livestock waste
15 handling practices and procedures.

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

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

21 (c) Any certification issued shall be valid for 3 years and
22 thereafter be subject to renewal. A renewal shall be valid for
23 a 3 year period and the procedures set forth in this Section
24 shall be followed. The Department may require anyone who is
25 certified to be recertified in less than 3 years for just cause
26 including but not limited to repeated complaints where

1 investigations reveal the need to improve management
2 practices.

3 (d) Methods for obtaining certified livestock manager
4 status.

5 (1) The owner or operator of a livestock waste handling
6 facility serving 300 or greater animal units but less than
7 1,000 animal units shall become a certified livestock
8 manager by:

9 (A) attending a training session conducted by the
10 Department of Agriculture, Cooperative Extension
11 Service, or any agriculture association, which has
12 been approved by or is in cooperation with the
13 Department; or

14 (B) in lieu of attendance at a training session,
15 successfully completing a written competency
16 examination.

17 (2) The owner or operator of a livestock waste handling
18 facility serving 1,000 or greater animal units shall become
19 a certified livestock manager by attending a training
20 session conducted by the Department of Agriculture,
21 Cooperative Extension Service, or any agriculture
22 association, which has been approved by or is in
23 cooperation with the Department and successfully
24 completing a written competency examination.

25 (e) The certified livestock manager certificate shall be
26 issued by the Department and shall indicate that the person

1 named on the certificate is certified as a livestock management
2 facility manager, the dates of certification, and when renewal
3 is due.

4 (f) For the years prior to 2011, the ~~The~~ Department shall
5 charge \$10 for the issuance or renewal of a certified livestock
6 manager certificate. For the years 2011 and thereafter, the
7 Department shall charge \$30 for the issuance or renewal of a
8 certified livestock manager certificate. The Department may,
9 by rule, establish fees to cover the costs of materials and
10 training for training sessions given by the Department.

11 (g) The owner or operator of a livestock waste handling
12 facility operating in violation of the provisions of subsection
13 (a) of this Section shall be issued a warning letter for the
14 first violation and shall be required to have a certified
15 manager for the livestock waste handling facility within 30
16 working days. For failure to comply with the warning letter
17 within the 30 day period, the person shall be fined an
18 administrative penalty of up to \$1,000 by the Department and
19 shall be required to enter into an agreement to have a
20 certified manager for the livestock waste handling facility
21 within 30 working days. For continued failure to comply, the
22 Department may issue an operational cease and desist order
23 until compliance is attained.

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

25 Section 99. Effective date. This Act takes effect upon
26 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	