



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2573

Introduced 1/13/2010, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

See Index

Amends the Weights and Measures Act. Authorizes the use of the specifications and tolerances in National Institute of Standards and Technology Handbook 105-8 as weights and measures standards. Authorizes the Director to accept calibration and verification reports from certain laboratories in lieu of the otherwise required submission of physical standards. Requires the sealers of a city having a population of 25,000 or more to attend an annual training workshop in order to exercise certain powers and duties ordinarily delegated to the Director of Agriculture. Changes the date upon which sealers must file an annual report with the Department of Agriculture. Authorizes the Department to collect interest on overdue fees. Increases monetary penalties for violations. Deletes cross references to several provisions that have been repealed. Makes other technical changes. Amends the Soil Conservation Domestic Allotment Act. Replaces a provision requiring the Department to formulate an annual State plan with a provision authorizing the Department to formulate that plan. Repeals a provision requiring the Department's annual report to cover the administration of those plans. Amends the Motor Fuel and Petroleum Standards Act. Creates an octane requirement for midgrade gasoline and increases the octane requirement for premium and super grade gasoline. Deletes provisions that establish labeling requirements for biodiesel blends. Increases monetary penalties for violations. Effective immediately.

LRB096 16631 JDS 31907 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 Sections 2, 6, 7, 8, 8.1, 10, 11, 12, 13, 14, 15, 16,
6 19, 20, 21, 23, 26, 30, 40, 41, 52, 54, 55, 56, and 56.1 as
7 follows:

8 (225 ILCS 470/2) (from Ch. 147, par. 102)

9 Sec. 2. Definitions. As used in this Act:

10 "Person" means both singular and plural as the case
11 demands, and includes individuals, partnerships, corporations,
12 companies, societies and associations.

13 "Weights and measures" means all weights and measures of
14 every kind, instruments and devices for weighing and measuring,
15 and any appliances and accessories associated with any or all
16 such instruments and devices, including all grain moisture
17 measuring devices, but does not include meters for the
18 measurement of electricity, gas (natural or manufactured) or
19 water operated in a public utility system. These electricity
20 meters, gas meters, and water meters, and their appliances or
21 accessories, and slo flo meters, are specifically excluded from
22 the scope and applicability of this Act.

23 "Sell" and "sale" includes barter and exchange.

1 "Director" means the Director of Agriculture.

2 "Department" means the Department of Agriculture.

3 "Inspector" means an inspector of weights and measures of
4 this State.

5 "Sealer" and "deputy sealer" mean, respectively, a sealer
6 of weights and measures and a deputy sealer of weights and
7 measures of a city.

8 "Intrastate commerce" means any and all commerce or trade
9 that is commenced, conducted and completed wholly within the
10 limits of this State, and the phrase "introduced into
11 intrastate commerce" means the time and place at which the
12 first sale and delivery being made either directly to the
13 purchaser or to a carrier for shipment to the purchaser.

14 "Commodity in package form" means a commodity put up or
15 packaged in any manner in advance of sale in units suitable for
16 either wholesale or retail sale, excluding any auxiliary
17 shipping container enclosing packages which individually
18 conform to the requirements of this Act. An individual item or
19 lot of any commodity not in package form as defined in this
20 Section but on which there is marked a selling price based on
21 an established price per unit of weight or of measure shall be
22 deemed a commodity in package form.

23 "Consumer package" and "package of consumer commodity"
24 mean any commodity in package form that is customarily produced
25 or distributed for sale through retail sales agencies or
26 instrumentalities for consumption by individuals or use by

1 individuals for the purposes of personal care or in the
2 performance of services ordinarily rendered in or about the
3 household or in connection with personal possessions, and which
4 usually is consumed or expended in the course of such
5 consumption or use.

6 "Nonconsumer package" and "package of nonconsumer
7 commodity" mean any commodity in package form other than a
8 consumer package, and particularly a package designed solely
9 for industrial or institutional use or for wholesale
10 distribution only.

11 "Certificate of Conformance" means a document issued by the
12 National Conference on Weights and Measures based on testing in
13 participating laboratories that indicates that the weights and
14 measures or weighing and measuring device conform with the
15 requirements of National Institute of Standards and
16 Technology's Handbooks 44, 105-1, 105-2, 105-3, ~~or~~ 105-4, or
17 105-8 and any subsequent revisions or supplements thereto.

18 "Prepackage inspection violation" means that the majority
19 of the lots of prepackaged commodities inspected at a single
20 location are found to have one or more packages below the
21 maximum allowable variation as published in the National
22 Institute of Standards and Technology Handbook 133 or the
23 majority of the lots inspected at a single location are found
24 to be below the stated net weight declaration on an average.

25 (Source: P.A. 92-676, eff. 7-16-02.)

1 (225 ILCS 470/6) (from Ch. 147, par. 106)

2 Sec. 6. The Director shall be, ex officio, the director of
3 weights and measures for the State of Illinois. The Director
4 may designate or appoint qualified persons to represent him in
5 carrying out his responsibilities as set forth in this Act.
6 There shall be State inspectors of weights and measures and
7 necessary technical and clerical personnel, appointed by the
8 Director ~~director~~ in compliance with regulations of the
9 Department of Central Management Services to hold office during
10 good behavior, and to constitute the weights and measures
11 staff.

12 (Source: P.A. 82-789.)

13 (225 ILCS 470/7) (from Ch. 147, par. 107)

14 Sec. 7. The Director ~~director~~ shall maintain custody of the
15 State standards of weight and measure and of other standards
16 and equipment provided for by this Act and shall keep accurate
17 records thereof. The Director ~~director~~ shall enforce the
18 provisions of this Act, shall maintain general supervision of
19 weights and measures offered for sale, sold or in use in this
20 State, and shall submit an annual report to the Governor each
21 January, summarizing all activities of his office.

22 (Source: Laws 1963, p. 3433.)

23 (225 ILCS 470/8) (from Ch. 147, par. 108)

24 Sec. 8. Regulations; issuance; contents. The Director

1 shall from time to time issue reasonable regulations for
2 enforcement of this Act that shall have the force and effect of
3 law. In determining these regulations, he shall appoint,
4 consult with, and be advised by committees representative of
5 industries to be affected by the regulations. These regulations
6 may include (1) standards of net weight, measure or count, and
7 reasonable standards of fill, for any commodity in package
8 form, (2) rules governing the technical and reporting
9 procedures to be followed and the report and record forms and
10 marks of approval and rejection to be used by inspectors of
11 weights and measures in the discharge of their official duties,
12 and (3) exemptions from the sealing or marking requirements of
13 Section 14 of this Act with respect to weights and measures of
14 such character or size that such sealing or marking would be
15 inappropriate, impracticable, or damaging to the apparatus in
16 question. These regulations shall include specifications,
17 tolerances, and regulations for weights and measures, of the
18 character of those specified in Section 10 of this Act,
19 designed to eliminate from use (without prejudice to apparatus
20 that conforms as closely as practicable to the official
21 standards) such weights and measures as are (1) inaccurate, (2)
22 of faulty construction (that is, not reasonably permanent in
23 their adjustment or not capable of correct repetition of their
24 indications), or (3) conducive to the perpetration of fraud.
25 Specifications, tolerances, and regulations for commercial
26 weighing and measuring devices recommended by the National

1 Institute of Standards and Technology and published in National
2 Institute of Standards and Technology Handbook 44 and
3 supplements thereto or in any publication revising or
4 superseding Handbook 44, shall be the specifications,
5 tolerances, and regulations for commercial weighing and
6 measuring devices of this State, except insofar as specifically
7 modified, amended, or rejected by a regulation issued by the
8 Director.

9 The National Institute of Standards and Technology
10 Handbook 133 and its supplements, or any publication revising
11 or superseding Handbook 133, shall be the method for checking
12 the net contents of commodities in package form. The National
13 Institute of Standards and Technology Handbooks 105-1, 105-2,
14 105-3, 105-4, 105-8, and their supplements, or any publication
15 revising or superseding Handbooks 105-1, 105-2, 105-3, ~~and~~
16 105-4, and 105-8 shall be specifications and tolerances for
17 reference standards and field standards weights and measures.

18 For purposes of this Act, apparatus shall be deemed
19 "correct" when it conforms to all applicable requirements
20 promulgated as specified in this Section. Apparatus that does
21 not conform to all applicable requirements shall be deemed
22 "incorrect".

23 The Director is authorized to prescribe by regulation,
24 after public hearings, container sizes for fluid dairy products
25 ~~in addition to those sizes provided in Section 47~~ and container
26 sizes for ice cream, frozen desserts, and similar items.

1 The Uniform Packaging and Labeling Regulation and the
2 Uniform Regulation for the Method of Sale of Commodities in the
3 National Institute of Standards and Technology Handbook 130,
4 and any of its subsequent supplements or revisions, shall be
5 the requirements and standards governing the packaging,
6 labeling, and method of sale of commodities for this State,
7 except insofar as specifically modified, amended, or rejected
8 by regulation issued by the Director.

9 (Source: P.A. 88-600, eff. 9-1-94.)

10 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

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

19 Each application shall provide such information that will
20 enable the Department to pass on the qualifications of the
21 applicant for the certificate of registration. The information
22 requests shall include present residence, location of the
23 business to be licensed under this Act, whether the applicant
24 has had any previous registration under this Act or any
25 federal, state, county, or local law, ordinance, or regulation

1 relating to servicepersons and service Agencies, whether the
2 applicant has ever had a registration suspended or revoked,
3 whether the applicant has been convicted of a felony, and such
4 other information as the Department deems necessary to
5 determine if the applicant is qualified to receive a
6 certificate of registration.

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

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

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

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

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

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

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

25 (A) The annual fee for a Serviceperson Certificate
26 of Registration shall be \$25.

1 (B) The annual fee for a Special Sealer Certificate
2 of Registration shall be \$50.

3 (C) The annual fee for a Service Agency Certificate
4 of Registration shall be \$50.

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

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

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

26 "Service agency" means any individual, agency, firm,

1 company, or corporation that, for hire, award, commission, or
2 any other payment of any kind, sells, installs, services,
3 repairs, or reconditions a commercial weighing or measuring
4 device.

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

8 Each registered service agency and serviceperson shall
9 have report forms, known as "Placed in Service Reports". An
10 original and 2 copies of these ~~These~~ forms shall be executed
11 and in triplicate, shall include the assigned registration
12 number (in the case where a registered serviceperson is
13 representing a registered service agency both assigned
14 registration numbers shall be included), and shall be signed by
15 a registered serviceperson or by a registered serviceperson
16 representing a registered service agency for each rejected or
17 repaired device restored to service and for each newly
18 installed device placed in service. Whenever a registered
19 serviceperson or special sealer places into service a weighing
20 or measuring device, there shall be affixed to the device
21 indicator a decal provided by the Department that indicates the
22 device accuracy.

23 Within 5 days after a device is restored to service or
24 placed in service, the original of a properly executed "Placed
25 in Service Report", together with any official rejection tag or
26 seal removed from the device, shall be mailed to the

1 Department. ~~A~~ ~~The duplicate~~ copy of the report shall be handed
2 to the owner or operator of the device and ~~a~~ ~~the triplicate~~
3 copy of the report shall be retained by the service agency or
4 serviceperson.

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

23 ~~A registered service agency and a registered serviceperson~~
24 ~~shall submit, at least once every 2 years to the Department for~~
25 ~~examination and certification, any standards and testing~~
26 ~~equipment that are used, or are to be used, in the performance~~

1 ~~of the service and testing functions with respect to weighing~~
2 ~~and measuring devices for which competence is registered. A~~
3 ~~registered serviceperson or agency shall not use in servicing~~
4 ~~commercial weighing and measuring devices any standards or~~
5 ~~testing equipment that have not been certified by the~~
6 ~~Department.~~

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

15 ~~All registered servicepersons placing into service scales~~
16 ~~in excess of 30,000 pounds shall have a minimum of 10,000~~
17 ~~pounds of State approved certified test weights to accurately~~
18 ~~test a scale.~~

19 Persons working as apprentices are not subject to
20 registration if they work with and under the supervision of a
21 registered serviceperson.

22 The Director is authorized to promulgate, after public
23 hearing, rules and regulations necessary to enforce the
24 provisions of this Section.

25 For good cause and after a hearing upon reasonable notice,
26 the Director may deny any application for registration or any

1 application for renewal of registration, or may revoke or
2 suspend the registration of any registrant.

3 The Director may publish from time to time as he deems
4 appropriate, and may supply upon request, lists of registered
5 servicepersons and registered service agencies.

6 All final administrative decisions of the Director under
7 this Section shall be subject to judicial review under the
8 Administrative Review Law. The term "administrative decision"
9 is defined as in Section 1 of the Administrative Review Law.
10 (Source: P.A. 93-32, eff. 7-1-03.)

11 (225 ILCS 470/10) (from Ch. 147, par. 110)

12 Sec. 10. Inspection. Unless otherwise provided by law, the
13 Director may inspect and test all weights and measures held,
14 offered, or exposed for sale to ascertain if they are correct.
15 ~~The Except as otherwise provided in Section 43, the~~ Director
16 shall, within each period of 12 months or more frequently if
17 necessary, inspect and test all law enforcement scales used to
18 determine vehicle weights and all weights and measures
19 commercially used (1) in determining the weight, measurement,
20 or count of commodities or things sold or offered or exposed
21 for sale on the basis of weight, measure, or count or (2) in
22 computing the basic charge or payment for services rendered on
23 the basis of weight, measure, or count to ascertain if they are
24 correct. However, with respect to single-service devices
25 (meaning those designed to be used commercially only once and

1 then discarded) and devices uniformly mass-produced, as by
2 means of a mold or die, and not susceptible to individual
3 adjustment, such tests may be made on representative samples of
4 these devices. The lots of which such samples are
5 representative shall be held to be correct or incorrect upon
6 the basis of the results of the inspections and tests on the
7 samples.

8 (Source: P.A. 88-600, eff. 9-1-94.)

9 (225 ILCS 470/11) (from Ch. 147, par. 111)

10 Sec. 11. The Director ~~director~~ shall investigate
11 complaints received by him concerning violations of the
12 provisions of this Act and shall conduct such investigations as
13 he deems appropriate and advisable to develop information on
14 prevailing procedures in commercial quantity determination and
15 on possible violations of the provisions of this Act and to
16 promote the general objective of accuracy in the determination
17 and representation of quantity in commercial transactions.

18 (Source: Laws 1963, p. 3433.)

19 (225 ILCS 470/12) (from Ch. 147, par. 112)

20 Sec. 12. The Director ~~director~~ shall from time to time
21 weigh or measure and inspect packages or amounts of commodities
22 held, offered or exposed for sale or sold or in the process of
23 delivery, to determine whether they contain the amounts
24 represented and are being held, offered or exposed for sale or

1 were sold in accordance with law. When such packages or amounts
2 of commodities are thus determined not to contain the amounts
3 represented or are found to be kept, offered or exposed for
4 sale in violation of law, the Director ~~director~~ may restrain
5 such offer, exposure or sale by order and may so mark or
6 identify them to indicate the illegality thereof. In carrying
7 out the provisions of this Section, the Director ~~director~~ may
8 employ recognized sampling procedures under which the
9 compliance of a given lot of packages will be determined on the
10 basis of the result obtained on a sample selected from and
11 representative of such lot. No person shall (1) sell, or keep,
12 offer or expose for sale in intrastate commerce any package or
13 amount of commodity that has been ordered off sale or marked or
14 identified as provided in this Section unless and until such
15 package or amount of commodity fully complies with all legal
16 requirements, or (2) dispose of any package or amount of
17 commodity that has been ordered off sale or marked or
18 identified as provided in this Section and that does not comply
19 with legal requirements in any manner except with the specific
20 approval of the Director ~~director~~.

21 (Source: Laws 1963, p. 3433.)

22 (225 ILCS 470/13) (from Ch. 147, par. 113)

23 Sec. 13. The Director ~~director~~ may issue stop-use orders,
24 stop-removal orders and removal orders with respect to weights
25 and measures being or susceptible of being commercially used,

1 and may issue stop-removal orders and removal orders with
2 respect to packages or amounts of commodities kept, offered or
3 exposed for sale or sold or in process of delivery, whenever in
4 the course of his enforcement of the provisions of this Act he
5 deems it necessary or expedient to issue such orders. No person
6 shall use, remove or fail to remove from the premises specified
7 any weight, measure or package or amount of commodity contrary
8 to the terms of a stop-use order, stop-removal order or removal
9 order issued pursuant to this Section.

10 (Source: Laws 1963, p. 3433.)

11 (225 ILCS 470/14) (from Ch. 147, par. 114)

12 Sec. 14. Upon inspection and test, the Director ~~director~~
13 shall approve for use and may seal or mark with appropriate
14 devices such weights and measures as he finds to be "correct"
15 and shall reject and mark or tag as "rejected" such weights and
16 measures as he finds to be "incorrect" (but susceptible of
17 satisfactory repair), as defined in Section 8 of this Act. Such
18 sealing or marking is unnecessary with respect to such weights
19 and measures as may be exempted therefrom by a regulation of
20 the Director ~~director~~ issued pursuant to Section 8 of this Act.
21 The Director ~~director~~ shall condemn and may seize and may
22 destroy weights and measures found to be "incorrect" which, in
23 his best judgment, are not susceptible of satisfactory repair.
24 Weights and measures that have been rejected may be confiscated
25 and destroyed by the Director ~~director~~ if not corrected

1 pursuant to, or if used or disposed of contrary to, Section 22
2 of this Act.

3 (Source: Laws 1963, p. 3433.)

4 (225 ILCS 470/15) (from Ch. 147, par. 115)

5 Sec. 15. To enforce this Act and other Acts dealing with
6 weights and measures and enforceable by him, the Director
7 ~~director~~ is vested with special police powers, and may without
8 formal warrant both arrest any violator of such Acts and seize
9 for use as evidence incorrect or unsealed weights and measures
10 or amounts or packages of commodity found to be used, retained,
11 offered or exposed for sale or sold in violation of law. In
12 performance of his official duties, the Director ~~director~~ may
13 enter and go into or upon any structure or premises without
14 formal warrant and may stop any person and require him to
15 proceed, with or without any vehicle of which he may be in
16 control, to a place specified by the Director ~~director~~.

17 (Source: Laws 1963, p. 3433.)

18 (225 ILCS 470/16) (from Ch. 147, par. 116)

19 Sec. 16. The powers and duties given to and imposed upon
20 the Director ~~director~~ by Sections 9, 10, 11, 12, 13, 14, 15, 21
21 and 56 of this Act shall also be conferred upon the designated
22 or appointed qualified persons, whenever they act under the
23 instructions and at the direction of the Director ~~director~~.

24 (Source: P.A. 79-551.)

1 (225 ILCS 470/19) (from Ch. 147, par. 119)

2 Sec. 19. Subject to the annual training provisions of
3 Section 17, the ~~The~~ sealer of a city, and each of his deputy
4 sealers when acting under his instructions and at his
5 direction, has the same powers and duties within the city for
6 which appointed as are conferred upon the director by Sections
7 10, 11, 12, 13, 14, 15 and 56 of this Act. With respect to
8 Section 10, in cities of less than 200,000 population, the
9 powers and duties shall be strictly limited to weighing and
10 measuring devices used in retail trade including, for example,
11 weighing scales of a nominal capacity not greater than 400
12 pounds, retail liquid-measuring devices, taximeters,
13 odometers, fabric-measuring devices and cordage-measuring
14 devices.

15 The city inspector of weights and measures shall keep a
16 complete record of all his official acts and shall submit an
17 annual report to the council of the city, and an annual report
18 (by January 15 ~~on July 1~~) under oath to the Director of
19 Agriculture on blanks furnished by him, and any special reports
20 that the Director of Agriculture may request. Failure of a city
21 sealer of weights and measures and each of his or her deputy
22 sealers to attend annual training workshops conducted by the
23 Department or to provide an annual report to the Director or
24 any other special report that the Director requests may
25 invalidate the authority of a city sealer to enforce any

1 provision of this Act or its regulations.

2 (Source: Laws 1963, p. 3433.)

3 (225 ILCS 470/20) (from Ch. 147, par. 120)

4 Sec. 20. The common or legislative council of each city for
5 which a sealer has been appointed pursuant to Section 17 of
6 this Act shall (1) procure at the expense of the city such
7 standards of weight and measure and such additional equipment,
8 to be used for the enforcement of the provisions of this Act in
9 such city, as may be prescribed by the Director ~~director~~, (2)
10 provide a suitable office for the sealer, and (3) make
11 provision for the necessary clerical services, supplies and
12 transportation and for defraying contingent expenses incident
13 to the official activities of the sealer in carrying out the
14 provisions of this Act. When the standards of weight and
15 measure thus required to be provided by a city have been
16 examined and approved by the Director ~~director~~, they shall be
17 the official standards for such city. The sealer shall make or
18 cause to be made at least annual comparisons between his field
19 standards and appropriate standards of a higher order belonging
20 to his city or to the State, in order to maintain such field
21 standards in accurate condition.

22 (Source: Laws 1963, p. 3433.)

23 (225 ILCS 470/21) (from Ch. 147, par. 121)

24 Sec. 21. In cities for which sealers of weights and

1 measures have been appointed pursuant to this Act, the Director
2 ~~director~~ shall have concurrent authority to enforce the
3 provisions of this Act. The legislative body of each such city
4 may, by ordinance, prescribe the duties of the sealer and enact
5 regulatory measures more restrictive than, but otherwise
6 consistent with, the provisions of this Act.

7 (Source: Laws 1963, p. 3433.)

8 (225 ILCS 470/23) (from Ch. 147, par. 123)

9 Sec. 23. Commodities in liquid form shall be sold only by
10 liquid measure or by weight, and, except as otherwise provided
11 in this Act, commodities not in liquid form shall be sold only
12 by weight, by measure of length or area, or by count. However,
13 liquid commodities may be sold by weight and commodities not in
14 liquid form may be sold by count only if such methods give
15 accurate information as to the quantity of commodity sold.

16 The provisions of this Section do not apply (1) to
17 commodities sold for immediate consumption upon the premises
18 where sold, (2) to vegetables sold by the head or bunch, (3) to
19 commodities in containers standardized by a law of this State
20 or by Federal law, (4) to commodities in package form when
21 there exists a general consumer usage to express the quantity
22 in some other manner, (5) to concrete aggregates, concrete
23 mixtures and loose solid materials such as earth, soil, gravel,
24 crushed stone and the like, when sold by cubic measure, or (6)
25 to unprocessed vegetable and animal fertilizer sold by cubic

1 measure. The Director ~~director~~ may issue such reasonable
2 regulations as are necessary to assure that amounts of
3 commodity sold are determined in accordance with good
4 commercial practice and are so determined and represented as to
5 be accurate and informative to all parties at interest.

6 (Source: Laws 1963, p. 3433.)

7 (225 ILCS 470/26) (from Ch. 147, par. 126)

8 Sec. 26. No commodity in package form shall be so wrapped,
9 nor shall it be in a container so made, formed or filled, as to
10 mislead the purchaser as to the quantity of the contents of the
11 package, and the contents of a container shall not fall below
12 such reasonable standard of fill as may have been prescribed
13 for the commodity in question by the Director ~~director~~.

14 (Source: Laws 1963, p. 3433.)

15 (225 ILCS 470/30) (from Ch. 147, par. 130)

16 Sec. 30. National Institute of Standards and Technology
17 requirements and specifications. Each type of new weight and
18 measure or weighing and measuring device manufactured,
19 offered, or exposed for sale or sold or given away for the use
20 in trade or commerce, or used in trade and commerce in this
21 State, shall conform with the requirements and specifications
22 in the National Institute of Standards and Technology Handbook
23 44, 105-1, 105-2, 105-3, ~~or~~ 105-4, or 105-8 and any of their
24 revisions or supplements. A Certificate of Conformance must be

1 issued prior to the use of such new weight and measure or
2 weighing and measuring device for commercial or law enforcement
3 purposes. Pending the issuance of a Certificate of Conformance,
4 the Department may permit such new weight and measure or
5 weighing and measuring device to be used, provided it meets the
6 specifications and tolerances for that particular weight and
7 measure or weighing and measuring device as set forth in the
8 National Institute of Standards and Technology Handbook 44,
9 105-1, 105-2, 105-3, ~~or~~ 105-4, or 105-8.

10 (Source: P.A. 92-676, eff. 7-16-02.)

11 (225 ILCS 470/40) (from Ch. 147, par. 140)

12 Sec. 40. Inspection fee; Weights and Measures Fund. The
13 ~~Except as otherwise provided in Section 43, the~~ Director and
14 each sealer shall collect and receive from the user of weights
15 and measures a commercial weighing or measuring device
16 inspection fee. For the use of its Metrology Laboratory, the
17 testings of weights and measures and such other inspection and
18 services performed, the Department shall set a fee, the amount
19 of which shall be according to a Schedule of Weights and
20 Measures Inspection Fees established and published by the
21 Director. The fees so collected and received by the State shall
22 be deposited into a special fund to be known as the Weights and
23 Measures Fund. All weights and measures inspection fees,
24 metrology fees, weights and measures registrations, and
25 weights and measures penalties collected by the Department

1 under this Act shall be deposited into the Weights and Measures
2 Fund. The amount annually collected shall be used by the
3 Department for activities related to the enforcement of this
4 Act and the Motor Fuel and Petroleum Standards Act, and for the
5 State's share of the costs of the Field Automation Information
6 Management project. No person shall be required to pay more
7 than 2 inspection fees for any one weighing or measuring device
8 in any one year when found to be accurate. When an inspection
9 is made upon a weighing or measuring device because of a
10 complaint by a person other than the owner of such weighing or
11 measuring device, and the device is found accurate as set forth
12 in Section 8 of this Act, no inspection fee shall be paid by
13 the complainant. Any time a weighing or measuring device is
14 found to be inaccurate, the user shall pay the inspection fee.

15 If any person fails or refuses to pay a fee authorized by
16 this Section, the Department may prohibit that person from
17 using commercial weighing and measuring devices. In addition to
18 prohibiting the use of the device, the Department may also
19 recover interest at the rate of 1% per month from the time the
20 payment is owed to the Department until the time the Department
21 recovers the fee.

22 (Source: P.A. 92-676, eff. 7-16-02; 93-198, eff. 1-1-04.)

23 (225 ILCS 470/41) (from Ch. 147, par. 141)

24 Sec. 41. No person shall operate, upon the streets or
25 highways of this State any vehicle tank used for commercial

1 purposes unless such tank either is equipped with a meter or
2 other device for measuring deliveries from the tank or has been
3 calibrated for capacity and sealed by the Director ~~director~~.
4 When a vehicle tank has been calibrated for capacity by the
5 Director ~~director~~, he shall issue to the owner or operator a
6 certificate of calibration in which is shown the calibrated
7 capacity of each compartment. A copy of this certificate shall
8 accompany the vehicle tank at all times or kept on file
9 available for examination either at the plant out of which the
10 vehicle tank is operated or at a regional or principal Illinois
11 office of the owner of the vehicle tank. Each compartment of a
12 vehicle tank shall be marked with a statement of its capacity
13 as defined by its indicator, located in a conspicuous place in
14 letters and figures not less than one inch in height.
15 Enforcement of this Section is reserved to the Director
16 ~~director~~ or to the sealer in a city having a population of
17 200,000 or greater according to the latest official United
18 States census.

19 (Source: Laws 1963, p. 3433.)

20 (225 ILCS 470/52) (from Ch. 147, par. 152)

21 Sec. 52. The Director ~~director~~ may by regulation establish
22 a standard weight per bushel for any agricultural commodity,
23 and any such weight per bushel shall prevail when such
24 commodity is contracted for, bought or sold, if no special
25 contract or written and signed agreement exists to the

1 contrary.

2 (Source: Laws 1963, p. 3433.)

3 (225 ILCS 470/54) (from Ch. 147, par. 154)

4 Sec. 54. A person who in any way hinders or obstructs the
5 Director ~~director~~, his authorized representative, any one of
6 the inspectors or a sealer, deputy sealer or special sealer, in
7 the performance of his official duties is guilty of a Class B
8 misdemeanor.

9 (Source: P.A. 79-551.)

10 (225 ILCS 470/55) (from Ch. 147, par. 155)

11 Sec. 55. A person who in any way impersonates the Director
12 ~~director~~, his authorized representative, any one of the
13 inspectors or a sealer, deputy sealer or special sealer, by the
14 use of his seal or a counterfeit of his seal or in any other
15 manner, is guilty of a Class A misdemeanor.

16 (Source: P.A. 79-551.)

17 (225 ILCS 470/56) (from Ch. 147, par. 156)

18 Sec. 56.

19 (1) A person who, by himself or herself or by his or her
20 employee or agent or as the employee or agent of another
21 person, performs any of the acts enumerated in subparagraphs
22 (A) through (J) of this Section is guilty of a business offense
23 and shall be fined not less than \$1,000 ~~\$500~~ for the first

1 offense; not less than \$1,500 on a second offense; and not less
2 than \$2,500 for a third offense.

3 (A) Use or possess for the purpose of using for any
4 commercial purpose specified in Section 10 of this Act,
5 sell, offer, or expose for sale or hire, or possess for the
6 purpose of selling or hiring, an incorrect weight or
7 measure or any device or instrument used to or calculated
8 to falsify any weight or measure.

9 (B) Use or possess for the purpose of current use for
10 any commercial purpose specified in Section 10 of this Act,
11 a weight or measure without a seal or mark as required by
12 Section 14 ~~or Section 43~~, unless such weight or measure has
13 been exempted from testing by the provisions of Section 10,
14 or by a regulation of the Director ~~director~~ issued under
15 the authority of Section 8, of this Act.

16 (C) Dispose of any rejected or condemned weight or
17 measure in a manner contrary to law or regulation.

18 (D) Remove from any weight or measure, contrary to law
19 or regulation, any tag, seal or mark placed thereon by the
20 appropriate authority.

21 (E) Sell or offer or expose for sale less than the
22 quantity he or she represents of any commodity, thing or
23 service.

24 (F) Take more than the quantity he represents of any
25 commodity, thing or service, when, as buyer, he or she
26 furnishes the weight or measure by means of which the

1 amount of the commodity, thing or service is determined.

2 (G) Retain for the purpose of sale, advertise, or offer
3 or expose for sale, or sell, any commodity, thing or
4 service in a condition or manner contrary to law or
5 regulation.

6 (H) Use in retail trade, except in preparation of
7 packages put up in advance of sale and of medical
8 prescriptions, a weight or measure that is not so
9 positioned that its indications may be accurately read and
10 the weighing or measuring operation observed from a
11 position which may reasonably be assumed by a customer.

12 (I) By himself or herself or by the person's agent, or
13 as servant or agent of another person, fail to disclose to
14 the Department of Agriculture any knowledge of information
15 relating to, or observation of, any device or instrument
16 added to or modifying any weight or measure for the purpose
17 of selling, or offering or exposing for sale, less than the
18 quantity represented of a commodity or calculated to
19 falsify the weight or measure, if the person is an owner or
20 employee of an entity involved in the installation, repair,
21 sale, or inspection of weighing or measuring devices.

22 (J) Violate a provision of this Act or of the
23 regulations promulgated pursuant to this Act for which a
24 specific penalty has not been prescribed.

25 (2) A person who, by himself or herself or by the person's
26 servant or agent, or as a servant or agent of another person,

1 performs any of the following acts is guilty of a Class 3
2 felony and subject to a fine of not less than \$1,000.00 or not
3 more than \$10,000.00 or the total amount of any money gained
4 for each day on which a violation has been found, whichever is
5 greater, or by imprisonment, or both:

6 (A) Adds to or modifies a commercial weight or measure
7 by the addition of a device or instrument that would allow
8 the sale, or the offering or exposure for sale, of less
9 than the quantity represented of a commodity or
10 falsification of the weight or measure.

11 (B) Commits as a fourth or subsequent offense any of
12 the acts listed in subsection (1) of this Section, violates
13 a written notice from the Department, or removes a
14 Department seal.

15 (Source: P.A. 85-436.)

16 (225 ILCS 470/56.1) (from Ch. 147, par. 156.1)

17 Sec. 56.1. Administrative penalties; judicial review. When
18 an administrative hearing is held, the hearing officer, upon
19 determination of any violation of any Section of this Act shall
20 ~~56(1), shall refer the violation to the States Attorney's~~
21 ~~office in the county which the business is conducted for~~
22 ~~prosecution or~~ levy the following administrative monetary
23 penalties:

24 (A) A penalty of \$500 ~~\$100~~ for a first violation.

25 (B) A penalty of \$1,500 ~~\$750~~ for a second violation at

1 the same location within 2 years of the first violation.

2 (C) A penalty of \$2,500 ~~\$1,500~~ for a third or
3 subsequent violation at the same location within 2 years of
4 the second violation.

5 The penalty so levied shall be collected by the Department.
6 Any penalty not paid within 60 days of notice from the
7 Department shall be submitted to the Attorney General's office
8 for collection.

9 All final administrative decisions of the Department are
10 subject to judicial review under the Administrative Review Law.
11 The term "administrative decision" is defined as in Section
12 4-101 of the Code of Civil Procedure.

13 (Source: P.A. 88-600, eff. 9-1-94.)

14 Section 10. The Soil Conservation Domestic Allotment Act is
15 amended by changing Sections 3 and 7 as follows:

16 (505 ILCS 125/3) (from Ch. 5, par. 138c)

17 Sec. 3. The Department is hereby authorized and ~~7~~ empowered
18 and may, at its discretion, ~~directed to~~ formulate and submit to
19 the Secretary of Agriculture, in conformity with the provisions
20 of said Soil Conservation and Domestic Allotment Act, a State
21 plan ~~for each year, beginning with the year 1953. It shall be~~
22 ~~the purpose of each such plan and each such plan shall be~~
23 designed to promote such utilization of land and such farming
24 practices as the Department finds will tend, in conjunction

1 with the operation of such other plans as may be approved for
2 other states by the Secretary of Agriculture, to preserve and
3 improve soil fertility; to promote the economic use and
4 conservation of land; to diminish exploitation and wasteful and
5 unscientific use of natural soil resources; to protect rivers
6 and waterways against the results of soil erosion and aid in
7 flood control; and to re-establish and maintain the ratio
8 between the purchasing power of the net income per person on
9 farms and that of the income per person not on farms, as
10 defined in subsection (a) of Section 7 of the Soil Conservation
11 and Domestic Allotment Act. Each such plan may ~~shall~~ provide
12 for adjustments and utilization of land, and in farming
13 practices through agreements with producers or through other
14 voluntary methods, and for benefit payments in connection
15 therewith, and for such methods of administration not in
16 conflict with any law of the State, and for such reports as the
17 Secretary of Agriculture finds necessary for the effective
18 administration of the plan, and for ascertaining whether the
19 plan is being carried out according to its terms.

20 (Source: Laws 1951, p. 1680.)

21 (505 ILCS 125/7) (from Ch. 5, par. 138g)

22 Sec. 7. The Department shall have no authority to incur any
23 obligation or liability against the State of Illinois under
24 this Act for the expenditure of funds other than the
25 expenditure of funds payable from the Soil Conservation Fund,

1 pursuant to appropriations made therefore ~~therefor~~.

2 (Source: Laws 1951, p. 1680.)

3 (505 ILCS 125/6 rep.)

4 Section 15. The Soil Conservation Domestic Allotment Act is
5 amended by repealing Section 6.

6 Section 20. The Motor Fuel and Petroleum Standards Act is
7 amended by changing Sections 3, 4, 4.1, 7, and 7.1 as follows:

8 (815 ILCS 370/3) (from Ch. 5, par. 1703)

9 Sec. 3. As used in this Act, unless the context otherwise
10 requires:

11 (1) "ASTM" means ASTM International ~~the American Society~~
12 ~~for Testing and Materials~~, an international, nonprofit,
13 technical, scientific and educational society devoted to the
14 promotion of knowledge of the materials of engineering, and the
15 standardization of specifications and methods of testing.

16 (2) "Motor Fuel" shall have the meaning ascribed to that
17 term in Section 1.1 of the "Motor Fuel Tax Law", as now or
18 hereafter amended.

19 (3) "Petroleum" means all illuminating oils, heating oils,
20 LP gas, kerosene, gasoline, diesel and all volatile and
21 inflammable liquids produced, blended or compounded for the
22 purpose of, or which are suitable or practicable for, operating
23 motor vehicles.

1 (4) "Department" means the Illinois Department of
2 Agriculture.

3 (5) "Person" means an individual, a corporation, company,
4 society, association, partnership or governmental entity.

5 (6) "Distributor" shall have the meaning ascribed to that
6 term in Section 1.2 of the "Motor Fuel Tax Law", as now or
7 hereafter amended, and any person who either produces, refines,
8 blends, transports, compounds or manufactures petroleum in
9 this State for the purposes of resale.

10 (7) "Director" means the Director of the Illinois
11 Department of Agriculture or authorized designee.

12 (8) "Retailer" shall have the meaning ascribed to that term
13 in Section 2 of the "Use Tax Act", as now or hereafter amended
14 and any person engaged in the business of selling petroleum
15 directly to the ultimate consumer.

16 (9) "Co-solvent" means an alcohol that is miscible with
17 methanol and has a molecular weight equal to or greater than
18 that of butanol.

19 (Source: P.A. 86-232.)

20 (815 ILCS 370/4) (from Ch. 5, par. 1704)

21 Sec. 4. ASTM standards.

22 (a) All motor fuel and petroleum sold or offered for sale
23 in the State of Illinois shall conform to the standards of this
24 Act. The standards set forth in the Annual Book of ASTM
25 Standards ~~(ASTM) American Society for Testing and Materials~~

1 Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and
2 supplements thereto, and revisions thereof are adopted unless
3 modified or rejected by a regulation adopted by the Department.
4 In addition, any advertised or labeled declarations regarding
5 the quality of a motor fuel which are more stringent than ASTM
6 standards shall be met.

7 (a-5) The quality of gasoline-oxygenate blends sold or
8 offered for sale in this State shall meet the standards set
9 forth in Section 2.1.3 ~~2.1.1.1~~ or ~~Section 2.1.1.2~~ of the
10 Uniform Engine Fuels, ~~Petroleum Products,~~ and Automotive
11 Lubricants Regulation as provided under the National Institute
12 of Standards and Technology Handbook 130, and any of its
13 subsequent supplements or revisions, except as specifically
14 modified, amended, or rejected by regulation issued by the
15 Director.

16 (b) Minimum Automotive Gasoline Octane Requirements.

17 All leaded and unleaded gasoline sold in this State shall
18 meet or exceed the following minimum octane numbers:

19 Regular Grade 87

20 Midgrade or Plus 89

21 Premium or Super Grade 91 ~~90~~

22 An octane number is determined by adding the research
23 octane number to the motor octane number and dividing by 2.
24 $(RON + MON)/2$. In addition, the motor octane number shall not
25 be less than 82.0. All gasoline products sold at retail shall
26 have an octane number displayed.

1 (c) Each seller of a motor fuel shall notify the purchaser
2 of the type and quantity of motor fuel purchased. For gasoline,
3 the type shall indicate the octane number. This information
4 shall appear on the bill of lading, manifest, or delivery
5 ticket for the fuel. This subsection does not apply to sales at
6 retail.

7 (d) All gasoline products shall meet the most recently
8 adopted ASTM standards for spark-ignition motor fuel, and those
9 standards adopted under the provisions of the federal Clean Air
10 Act by the U. S. Environmental Protection Agency shall be the
11 standards of this State in those areas in which the federal
12 Clean Air Act fuel standards apply.

13 (e) All biodiesel with a numerical value of B100 that is
14 sold or offered for sale in the State of Illinois shall conform
15 to the ASTM D6751 Standard Specification for Biodiesel Fuel
16 Blend Stock (B100) for Middle Distillate Fuels. For the
17 purposes of this subsection (e) "Biodiesel" shall have the same
18 meaning ascribed to it as in the Illinois Renewable Fuels
19 Development Program Act.

20 (Source: P.A. 96-528, eff. 1-1-10.)

21 (815 ILCS 370/4.1) (from Ch. 5, par. 1704.1)

22 Sec. 4.1. (a) Upon any retail motor fuel dispensing device
23 which is used to dispense a motor fuel containing at least 1%
24 by volume of ethanol, of methanol, or of a combination thereof,
25 there shall be displayed a label which identifies the maximum

1 percentage by volume, to the nearest whole percent, of ethanol,
2 of methanol, and of co-solvent contained in the motor fuel.
3 Such labelling shall be done in contrasting colors with block
4 letters at least 1/2 inch in height and 1/4 inch in width, and
5 not more than one inch in height and 1/2 inch in width, and
6 shall be visible to customers. The label shall be located on
7 the front or sides of the dispenser and within the top 30
8 percent of the height of the dispenser. On a dual-faced
9 dispenser, the label shall be affixed on each front or each
10 side in accordance with these requirements. Devices used to
11 dispense only motor fuels which contain a total of less than 1%
12 by volume of methanol and ethanol need not be so labelled.

13 (a-5) (Blank).

14 (a-10) (Blank). ~~Upon any retail motor fuel dispensing~~
15 ~~device that is used to dispense a motor fuel containing~~
16 ~~biodiesel or biodiesel blends, the biodiesel and biodiesel~~
17 ~~blends shall be identified by the capital letter "B" followed~~
18 ~~by the numerical value representing the volume percentage of~~
19 ~~biodiesel fuel, such as B10, B20, or B100, as follows:~~

20 ~~(1) Upon any retail motor fuel dispensing device that~~
21 ~~is used to dispense a motor fuel containing between 5% and~~
22 ~~up to and including 20% of biodiesel, there shall be~~
23 ~~displayed on each retail dispenser:~~

24 ~~(a) the capital letter "B" followed by the~~
25 ~~numerical value representing the maximum volume~~
26 ~~percentage of biodiesel fuel and ending with~~

1 ~~"biodiesel blend", such as B10 biodiesel fuel blend or~~
2 ~~B20 biodiesel fuel blend; or~~

3 ~~(b) the phrase "biodiesel blend between 5% and 20%"~~
4 ~~or similar words.~~

5 ~~(2) Upon any retail motor fuel dispensing device that~~
6 ~~is used to dispense a motor fuel containing more than 20%~~
7 ~~of biodiesel, there shall be displayed on each retail~~
8 ~~dispenser the capital letter "B" followed by the numerical~~
9 ~~value representing the volume percentage of biodiesel fuel~~
10 ~~and ending with either "biodiesel" or "biodiesel blend",~~
11 ~~such as B100 biodiesel or B60 biodiesel blend.~~

12 ~~(3) The label shall be done in contrasting colors with~~
13 ~~block letters at least 1/2 inch in height and 1/4 inch in~~
14 ~~width, and not more than one inch in height and 1/2 inch in~~
15 ~~width, and shall be visible to customers. The label shall~~
16 ~~be located on the front or sides of the dispenser and~~
17 ~~within the top 30% of the height of the dispenser. On a~~
18 ~~dual faced dispenser, the label shall be affixed on each~~
19 ~~front or each side in accordance with these requirements.~~
20 ~~Devices used to dispense only motor fuels that contain a~~
21 ~~total of 5% or less by volume of biodiesel need not be~~
22 ~~labeled.~~

23 (b) Each seller of a motor fuel which contains methanol,
24 ethanol, or biodiesel shall notify the purchaser thereof of the
25 percentage by volume of ethanol, of methanol, of biodiesel, and
26 of co-solvent which have been added to such motor fuel, and

1 this information shall appear on the bill of lading, manifest
2 or delivery ticket for such motor fuel. However, this
3 subsection (b) shall not apply to sales at retail.

4 (c) No motor fuel, whether or not it contains any lead or
5 lead compounds, may contain more ethanol or methanol than is
6 permitted, or contain less co-solvent than is required, by the
7 United States Environmental Protection Agency for unleaded
8 motor fuels under Section 211(f) of the federal Clean Air Act.

9 (d) All motor fuel sold or offered for sale by the
10 distributor shall contain the percentage and type of alcohol as
11 stated on the bill of lading, manifest or delivery ticket.

12 (e) (Blank).

13 (f) Nothing in this Section shall be construed to require
14 or impose an obligation upon the owner or operator of a retail
15 motor fuel dispensing station, facility, or device to perform a
16 test on or measurement of a shipment of motor fuel received to
17 determine the specific content of ethanol, methanol, or
18 biodiesel.

19 (Source: P.A. 95-381, eff. 7-1-08.)

20 (815 ILCS 370/7) (from Ch. 5, par. 1707)

21 Sec. 7. Administrative hearing and penalties. When an
22 administrative hearing is held, the hearing officer, upon
23 determination of a violation of this Act or rules, other than
24 violation of subsection (b) of Section 7.1, shall:

25 (a) Levy the following administrative monetary penalties:

- 1 (1) \$500 ~~\$100~~ for a first violation;
- 2 (2) \$1,500 ~~\$750~~ for a second violation within 2 years
- 3 of the first violation; and
- 4 (3) \$2,500 ~~\$1500~~ for a third or subsequent violation
- 5 within 2 years of the second violation; or

6 (b) (Blank). ~~refer the violations to the States Attorney's~~

7 ~~Office in the county where the violation occurred for~~

8 ~~prosecution.~~

9 Any penalty levied shall be collected by the Department and

10 paid into the Motor Fuel and Petroleum Standards Fund. Monetary

11 penalties not paid within 60 days of notice from the Department

12 shall be submitted to the Attorney General's Office for

13 collection.

14 All decisions and actions of the Department are subject to

15 the Illinois Administrative Procedure Act and the Department's

16 Administrative Rules which pertain to administrative hearings,

17 petitions, proceedings, contested cases, declaratory rulings

18 and availability of Department files for public access.

19 All final administrative decisions of the Department shall

20 be subject to judicial review pursuant to the provisions of the

21 Administrative Review Law, and all amendments and

22 modifications thereof, and the rules adopted pursuant thereto.

23 The term "administrative decision" is defined in Section 3-101

24 of the Code of Civil Procedure.

25 (Source: P.A. 88-582, eff. 1-1-95.)

1 (815 ILCS 370/7.1)

2 Sec. 7.1. Fuel rating ~~Octane~~ display standards;
3 administrative penalty.

4 (a) Every retailer of motor fuel must display the octane
5 number or fuel rating of the fuel being dispensed on each motor
6 fuel device that is dispensing a motor fuel ~~gasoline~~ product.
7 The octane number or fuel rating shall be displayed on the fuel
8 dispensing device in a manner consistent with regulations
9 promulgated by the Federal Trade Commission in 16 CFR part 306.
10 It is a violation of this Section, (1) ~~Sec.~~ to display an
11 octane number that is greater than the octane number of the
12 gasoline being dispensed, (2) to display a fuel rating that is
13 not consistent with the percentage by volume of the principal
14 component of the alternative liquid automotive fuel being
15 dispensed, or (3) to display a fuel rating that is not
16 consistent with the percentage of biodiesel or biomass-based
17 diesel of the biodiesel blend being dispensed.

18 (b) A hearing officer that, after an administrative hearing
19 held in accordance with the provisions of Section 7, determines
20 that a violation of this Section has been committed shall
21 impose a monetary penalty in accordance with the following
22 schedule:

23 (1) For a first time violation if the actual octane
24 number is found by the petroleum laboratory to be lower
25 than the posted octane number by:

26 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~

1 octane numbers, \$500 ~~\$100~~;

2 (B) (blank) ~~at least 2.1, but not more than 3.0~~
3 ~~octane numbers, \$200;~~

4 (C) (blank) ~~at least 3.1, but not more than 4.0~~
5 ~~octane numbers, \$300;~~

6 (D) (blank) ~~at least 4.1, but not more than 5.0~~
7 ~~octane numbers, \$400;~~

8 (E) (blank) ~~at least 5.1, but not more than 6.0~~
9 ~~octane numbers, \$500;~~

10 (F) more than 1.5 ~~6.0~~ octane numbers, \$1,000.

11 (2) For a second violation, at the same location under
12 the same ownership, within 2 years of the first violation
13 if the actual octane number is found by the petroleum
14 testing laboratory to be lower than the posted octane
15 number by:

16 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~
17 octane numbers, \$1,000 ~~\$200~~;

18 (B) (blank) ~~at least 2.1, but not more than 3.0~~
19 ~~octane numbers, \$400;~~

20 (C) (blank) ~~at least 3.1, but not more than 4.0~~
21 ~~octane numbers, \$600;~~

22 (D) (blank) ~~at least 4.1, but not more than 5.0~~
23 ~~octane numbers, \$800;~~

24 (E) (blank) ~~at least 5.1, but not more than 6.0~~
25 ~~octane numbers, \$1,000;~~

26 (F) more than 1.5 ~~6.0~~ octane numbers, \$2,000.

1 (3) For a third or subsequent violation, at the same
2 location under the same ownership, within 2 years of the
3 second violation if the actual octane number is found by
4 the petroleum testing laboratory to be lower than the
5 posted octane number by:

6 (A) at least 0.6 ~~0.8~~, but not more than 1.5 ~~2.0~~
7 octane numbers, \$2,000 ~~\$400~~;

8 (B) (blank) ~~at least 2.1, but not more than 3.0~~
9 ~~octane numbers, \$800~~;

10 (C) (blank) ~~at least 3.1, but not more than 4.0~~
11 ~~octane numbers, \$1,200~~;

12 (D) (blank) ~~at least 4.1, but not more than 5.0~~
13 ~~octane numbers, \$1,600~~;

14 (E) (blank) ~~at least 5.1, but not more than 6.0~~
15 ~~octane numbers, \$2,000~~;

16 (F) more than 1.5 ~~6.0~~ octane numbers, \$4,000.

17 (c) Any penalty levied under this Section shall be
18 collected and deposited in the manner provided for penalties
19 collected under Section 7. Actions and decisions of the
20 Department under this Section are subject to the administrative
21 procedures and review authorized under Section 7.

22 (Source: P.A. 88-582, eff. 1-1-95.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

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4	225 ILCS 470/6	from Ch. 147, par. 106
5	225 ILCS 470/7	from Ch. 147, par. 107
6	225 ILCS 470/8	from Ch. 147, par. 108
7	225 ILCS 470/8.1	from Ch. 147, par. 108.1
8	225 ILCS 470/10	from Ch. 147, par. 110
9	225 ILCS 470/11	from Ch. 147, par. 111
10	225 ILCS 470/12	from Ch. 147, par. 112
11	225 ILCS 470/13	from Ch. 147, par. 113
12	225 ILCS 470/14	from Ch. 147, par. 114
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15	225 ILCS 470/19	from Ch. 147, par. 119
16	225 ILCS 470/20	from Ch. 147, par. 120
17	225 ILCS 470/21	from Ch. 147, par. 121
18	225 ILCS 470/23	from Ch. 147, par. 123
19	225 ILCS 470/26	from Ch. 147, par. 126
20	225 ILCS 470/30	from Ch. 147, par. 130
21	225 ILCS 470/40	from Ch. 147, par. 140
22	225 ILCS 470/41	from Ch. 147, par. 141
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5	505 ILCS 125/6 rep.	
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7	815 ILCS 370/4	from Ch. 5, par. 1704
8	815 ILCS 370/4.1	from Ch. 5, par. 1704.1
9	815 ILCS 370/7	from Ch. 5, par. 1707
10	815 ILCS 370/7.1	