



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1715

Introduced 2/15/2013, by Sen. John M. Sullivan - David Koehler

SYNOPSIS AS INTRODUCED:

225 ILCS 470/8	from Ch. 147, par. 108
225 ILCS 470/30	from Ch. 147, par. 130
225 ILCS 470/36	from Ch. 147, par. 136

Amends the Weights and Measures Act. Provides that weights and measures or weighing and measuring devices used for commercial or law enforcement purposes must have a Certificate of Conformance or have been certified by the Department or the city sealer on or before July 1, 2012. Provides that any apparatus certified by the Department or city sealer as of July 1, 2012 satisfies construction and installation requirements. Provides that the Department shall furnish an identification plate for registration and tracking purposes for any type of weight or measure or weighing or measuring device is impracticable to mark as required by the Act. Effective immediately.

LRB098 08145 MGM 38238 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 8, 30, and 36 as follows:

6 (225 ILCS 470/8) (from Ch. 147, par. 108)

7 Sec. 8. Regulations; issuance; contents. The Director
8 shall from time to time issue reasonable regulations for
9 enforcement of this Act that shall have the force and effect of
10 law. In determining these regulations, he shall appoint,
11 consult with, and be advised by committees representative of
12 industries to be affected by the regulations. These regulations
13 may include (1) standards of net weight, measure or count, and
14 reasonable standards of fill, for any commodity in package
15 form, (2) rules governing the technical and reporting
16 procedures to be followed and the report and record forms and
17 marks of approval and rejection to be used by inspectors of
18 weights and measures in the discharge of their official duties,
19 and (3) exemptions from the sealing or marking requirements of
20 Section 14 of this Act with respect to weights and measures of
21 such character or size that such sealing or marking would be
22 inappropriate, impracticable, or damaging to the apparatus in
23 question. These regulations shall include specifications,

1 tolerances, and regulations for weights and measures, of the
2 character of those specified in Section 10 of this Act,
3 designed to eliminate from use (without prejudice to apparatus
4 that conforms as closely as practicable to the official
5 standards) such weights and measures as are (1) inaccurate, (2)
6 of faulty construction (that is, not reasonably permanent in
7 their adjustment or not capable of correct repetition of their
8 indications), or (3) conducive to the perpetration of fraud.
9 Specifications, tolerances, and regulations for commercial
10 weighing and measuring devices recommended by the National
11 Institute of Standards and Technology and published in National
12 Institute of Standards and Technology Handbook 44 and
13 supplements thereto or in any publication revising or
14 superseding Handbook 44, shall be the specifications,
15 tolerances, and regulations for commercial weighing and
16 measuring devices of this State, except insofar as specifically
17 modified, amended, or rejected by a regulation issued by the
18 Director.

19 The National Institute of Standards and Technology
20 Handbook 133 and its supplements, or any publication revising
21 or superseding Handbook 133, shall be the method for checking
22 the net contents of commodities in package form. The National
23 Institute of Standards and Technology Handbooks 105-1, 105-2,
24 105-3, 105-4, 105-8, and their supplements, or any publication
25 revising or superseding Handbooks 105-1, 105-2, 105-3, 105-4,
26 and 105-8 shall be specifications and tolerances for reference

1 standards and field standards weights and measures.

2 For purposes of this Act, apparatus shall be deemed
3 "correct" when it conforms to all applicable requirements
4 promulgated as specified in this Section. Apparatus that does
5 not conform to all applicable requirements shall be deemed
6 "incorrect".

7 The Director is authorized to prescribe by regulation,
8 after public hearings, container sizes for fluid dairy products
9 and container sizes for ice cream, frozen desserts, and similar
10 items.

11 For the purposes of this Act, any apparatus certified by
12 the Department or city sealer as of July 1, 2012 satisfies
13 construction and installation requirements.

14 The Uniform Packaging and Labeling Regulation and the
15 Uniform Regulation for the Method of Sale of Commodities in the
16 National Institute of Standards and Technology Handbook 130,
17 and any of its subsequent supplements or revisions, shall be
18 the requirements and standards governing the packaging,
19 labeling, and method of sale of commodities for this State,
20 except insofar as specifically modified, amended, or rejected
21 by regulation issued by the Director.

22 (Source: P.A. 96-1333, eff. 7-27-10.)

23 (225 ILCS 470/30) (from Ch. 147, par. 130)

24 Sec. 30. National Institute of Standards and Technology
25 requirements and specifications. Each type of ~~new~~ weight and

1 measure or weighing and measuring device manufactured,
2 offered, or exposed for sale or sold or given away for the use
3 in trade or commerce, or used in trade and commerce in this
4 State, shall conform with the requirements and specifications
5 in the National Institute of Standards and Technology Handbook
6 44, 105-1, 105-2, 105-3, 105-4, or 105-8 and any of their
7 revisions or supplements. Such weights and measures or weighing
8 and measuring devices used for commercial or law enforcement
9 purposes must have a Certificate of Conformance, unless such
10 devices were certified by the Department or the city sealer on
11 or before July 1, 2012. This Section applies to all such
12 devices, including repaired devices and devices removed from
13 service and installed at a different location in this State
14 ~~must be issued prior to the use of such new weight and measure~~
15 ~~or weighing and measuring device for commercial or law~~
16 ~~enforcement purposes.~~ Pending the issuance of a Certificate of
17 Conformance, the Department may permit such ~~new~~ weight and
18 measure or weighing and measuring device to be used, provided
19 it meets the specifications and tolerances for that particular
20 weight and measure or weighing and measuring device as set
21 forth in the National Institute of Standards and Technology
22 Handbook 44, 105-1, 105-2, 105-3, 105-4, or 105-8.

23 (Source: P.A. 96-1333, eff. 7-27-10.)

24 (225 ILCS 470/36) (from Ch. 147, par. 136)

25 Sec. 36. It is unlawful to manufacture, offer or expose for

1 sale, or sell or give away, for use in trade or commerce, or to
2 use in trade or commerce, any weight or measure or weighing or
3 measuring device which does not have cast, stamped, etched or
4 otherwise marked thereon the name of the manufacturer and the
5 serial number of the approved type to which it belongs.
6 Whenever it appears to the satisfaction of the Department that
7 any type of weight or measure or weighing or measuring device
8 is ~~such as to render it~~ impracticable to mark, ~~it~~ as required
9 by this Section, the ~~such~~ Department shall furnish an
10 identification plate for registration and tracking purposes. ~~a~~
11 ~~certificate to that effect to any manufacturer applying~~
12 ~~therefor and such weight or measure or weighing or measuring~~
13 ~~device need not be marked as required by the provisions of this~~
14 ~~Section.~~

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

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