

**STATE OF ILLINOIS**  
**Department of Agriculture**  
**Bureau of Weights and Measures**  
P.O. Box 19281, State Fairgrounds  
Springfield, IL 62794-9281



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# **Weights & Measures Act**

## **Motor Fuel & Petroleum Standards Act**



**FOR FURTHER INFORMATION:**  
217/785-8301 or 800/582-0468  
[HTTPS://WWW2.ILLINOIS.GOV/SITES/AGR/CONSUMERS/  
WEIGHTSMEASURES/PAGES/DEFAULT.ASPX](https://www2.illinois.gov/sites/AGR/CONSUMERS/WEIGHTSMEASURES/PAGES/DEFAULT.ASPX)

# **TABLE OF CONTENTS**

## **WEIGHTS AND MEASURES ACT**

<b><u>PARAGRAPH</u></b>		<b><u>PAGE</u></b>
470/1	Short Title	1
470/2	Definitions. As used in this Act	1
470/3	Recognition and use of systems	2
470/4	Barrel, ton, and cord, defined	2
470/5	State standards; safekeeping	2
470/6	Director – State Inspectors – Technical and Clerical personal	3
470/7	Custody of the State Standards – Enforcement of this act – General Supervision – Reports to the Governor	3
470/8	Regulations – Issuance - Contents	3
470/8.1	Registration of servicepersons, service agencies, and special sealers	4
470/9	Calibration of field standards procured by cities	7
470/10	Inspection	7
470/11	Investigate Complaints	7
470/12	Sampling of packages – Illegal Sale – Marking – Sampling procedures restrictions on sale	8
470/13	Stop-use, stop-removal, and removal orders	8
470/14	Approval, sealing and marking of devices – Seizure and destruction of incorrect or rejected weights and measures	9
470/15	Special police powers of the Director	9
470/16	Powers and duties of designated or appointed qualified persons	9
470/17	Sealer weights and measures	10
470/19	Powers and duties of city sealer and deputy sealers – Records and reports	10
470/20	Official city standards – Procurement by city council – Comparisons for accuracy	10
470/21	Concurrent authority of director in cities having sealers – Municipal ordinances	11
470/22	Rejected weights and measures	11
470/23	Sale by liquid measure, weigh, measure and length or area or count – Exceptions – Regulations	11
470/24	Commodity in package form – Declaration as to contents	12
470/25	Commodity in package form – Declaration as to price	12
470/26	Commodity in package form – Misleading containers	12

470/27	Commodity in package form – Advertisement – Statement of price and declaration of contents	13
470/28	Net Weight	13
470/29	Advertisement	13
470/30	National Institute of Standards and Technology requirements and specifications	13
470/32	Certificate of Conformance - Appeal	14
470/33	Manufacture, sale or use of unapproved type of device	14
470/36	Marking of devices with manufactures name and serial number	14
470/37	Simulation of serial number – Penalty	15
470/39	Sealing of weights, measures, and devices – Effect of approval of type	15
470/40	Inspection fee - Weights and Measures Fund	15
470/41	Vehicle tank – Measuring devices – Calibration – Certificate of Calibration - Marking	16
470/42	Placing into Service	16
470/42.5	Sealing and resealing a weighing or measuring device	16
470/49	Sale from bulk	17
470/52	Standard weight per bushel for agriculture commodities	17
470/53	Fractional parts of unites of weight or measure – Sale at fractional parts of value of unit	17
470/54	Hindrance or obstruction of officials	18
470/55	Impersonation of officials	18
470/56	Violations	18
470/56.1	Administrative penalties - Judicial review	19
470/56.2	Decisions published	20
470/58	Injunctions	20
470/59	Presumptive proof	20
470/60	Prosecutions	20
470/61	Severability Clause	20

**TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER p: WEIGHTS AND MEASURES  
PART 600 WEIGHTS AND MEASURES ACT**

<u>SECTION</u>	<u>PAGE</u>
<b>SUBPART A: PACKAGING AND LABELING</b>	<b>24</b>
600.1 National Institute of Standards & Technology Handbook 130	24
600.140 Wholesale and Retail Exemption	24
600.160 Tables: Weights and Measures Standards for Illinois	25
 <b>SUBPART C: WEIGHING AND MEASURING DEVICES: METERS – SCALES - FEES</b>	 <b>25</b>
600.300 Vehicle Scales Regulation	25
600.310 Fees	29
600.320 Scales Used for the Enforcement of Highway Weight Laws	30
600.330 National Institute of Standards & Technology Handbook 44	31
 <b>SUBPART F: LIQUID PETROLEUM MEASURING DEVICES</b>	 <b>31</b>
600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons	31
600.670 System Used to Sell Petroleum Product	31
600.740 Three-Wheel Computers Prohibited	32
600.760 Stop Use Order; Hearing	32
600.770 Maintenance of Equipment	32
 <b>SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID PETROLEUM PRODUCTS</b>	 <b>32</b>
600.800 Price Per Gallon or Liter in Advertisement	32
600.810 Height and Width of Numbers	32
600.820 Advertised Price Complete	33
600.830 Advertising Other Commodities; Misleading Advertising Prohibited	33
600.840 Product Identity and Type of Service	33
600.850 Advertisement of Price Not Required Except on Pump	33
600.860 Stop Use Order; Hearing	33

600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities	34
600.TABLE C	Illinois Standard Weights and Measures	36
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures	38
600.TABLE E	Weights of Coal Per Cubic Foot	40
600.TABLE F	Equivalents to be used by Seller in Transposing Weights	41
600.TABLE G	Measurement of Surfaces and Volumes	42

# **MOTOR FUEL & PETROLEUM STANDARDS ACT**

<b><u>PARAGRAPH</u></b>		<b><u>PAGE</u></b>
370/1	Short Title	43
370/2	Public Policy	43
370/3	Definitions	44
370/4	ASTM Standards	44
370/4.1	Gasoline Containing Ethanol or Methanol - Notice of Percentage - Federal Requirements	44
370/5	Testing and Fees	45
370/5.1	Enforcement and Administration	46
370/6	Violation - Penalty	46
370/7	Administrative Hearing and Penalty	46
370/7.1	Fuel Rating Display Standards; Administrative Penalty	47
370/8	Publication of Administrative Hearing Decisions	48
370/9	TRO or Injunction - Subpoenas	48
370/10	Fund	49

## **TITLE 8: AGRICULTURE AND ANIMALS CHAPTER I: DEPARTMENT OF AGRICULTURE SUBCHAPTER S: MOTOR FUELS**

### **PART 850 MOTOR FUEL & PETROLEUM STANDARDS ACT**

<b><u>SECTION</u></b>		<b><u>PAGE</u></b>
850.10	Written Complaint Required	50
850.20	Access to Motor Fuels and Records	50
850.30	Responsibility of Standards of Quality	50
850.40	Administrative, Laboratory and Sampling Fees	50
850.50	Label on Motor Fuel Dispensing Device	51
850.60	ASTM Standards	51

**PROFESSIONS, OCCUPATIONS, AND  
BUSINESS OPERATIONS  
(225 ILCS 470/) Weights and Measures Act.**

**470/1 Short Title**

This Act shall be known and may be cited as the “Weights and Measures Act”.

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

**470/2 Definitions. As used in this Act**

“Person” means both singular and plural as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations

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

“Sell” and “sale” includes barter and exchange.

“Director” means the Director of Agriculture.

“Department” means the Department of Agriculture.

“Inspector” means an inspector of weights and measures of this State.

“Sealer” and “deputy sealer” mean, respectively, a sealer of weights and measures and a deputy sealer of weights and measures of a city.

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

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

“Consumer package” and “package of consumer commodity” mean any commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions, and which usually is consumed or expended in the course of such consumption or use.

“Nonconsumer package” and “package of nonconsumer commodity” mean any commodity in package form other than a consumer package, and particularly a package

designed solely for industrial or institutional use or for wholesale distribution only.

“Certificate of Conformance” means a document issued by the National Conference on Weights and Measures based on testing in participating laboratories that indicates that the weights and measures or weighing and measuring device conform with the requirements of National Institute of Standards and Technology’s Handbooks 44, 105-1, 105-2, 105-3, 105-4, or 105-8 and any subsequent revisions or supplements thereto.

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

“Diesel gallon equivalent” means 6.06 pounds of liquefied natural gas or 6.41 pounds of propane. “Gasoline gallon equivalent” means 5.660 pounds of compressed natural gas.

*(Source: P.A. 100-9, eff. 7-1-17.)*

### **470/3 Recognition and use of systems**

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in this State. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Institute of Standards and Technology, are recognized and shall govern weighing and measuring equipment and transactions in this State.

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

### **470/4 Barrel, ton, and cord, defined**

The term “barrel”, when used in connection with fermented liquor, means a unit of 31 gallons. The term “ton” means a unit of 2,000 pounds avoirdupois weight. The term “cord”, when used in connection with wood intended for fuel purposes, means the amount of wood contained in a space of 128 cubic feet when the wood is ranked and well stowed.

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

### **470/5 State standards; safekeeping**

Weights and measures supplied to the State of Illinois by the federal government or otherwise obtained by the State for use as State standards shall, when certified to be satisfactory for use as such by the National Institute of Standards and Technology, be the standards of weight and measure of this State. The State standards shall be retained in a safe and suitable place in the office or laboratory of the Department and shall not be removed from the office or laboratory except for repairs or certification.

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



### **470/6 Director – State Inspectors – Technical and Clerical personal**

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

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

### **470/7 Custody of the State Standards – Enforcement of this act – General Supervision – Reports to the Governor**

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

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

### **470/8 Regulations – Issuance - Contents**

The Director shall from time to time issues reasonable regulations for enforcement of this Act that shall have the force and effect of law. In determining these regulations, he shall appoint, consult with, and be advised by committees representative of industries to be affected by the regulations. These regulations may include (1) standards of net weight, measure or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, and (3) exemptions from the sealing or marking requirements of Section 14 of this Act with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question. These regulations shall include specifications, tolerances, and regulations for weights and measures, of the character of those specified in Section 10 of this Act, designed to eliminate from use (without prejudice to apparatus that conforms as closely as practicable to the official standards) such weights and measures as are (1) inaccurate, (2) of faulty construction (that is, not reasonably permanent in their adjustment or not capable of correct repetition of their indications), or (3) conducive to the perpetration of fraud. Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44, shall

be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director. Notwithstanding the provisions of this paragraph, liquefied natural gas and propane used as motor fuel shall be sold in diesel gallon equivalents, and compressed natural gas shall be sold in gasoline gallon equivalents. Propane used as motor fuel shall be sold in actual measured gallon volumetric units, which shall then be multiplied by 0.651 to determine the diesel gallon equivalents that are subject to tax under the Motor Fuel Tax Law.

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

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

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

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

The Uniform Packaging and Labeling Regulation and the Uniform Regulation for the Method of Sale of Commodities in the National Institute of Standards and Technology Handbook 130, and any of its subsequent supplements or revisions, shall be the requirements and standards governing the packaging, labeling, and method of sale of commodities for this State, except insofar as specifically modified, amended, or rejected by regulation issued by the Director, and except that liquefied natural gas used as motor fuel shall be sold in diesel gallon equivalents, and compressed natural gas shall be sold in gasoline gallon equivalents.

*(Source: P.A. 100-9, eff. 7-1-17.)*

## **470/8.1 Registration of servicepersons, service agencies, and special sealers**

(a) No person, firm, or corporation shall install, service, recondition or repair a weighing or measuring device used in trade or commerce without first obtaining a certificate of registration. A certificate of registration shall be renewed annually. Applications by individuals for a certificate of registration shall be made to the Department, in a manner prescribed by the Department, and shall be accompanied by the required fee.

(b) Each application shall provide such information that will enable the Department to pass on the qualifications of the applicant for the certificate of registration. The information

requests shall include present residence, location of the business to be licensed under this Act, whether the applicant has had any previous registration under this Act or any federal, state, county, or local law, ordinance, or regulation relating to servicepersons and service agencies, whether the applicant has ever had a registration suspended or revoked, whether the applicant has been convicted of a felony, and such other information as the Department deems necessary to determine if the applicant is qualified to receive a certificate of registration.

(c) Before any certificate of registration is issued, the Department shall require the registrant to meet the following qualifications:

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

(2) Passes a qualifying examination or completes a continuing education course for each type of weighing or measuring device he intends to install, service, recondition, or repair as required under this Section.

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

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

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

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

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

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

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

(d) If a registrant fails to renew a certificate of registration for more than one registration year, the registrant shall pass a qualifying examination for each type of weighing and measuring device the registrant intends to install, service, recondition, or repair before the registrant's certificate of registration is renewed.

Beginning with the 2022 registration year, a registrant must complete a continuing education course for each type of weighing and measuring device the registrant intends to install, service, recondition, or repair. A registrant must complete a continuing education course every 5 years thereafter, provided the serviceperson, service agency, or special sealer is registered annually and remains in good standing. If a serviceperson, service agency, or special sealer fails to register with the Department, he or she must retest after a year lapse. For those registrants that have been continuously registered for 5 or more years on the effective date of this amendatory Act of the 102nd General Assembly, the Department shall require one-third of those registrants to complete a continuing education course required under this Section in the 2022 registration year, one-third of those registrants to complete a continuing education course in the 2023 registration year, and one-third of those registrants to complete a continuing education course in the 2024 registration year.

(e) As used in this Section:

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

“Continuing education course” means an online course prepared and provided by the Department. The continuing education course shall be available through a link on the Department’s website and shall provide the registrant with information concerning industry and Department practices. To complete the continuing education course, the registrant is required to review the educational materials but is not required to pass an examination.

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

“Serviceperson” means any individual who installs, services, repairs, or reconditions, for hire, award, commission, or any other payment of kind, a commercial weighing or measuring device. Each serviceperson must be associated with a primary service agency.

“Service agency” means any individual, agency, firm, company, or corporation that, for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device. Each service agency shall have a registered serviceperson prior to qualifying as a registered service agency.

“Special sealer” means any serviceperson who is allowed to service only one service agency’s liquid petroleum meters or liquid petroleum measuring devices.

(f) Each registered service agency and serviceperson shall have report forms, known as “Placed in Service Reports”. An original and 2 copies of these forms shall be executed and shall include the assigned registration number for both the registered serviceperson and the registered service agency for each rejected or repaired device restored to service and for each newly installed device placed in service. The report shall be signed by a registered serviceperson or by a registered serviceperson representing a registered service agency. Whenever a registered serviceperson or special sealer places into service a weighing or measuring device, there shall be affixed to the device indicator a decal provided by the Department that indicates the device accuracy.

Within 5 days after a device is restored to service or placed in service, the original of a properly executed “Placed in Service Report”, shall be submitted in a manner prescribed by the Department. A copy of the report shall be handed to the owner or operator of the device and a copy of the report shall be retained by the service agency or serviceperson.

All field standards that are used for servicing and testing weights and measures devices for which competence is registered shall be submitted to the Director for initial and subsequent verification and calibration at least once every 2 years or as otherwise

determined by the Director. When servicing commercial weighing or measuring devices, a registered serviceperson or registered service agency shall not use any field standards or testing equipment that have not been calibrated or verified by the Director. In lieu of submission of physical standards, the Director may accept calibration reports, verification reports, or both from any laboratory that is formally accredited or recognized. The Director shall maintain a list of organizations from which the Department will accept calibration reports. The Department shall retain the right to monitor periodically calibration results, to verify field standard compliance to specifications and tolerance when field standards are initially placed into service or at any intermediate point between calibration, or both.

(g) Persons working as apprentices are not subject to registration if they work with and under the supervision of a registered serviceperson.

(h) The Director is authorized to promulgate, after public hearing, rules and regulations necessary to enforce the provisions of this Section.

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

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

All final administrative decisions of the Director under this Section shall be subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

*(Source: P.A. 102-217, eff. 1-1-22.)*

#### **470/9 Calibration of field standards procured by cities**

At least once every year, the Director shall test the standards of weights and measures procured by any city for which appointment of a sealer of weights and measures is provided by this Act.

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

#### **470/10. Inspection**

Unless otherwise provided by law, the Director may inspect and test all weights and measures held, offered, or exposed for sale to ascertain if they are correct. The Director shall, within each period of 12 months or more frequently if necessary, inspect and test all law enforcement scales used to determine vehicle weights and all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold or offered or exposed for sale on the basis of weight, measure, or count or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count to ascertain if they are correct. However, with respect to single-service devices (meaning those designed to be used commercially only once and then discarded) and devices uniformly mass-produced, as by means of a mold or die, and not susceptible to individual adjustment, such tests may be made on representative samples of these

devices. The lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on the samples.

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

### **470/11 Investigate Complaints**

The Director shall investigate complaints received by him concerning violations of the provisions of this Act and shall conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this Act and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

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

### **470/12 Sampling of packages – Illegal Sale – Marking – Sampling procedures restrictions on sale**

The Director shall from time to time weigh or measure and inspect packages or amounts of commodities held, offered or exposed for sale or sold or in the process of delivery, to determine whether they contain the amounts represented and are being held, offered or exposed for sale or were sold in accordance with law. When such packages or amounts of commodities are thus determined not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the Director may restrain such offer, exposure or sale by order and may so mark or identify them to indicate the illegality thereof. In carrying out the provisions of this Section, the Director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell, or keep, offer or expose for sale in intrastate commerce any package or amount of commodity that has been ordered off sale or marked or identified as provided in this Section unless and until such package or amount of commodity fully complies with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or identified as provided in this Section and that does not comply with legal requirements in any manner except with the specific approval of the Director

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

### **470/13 Stop-use, stop-removal, and removal orders**

The Director may issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being or susceptible of being commercially used, and may issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered or exposed for sale or sold or in process of delivery, whenever in the course of his enforcement of the provisions of this Act he deems it necessary or

expedient to issue such orders. No person shall use, remove or fail to remove from the premises specified any weight, measure or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued pursuant to this Section.

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

#### **470/14 Approval, sealing and marking of devices – Seizure and destruction of incorrect or rejected weights and measures**

Upon inspection and test, the Director shall approve for use and may seal or mark with appropriate devices such weights and measures as he finds to be “correct” and shall reject and mark or tag as “rejected” such weights and measures as he finds to be “incorrect” (but susceptible of satisfactory repair), as defined in Section 8 of this Act. Such sealing or marking is unnecessary with respect to such weights and measures as may be exempted therefrom by a regulation of the Director issued pursuant to Section 8 of this Act. The Director shall condemn and may seize and may destroy weights and measures found to be “incorrect” which, in his best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and destroyed by the Director if not corrected pursuant to, or if used or disposed of contrary to, Section 22 of this Act.

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

#### **470/15 Special police powers of the Director**

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

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

#### **470/16 Powers & duties of designated or appointed qualified persons**

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

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

## **470/17 Sealer weights and measures**

In and for each city having a population of 25,000 or more according to the latest official United States census, there may be a sealer of weights and measures and such deputy sealers of weights and measures as may be required. A city sealer is required to attend annual training workshops conducted by the Department.

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

## **470/19 Powers and duties of city sealer and deputy sealers – Records and reports**

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

The city inspector of weights and measures shall keep a complete record of all his official acts and shall submit an annual report to the council of the city, and an annual report (by January 15) under oath to the Director of Agriculture on blanks furnished by him, and any special reports that the Director of Agriculture may request. Failure of a city sealer of weights and measures and each of his or her deputy sealers to attend annual training workshops conducted by the Department or to provide an annual report to the Director or any other special report that the Director requests may invalidate the authority of a city sealer to enforce any provision of this Act or its regulations.

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

## **470/20 Official city standards – Procurement by city council – Comparisons for accuracy**

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

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



## **470/21 Concurrent authority of director in cities having sealers – Municipal ordinances**

In cities for which sealers of weights and measures have been appointed pursuant to this Act, the Director shall have concurrent authority to enforce the provisions of this Act. The legislative body of each such city may, by ordinance, prescribe the duties of the sealer and enact regulatory measures more restrictive than, but otherwise consistent with, the provisions of this Act.

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

## **470/22 Rejected weights and measures**

Weights and measures rejected under the authority of the Director or a sealer remain subject to control of the rejecting authority until such time as suitable repair or disposition thereof has been made under this Section. The owners of the rejected weights and measures shall cause them to be rectified within 10 days or such longer period as may be authorized by the rejecting authority or may dispose of them but only in a manner specifically authorized by the rejecting authority. Weights and measures thus rejected shall not be used commercially until officially reexamined and found to be correct, placed into service by a registered serviceperson or special sealer, or specific written permission for such use is granted by the rejecting authority.

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

## **470/23 Sale by liquid measure, weigh, measure and length or area or count – Exceptions – Regulations**

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

The provisions of this Section do not apply (1) to commodities sold for immediate consumption upon the premises where sold, (2) to vegetables sold by the head or bunch, (3) to commodities in containers standardized by a law of this State or by Federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures and loose solid materials such as earth, soil, gravel, crushed stone and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer sold by cubic measure. The Director may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

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

### **470/24 Commodity in package form – Declaration as to contents**

Except as otherwise provided in this Act, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce or kept, offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain and conspicuous declaration of (1) the identity of the commodity in the package, (2) the net quantity of the contents in terms of weight, measure or count, and (3) in the case of any package kept, offered or exposed for sale, or sold elsewhere than on the premises where packed, the name and place of business of the manufacturer, the packer, or the distributor as may be prescribed by regulation issued by the Director. In relation to such declaration of net quantity, neither the qualifying term “when packed” or any words of similar import, nor any term qualifying a unit of weight, measure or count which exaggerates the amount of commodity in a package, shall be used. Any package that is introduced or delivered for introduction into or received in intrastate commerce or kept, offered, or exposed for sale in intrastate commerce may be opened for inspection without cost to the Department for the purpose of determining the net contents. All opened products shall remain at the point of inspection. Also in relation to such declaration of net quantity, the Director shall by regulation establish (a) reasonable variations to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (b) exemptions as to small packages, and (c) exemptions as to commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

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

### **470/25 Commodity in package form – Declaration as to price**

In addition to the declarations required by Section 24 of this Act, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity shall bear the total selling price of the package and shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

*(Source: P.A. 86-314.)*

### **470/26 Commodity in package form – Misleading containers**

No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the Director

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

## **470/27 Commodity in package form – Advertisement – Statement of price and declaration of contents**

Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price such declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package. In connection with the declaration required by this Section neither the qualifying term “when packed” nor any words of similar import, shall be used.

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

## **470/28 Net Weight**

The word “weight” as used in this Act in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

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

## **470/29 Advertisement**

Whenever any commodity or service is sold or is offered, exposed or advertised for sale by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted or labeled price per unit of weight, measure or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

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

## **470/30 National Institute of Standards and Technology requirements and specifications**

Each type of weight and measure or weighing and measuring device manufactured, offered, or exposed for sale or sold or given away for the use in trade or commerce, or used in trade and commerce in this State, shall conform with the requirements and specifications in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, 105-4, or 105-8 and any of their revisions or supplements. Such weights and measures or weighing and measuring devices used for commercial or law enforcement purposes must have a Certificate of Conformance, unless such devices were certified by the Department or the city sealer on or before July 1, 2012. This Section applies to all such devices, including repaired devices and devices removed from service and installed at a different location in this State. Pending the issuance of a Certificate of Conformance,

the Department may permit such weight and measure or weighing and measuring device to be used, provided it meets the specifications and tolerances for that particular weight and measure or weighing and measuring device as set forth in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, 105-4, or 105-8

*(Source: P.A. 98-342, eff. 8-13-13.)*

### **470/32 Certificate of Conformance - Appeal**

For a weight or measure or weighing or measuring device to be certified for use in the State of Illinois, it must have a Certificate of Conformance issued by the National Conference on Weights and Measures as set forth in Section 30 of this Act. The Department may approve or disapprove the use of a weight or measure or weighing or measuring device where a Certificate of Conformance is pending in accordance with the provisions of Section 30 of this Act. Decisions rendered by the Department are subject to the Illinois Administrative Procedure Act.

If a person is dissatisfied with a decision issued by the National Conference on Weights and Measures regarding the issuance of a Certificate of Conformance, the person may appeal according to the appropriate administrative procedures of the National Conference on Weights and Measures.

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

### **470/33 Manufacture, sale or use of unapproved type of device**

It is unlawful for any person to manufacture, offer or expose for sale, or to sell or give away for use in trade or commerce, or to use in trade or commerce, any weight or measure or weighing or measuring device of a type not approved in accordance with the provisions of this Act, except that if the type of a weight or measure or weighing or measuring device is intended for shipment outside the State of Illinois, no approval of type is necessary.

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

### **470/36 Marking of devices with manufactures name & serial number**

It is unlawful to manufacture, offer or expose for sale, or sell or give away, for use in trade or commerce, or to use in trade or commerce, any weight or measure or weighing or measuring device which does not have cast, stamped, etched or otherwise marked thereon the name of the manufacturer and the serial number of the approved type to which it belongs. Whenever it appears to the satisfaction of the Department that any type of weight or measure or weighing or measuring device is impracticable to mark, as required by this Section, the Department shall furnish an identification plate for registration and tracking purposes.

*(Source: P.A. 98-342, eff. 8-13-13.)*

### **470/37 Simulation of serial number – Penalty**

It is unlawful to cast, stamp, etch or otherwise mark, upon any weight or measure or weighing or measuring device, the type of which has not been approved as required by this Act, any design or device simulating a serial number required by Section 36 of this Act. Any person who violates this Section is guilty of a Class A misdemeanor.

*(Source: P.A. 77-2830.)*

### **470/39 Sealing of weights, measures, and devices – Effect of approval of type**

Inspectors of weights and measures of this State may seal, for use in trade or commerce, all weights and measures and weighing and measuring devices, the type of which has been approved as required by the provisions of this Act, or specifically exempted from the necessity of approval by the provisions of this Act, when they find that the same are within the tolerance prescribed under the rules and regulations. This Section does not permit approval of a type to be deemed evidence of the correctness of any individual weight or measure or weighing or measuring device of that type, or prevent any such inspector of weights and measures from prohibiting the use of any individual weight or measure or weighing or measuring device that is found to be inaccurate or otherwise defective or unlawfully used and enforcing any penalty provided by this Act.

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

### **470/40 Inspection fee - Weights and Measures Fund**

The Director and each sealer shall collect and receive from the user of weights and measures a commercial weighing or measuring device inspection fee. For the use of its Metrology Laboratory, the testings of weights and measures and such other inspection and services performed, the Department shall set a fee, the amount of which shall be according to a Schedule of Weights and Measures Inspection Fees established and published by the Director. The fees so collected and received by the State shall be deposited into a special fund to be known as the Weights and Measures Fund. All weights and measures inspection fees, metrology fees, weights and measures registrations, and weights and measures penalties collected by the Department under this Act shall be deposited into the Weights and Measures Fund. The amount annually collected shall be used by the Department for activities related to the enforcement of this Act and the Motor Fuel and Petroleum Standards Act, and for the State's share of the costs of the Field Automation Information Management project. No person shall be required to pay more than 2 inspection fees for any one weighing or measuring device in any one year when found to be accurate. When an inspection is made upon a weighing or measuring device because of a complaint by a person other than the owner of such weighing or measuring device, and the device is found accurate as set forth in Section 8 of this Act, no inspection fee shall be paid by the complainant. Any time a weighing or measuring device is found to be inaccurate, the user shall pay the inspection fee.

If any person fails or refuses to pay, within 60 days after the issuance of notice from the Department, a fee authorized by this Section, the Department may prohibit that person from using commercial weighing and measuring devices. In addition to prohibiting the use of the device, the Department may also recover interest at the rate of 1% per month from the time the payment is owed to the Department until the time the Department recovers the fee.

*(Source: P.A. 100-155, eff. 8-18-17.)*

### **470/41 Vehicle tank – Measuring devices – Calibration – Certificate of Calibration - Marking**

No person shall operate, upon the streets or highways of this State any vehicle tank used for commercial purposes unless such tank either is equipped with a meter or other device for measuring deliveries from the tank or has been calibrated for capacity and sealed by the Director. When a vehicle tank has been calibrated for capacity by the Director, he shall issue to the owner or operator a certificate of calibration in which is shown the calibrated capacity of each compartment. A copy of this certificate shall accompany the vehicle tank at all times or kept on file available for examination either at the plant out of which the vehicle tank is operated or at a regional or principal Illinois office of the owner of the vehicle tank. Each compartment of a vehicle tank shall be marked with a statement of its capacity as defined by its indicator, located in a conspicuous place in letters and figures not less than one inch in height. Enforcement of this Section is reserved to the Director or to the sealer in a city having a population of 200,000 or greater according to the latest official United States census.

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

### **470/42 Placing into Service**

Placing into service. All weighing or measuring devices must be placed into service and sealed before they are first used in trade by a serviceperson, service agency, or special sealer registered by the Director or by an inspector.

*(Source: P.A. 102-218, eff. 1-1-22.)*

### **470/42.5 Sealing and resealing a weighing or measuring device**

A seal placed on any weighing or measuring device by the Director may be broken for the purposes of testing, calibration, adjustment, or repair, but only by a serviceperson, service agency, or special sealer registered by the Director or by an inspector.

After testing or servicing, the device must be resealed with the seal displaying the registration number of the sealer as assigned by the Director and the sealer shall be responsible for the unit after it has been resealed. Written notice advising the Director as to the unit on which the seal was broken and resealed must be submitted within 5 days so that a recheck may be made by the Department.

On any device whose sole method of sealing is an audit trail, event counter, or similar system, a tamper evident label shall be affixed to the device that includes the sealer's registration number as issued by the Director and the most recent count or counts listed in the audit trail, event counter, or similar system. These counts shall also be entered on all placed in-service reports and any test reports where calibration counts were changed from the beginning of testing.

*(Source: P.A. 102-218, eff. 1-1-22.)*

### **470/49 Sale from bulk**

All bulk sales in which the buyer and seller are not both present to witness the measurement, all bulk deliveries of heating fuel, and all other bulk sales specified by rule or regulation of the Director shall be accompanied by a delivery ticket containing all of the following information:

- (1) The name and address of the buyer and seller.
- (2) The date delivered.
- (3) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, for example, when temperature compensated sales are made
- (4) The unit price, unless otherwise agreed upon by both buyer and seller.
- (5) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.
- (6) The count of individual wrapped packages, if more than one, in the instance of commodities bought from bulk but delivered in packages.

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

### **470/52 Standard weight per bushel for agriculture commodities**

The Director may by regulation establish a standard weight per bushel for any agricultural commodity, and any such weight per bushel shall prevail when such commodity is contracted for, bought or sold, if no special contract or written and signed agreement exists to the contrary.

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

### **470/53 Fractional parts of unites of weight or measure – Sale at fractional parts of value of unit**

Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in Sections 3 and 4 of this Act, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

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

## **470/54 Hindrance or obstruction of officials**

A person who in any way hinders or obstructs the Director, his authorized representative, any one of the inspectors or a sealer, deputy sealer or special sealer, in the performance of his official duties is guilty of a Class B misdemeanor.

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

## **470/55 Impersonation of officials**

A person who in any way impersonates the Director, his authorized representative, any one of the inspectors or a sealer, deputy sealer or special sealer, by the use of his seal or a counterfeit of his seal or in any other manner, is guilty of a Class A misdemeanor.

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

## **470/56 Violations**

(1) A person who, by himself or herself or by his or her employee or agent or as the employee or agent of another person, performs any of the acts enumerated in subparagraphs (A) through (J) of this Section is guilty of a business offense and shall be fined not less than \$1,000 for the first offense; not less than \$1,500 on a second offense; and not less than \$2,500 for a third offense.

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

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

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

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

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

(F) Take more than the quantity he represents of any commodity, thing or service, when, as buyer, he or she furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined.

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

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



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

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

(2) A person who, by himself or herself or by the person's servant or agent, or as a servant or agent of another person, performs any of the following acts is guilty of a Class 3 felony and subject to a fine of not less than \$1,000.00 or not more than \$10,000.00 or the total amount of any money gained for each day on which a violation has been found, whichever is greater, or by imprisonment, or both:

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

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

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

### **470/56.1 Administrative penalties - Judicial review**

When an administrative hearing is held, the hearing officer, upon determination of any violation of any Section of this Act shall levy the following administrative monetary penalties:

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

(B) A penalty of \$1,500 for a second violation at the same location within 2 years of

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

The penalty so levied shall be collected by the Department. Any penalty of \$2,500 or greater not paid within 120 days of issuance of notice from the Department shall be submitted to the Department of Revenue for collection as provided under the Illinois State Collection Act of 1986. The Department may prohibit any person from using a commercial weighing or measuring device for failure to pay an administrative monetary penalty within 60 days of issuance of notice from the Department.

All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

*(Source: P.A. 100-155, eff. 8-18-17.)*

## **470/56.2 Decisions published**

The Director or his agent may publish or cause to be published any information pertinent to the issuance of the decision of the court or administrative hearing to such media as the Director may designate.

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

## **470/58 Injunctions**

The director may file a complaint and apply to the circuit court for, and such court upon hearing and for cause shown may grant, a temporary restraining order or a preliminary or permanent injunction restraining any person from violating this Act.

*(Source: P.A. 83-342.)*

## **470/59 Presumptive proof**

For the purposes of this Act, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

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

## **470/60 Prosecutions**

Prosecutions for violation of any provision of this Act are declared to be valid and proper notwithstanding the existence of any other valid general or specific Act of this State dealing with matters that may be the same as or similar to those covered by this Act.

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

## **470/61 Severability Clause**

If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

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

**TITLE 8: AGRICULTURE AND ANIMALS**  
**CHAPTER I: DEPARTMENT OF AGRICULTURE**  
**SUBCHAPTER p: WEIGHTS AND MEASURES**  
**PART 600 WEIGHTS AND MEASURES ACT**

**Subpart A: Packaging And Labeling**

- Section 600.1 National Institute of Standards and Technology Handbook 130
- Section 600.10 Definitions (Repealed)
- Section 600.20 Application (Repealed)
- Section 600.30 Identity (Repealed)
- Section 600.40 Declaration of Identity: Nonconsumer Package (Repealed)
- Section 600.50 Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
- Section 600.60 Declaration of Quantity: Consumer Packages (Repealed)
- Section 600.70 Declaration of Quantity: Nonconsumer Packages (Repealed)
- Section 600.80 Prominence and Placement: Consumer Packages (Repealed)
- Section 600.90 Prominence and Placement: Nonconsumer Package (Repealed)
- Section 600.100 Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
- Section 600.110 Exemptions (Repealed)
- Section 600.120 Variations to be Allowed (Repealed)
- Section 600.130 Standards of Fill (Repealed)
- Section 600.140 Wholesale and Retail Exemption
- Section 600.150 Revocation of Conflicting Regulations (Repealed)
- Section 600.160 Tables: Weights and Measures Standards for Illinois

**Subpart B: Roofing And Roofing Materials**

- Section 600.250 Roofing & Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

**Subpart C: Weighing And Measuring Devices: Meters – Scales – Fees**

- Section 600.300 Vehicle Scales Regulation
- Section 600.310 Fees
- Section 600.320 Scales Used for the Enforcement of Highway Weight Laws
- Section 600.330 National Institute of Standards and Technology Handbook 44

**Subpart D: Moisture Meter Testing**

- Section 600.350 General (Repealed)

- Section 600.360 Testing and Inspection (Repealed)
- Section 600.370 Rejected Moisture Testing Devices (Repealed)
- Section 600.380 Use of Moisture Measuring Devices (Repealed)

## **Subpart E: Registration Of Service Agencies, Servicemen, And Special Sealers For Commercial Weighing And Measuring Devices**

- Section 600.450 Policy (Repealed)
- Section 600.460 Definitions (Repealed)
- Section 600.470 Certificate of Registration (Repealed)
- Section 600.480 Types of Certificates (Repealed)
- Section 600.490 Examinations (Repealed)
- Section 600.500 Exemptions (Repealed)
- Section 600.510 Registration Fee (Repealed)
- Section 600.520 Reports (Repealed)
- Section 600.530 Bonds (Repealed)
- Section 600.540 Standards and Testing Equipment (Repealed)
- Section 600.550 Revocation of Certificate of Registration (Repealed)
- Section 600.560 Publication of Lists (Repealed)

## **Subpart F: Liquid Petroleum Measuring Devices**

- Section 600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon (Repealed)
- Section 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
- Section 600.670 System Used to Sell Petroleum Product
- Section 600.680 Unit Price Per Gallon Displayed (Repealed)
- Section 600.690 Price of Gasoline (Repealed)
- Section 600.700 Unit Price Indicator: Set at One-Half Total Selling Price (Repealed)
- Section 600.710 Decals or Stickers Affixed to the Pump Face (Repealed)
- Section 600.720 Information Sign Indicating Half Gallon Pricing of Gasoline (Repealed)
- Section 600.730 Conversion Kits or Replacement Pumps: Deadline (Repealed)
- Section 600.740 Three-Wheel Computers Prohibited
- Section 600.750 One-Half Gallon Pricing Applicable to All Metering Pumps at Facility (Repealed)
- Section 600.760 Stop Use Order; Hearing
- Section 600.770 Maintenance of Equipment

## **Subpart G: Advertisement Of The Price Of Liquid Petroleum Products**

Section 600.800 Price Per Gallon or Liter in Advertisement

Section 600.810 Height and Width of Numbers

Section 600.820 Advertised Price Complete

Section 600.830 Advertising Other Commodities; Misleading Advertising Prohibited

Section 600.840 Product Identity and Type of Service

Section 600.850 Advertisement of Price Not Required Except on Pump

Section 600.860 Stop Use Order; Hearing

Section 600.TABLE A Minimum Height of Numbers and Letters (Repealed)

Section 600.TABLE B Standard Weight Per Bushel for Agricultural Commodities

Section 600.TABLE C Illinois Standard Weights and Measures

Section 600.TABLE D Equivalents: Cubic Inches in U.S. Standard Capacity Measures

Section 600.TABLE E Weights of Coal Per Cubic Foot

Section 600.TABLE F Equivalents to be used by Seller in Transposing Weights

Section 600.TABLE G Measurement of Surfaces and Volumes

**TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER p: WEIGHTS AND MEASURES  
PART 600 WEIGHTS AND MEASURES ACT  
SECTION 600.1 NATIONAL INSTITUTE OF  
STANDARDS AND TECHNOLOGY HANDBOOK 130**

**Subpart A: Packaging And Labeling**

**Section 600.1 National Institute of Standards and Technology Handbook 130**

The Uniform Packaging and Labeling Regulation and the Uniform Regulation for the Method of Sale of Commodities in the National Institute of Standards and Technology Handbook 130, and any of its subsequent supplements or revisions, shall be the requirements and standards governing the packaging, labeling, and method of sale of commodities for this State, except insofar as specifically modified, amended, or rejected by regulation issued by the Director (Section 8 of the Weights and Measures Act [225 ILCS 470/8]). National Institute of Standards and Technology Handbook 130 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The following sections of the Method of Sale of Commodities requirements shall not be adopted:

- a) Section 1.2 (Bread),
- b) Section 2.20 (Gasoline-Oxygenate Blends), and
- c) Section 1.9.2 (Unit Price Advertising).

*(Source: Amended at 19 Ill. Reg. 8114, effective June 7, 1995)*

**Section 600.140 Wholesale and Retail Exemption**

The rules of Subpart A and the penalties assessed under the Act shall not apply to persons engaged in business as wholesale or retail distributors of packaged commodities except to the extent that such persons:

- a) are engaged in the packaging or labeling of such commodities, or
- b) prescribe or specify by any means the manner in which such commodities are packaged or labeled as to:
  - 1) identity,
  - 2) quantity,
  - 3) responsibility.

**Section 600.160 Tables: Weights and Measures Standards for Illinois**

a) Standard Weight Per Bushel for Agricultural Commodities. The director may by rule establish a standard weight per bushel for any agricultural commodity, and any such weight per bushel shall prevail when such commodity is contracted for, bought or sold, if no special contract or written and signed agreement exists to the contrary. The standard weight per bushel for agricultural commodities is shown in Table B.

b) The standard weights and measures for use in Illinois are shown in Tables C through G.

**Subpart C: Weighing and Measuring Devices: Meters – Scales - Fees**

**Section 600.300 Vehicle Scales Regulation**

a) Except for scales used for the enforcement of highway weight laws, all vehicle scales shall comply with the requirement of the National Institute of Standards and Technology Handbook 44, which is adopted in Section 8 of the Weights and Measures Act [225 ILCS 470/8] and shall, in addition, meet either 1, 2, 3 or 4 of the following requirements:

1) Pit Vehicle Scales – All pit vehicle scales shall be installed to comply with the following requirements:

A) The pit shall have a minimum depth of 32 inches to be measured from the bottom of the eyebeam to the floor of the pit.

B) Floor of the pit is to be constructed of concrete with drainage.

2) Low Profile Pitless Vehicle Scales – All low profile pitless vehicle scales shall be installed to comply with the following requirements:

A) A concrete pad shall be poured underneath the entire length and width of the scale at or above ground level.

B) The scale shall be installed to ensure that surface water will drain away from the scale area.

C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad of the underneath side of the scale.

D) Clearance of at least three feet shall be provided around the sides of the scale to ensure for proper cleaning and servicing.

3) Portable Pitless Vehicle Scales

A) Temporary Use of Scale – the scale may be used at the same facility for a period of not more than twelve months from the date of the initial state certification.

B) Limited Use of Scale – the scale shall be used only for the weighing of soil, gravel, sand, cement and other building materials.

C) State Test Required – a state scale test (Sections 10 and 30 of the Weights and Measures Act) is required prior to the use of the scale. This procedure is to be repeated each time the scale is moved.

4) Shallow Pit Vehicle Scales – Beginning May 1, 2015, all shallow pit vehicle scales shall be installed to comply with the following requirements:

- A) A concrete floor shall be poured the entire length and width of the pit.
- B) The scale pit shall be installed to ensure that water will drain at all times away from the entire scale pit area.
- C) Clearance of at least four inches shall be provided from the bottom of the eyebeam to the top of the concrete pad on the underneath side of the scale.
- D) Concrete walls with a clearance of a minimum of three feet shall be provided around the sides of the scale.
- E) The top of the scale and concrete walls shall be level and at or above grade.

F) Grating or plating able to be removed for cleanout and inspections and solid enough to withstand normal foot traffic shall be placed over the three-foot space between the scale and outside concrete walls.

G) Scales shall be equipped with manufacturer approved rub rails.

H) All scales must be fully electronic.

b) Livestock Scales. Livestock scales shall comply with the requirements of National Institute of Standards and Technology Handbook 44 and regulations established by the U.S. Department of Agriculture, Packers and Stockyards Division.

c) National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402.

d) Vehicle Scales: Department Approval Prior to Construction or Relocation

1) Department approval is required prior to construction or relocation. A Vehicle Scale Construction/Relocation Approval Application, provided by the Department, must be submitted by the owner/operator or facility manager and approved by the Department in writing before construction or relocation begins.

2) The application shall include, at a minimum, the following:

A) A construction or relocation plan for the vehicle scale.

B) Documentation verifying that the vehicle scale will comply with Section

600.300.

C) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information and documentation included in the application is complete and accurate.

D) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).

3) The Department shall approve or deny an application in writing within 20 business days after the Department receives a complete application.

4) Notwithstanding any other penalties that may be imposed for violation of the Act or this Part, if an entity begins construction, installation or relocation of a vehicle scale without the Director's prior written permission, the Director shall order that all construction be halted until such time that a completed application is approved.

5) A Vehicle Scale Construction/Relocation Approval Application may be obtained at: <http://www.agr.state.il.us/programs/consumer/w&m/index.html>, or by



contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

e) Vehicle Scales: Variances

1) An applicant for the construction or relocation of a vehicle scale may request a variance from a construction requirement under this Section by submitting a Variance Request Application provided by the Department.

2) The variance application shall include, at a minimum, the following:

A) A detailed written justification for the variance from the owner/operator or facility manager. The justification shall demonstrate that the proposed variance is necessary due to special or unusual circumstances.

B) Any documentation supporting the justification (e.g., photos, maps, reports, studies, etc.).

C) When necessary, any other information or documentation required by the Department (e.g., blueprints/maps from water, electric, phone, gas or petroleum companies; subsurface water table data; PERK test information; etc.).

D) Signatures of the owner/operator or facility manager, as well as a representative from the Registered Service Company, certifying that the information in the application and any documentation included is accurate and correct.

3) The Department shall approve or deny a variance application in writing within 20 business days after the date the Department receives a complete application.

4) Notwithstanding any other penalties that may be imposed for a violation of the Act or this Part, if an entity needs a variance from a construction requirement of this Section, that entity shall not proceed with the affected part of the construction, installation or relocation until a variance request is submitted to the Department and the Department grants the variance.

5) A variance application may be obtained at: <http://www.agr.state>.

[il.us/programs/consumer/w&m/index.html](http://il.us/programs/consumer/w&m/index.html), or by contacting the Illinois Department of Agriculture, Bureau of Weights & Measures, P.O. Box 19281, Springfield IL 62794-9281, Phone (800) 582-0468 or (217) 785-8301.

f) All scales and associated equipment must have a Certificate of Conformance issued by the National Conference on Weights and Measures, National Type Evaluation Program, unless the devices were certified by the Department or the city sealer on or before July 1, 2012. This applies to all such devices, whether repaired or removed from service and installed at a different location in this State.

g) Vehicle Scale Condemnation

1) The Director shall condemn and may seize and have destroyed any vehicle scale and associated equipment found upon inspection not to be in compliance with the specifications, tolerances and regulations required by this Subpart C and not susceptible of satisfactory repair. Weights and measures rejected under the authority of the Director or a sealer remain subject to control of the rejecting authority until such time as suitable repair or disposition thereof has been made under this Section. The owners of the rejected weights and measures shall cause them to be rectified within 10 days or such longer period as may be authorized by the rejecting authority or may dispose of them but only in

a manner specifically authorized by the rejecting authority.

2) The Director's decision to condemn a vehicle scale shall proceed as follows:

A) If a vehicle scale fails three successive inspections within the calendar year, the Director shall take the vehicle scale out of service and provide the owner/operator or facility manager of the vehicle scale notice of the Director's decision to seek condemnation. Notice of the Director's decision to seek condemnation shall be made by personal delivery or certified mail, return receipt requested.

B) Upon receipt of the Director's decision to seek condemnation, the owner/operator or facility manager may request in writing, to be received by the Director within 30 business days after receipt of the notice, that the Director schedule an inspection. Upon receipt of a request, the Director shall schedule an inspection, to be conducted within 30 business days after receipt of the request, by a qualified, unbiased person with sufficient knowledge, education and experience of the scale in question and approved by the Director and the scale owner/operator or facility manager. The qualified, unbiased person shall inspect the scale and provide a report explaining whether the scale does or does not meet the requirements of this Subpart C and, if applicable, if it is susceptible of satisfactory repair. All expenses for the requested inspection shall be paid for by the owner/operator or facility manager.

C) If the report from the qualified, unbiased person states that the scale is not in compliance yet is susceptible of satisfactory repair, the report must also explain what repairs must be performed. The owner/operator or facility manager shall repair the scale as expeditiously as possible. Upon completion of the repairs and notification in writing by the the owner/operator or facility manager to the Director, the Director shall have the scale inspected within 30 business days and, if it meets all of the requirements of this Subpart C, placed back into service. The Director's decision to seek condemnation shall terminate if the scale is placed back into service by the Director.

D) In the event that the scale fails the inspection after the required repairs are made due to specifications or tolerances, the scale shall be condemned and the owner/operator or facility manager notified in writing.

E) If the report states that the scale is not susceptible of satisfactory repair, the report must explain the reasons why the repairs cannot be performed. In that case, the scale shall be condemned and the owner/operator or facility manager notified in writing.

F) If no request is received by the Director to schedule an inspection by a qualified and unbiased person within 30 business days after receipt of the notice of condemnation, the scale shall be condemned and the owner/operator or facility manager notified in writing.

G) The Director's decision to condemn a vehicle scale shall be a final administrative decision of the Director subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III].

H) Copies of all reports generated under subsection (g) shall be provided to both the Director and the owner/operator or facility manager.

*(Source: Amended at 39 Ill. Reg. 5349, effective March 26, 2015)*

**Section 600.310 Fees**

The Director of Agriculture and each city sealer of weights and measures shall collect and receive fees for the use of the State or city as the case may be at the following rates. Per hour fee is charged for each hour or portion thereof.

<u>DEVICE</u>	<u>FEE</u>
Scales by capacity 0-30 pounds	\$20
Scales by capacity 31-300 pounds	\$50
Scales by capacity 301-1000 pounds	\$75
Scales by capacity 1001-2000	\$150
Scales by capacity 2001+ pounds	\$200
Additional readouts	\$50
Railroad track scales per hour	\$125
Use of scale truck per hour	\$200
Belt conveyor scales per hour	\$100
Livestock scales	\$300
Motor fuel dispensers up to 20 gpm	\$23
Motor fuel dispensers 20+ gpm	\$50
Motor fuel meters up to 2 <sup>3</sup> / <sub>4</sub> "	\$100
Motor fuel meters over 2 <sup>3</sup> / <sub>4</sub> "	\$200
LPG meters	\$165
Mass flow meters per hour	\$100
Grain moisture meters	\$100
Metrology lab fee per hour plus shipping	\$155
NTEP field lab per hour plus travel	\$155

*(Source: Amended at 33 Ill. Reg. 12564, effective September 1, 2009)*

### **Section 600.320 Scales Used for the Enforcement of Highway Weight Laws**

The following procedures will be used to determine the certification of scales used for the enforcement of highway weight laws. These procedures will determine if a scale(s) is to be certified or condemned. These rules supersede those published in the National Institute of Standards and Technology's Handbook 44.

a) A minimum build up test with known test weights shall be conducted as follows:

- 1) portable wheel load weigher scale – 10,000 pounds
- 2) all other scales – 20,000 pounds

A minimum of two known test weight loads shall be applied, normally at the capacity of test weight load and another at one half capacity of the test weight load to each scale.

b) A 40,000 pound minimum strain load test shall be conducted only on a vehicle scale, a scale that is adapted to weighing the entire vehicle at one time.

c) One decreasing load test shall be conducted at approximately one-half of test weight capacity. If multiple scales are used in combination, a decreasing load test shall be performed on at least one scale.

d) At least one repeatability test shall be conducted. Any errors found shall agree within the absolute value of the maintenance tolerance for that load, and shall be within applicable tolerance.

e) The tolerances to each of the above tests shall be those listed in the scale code of the latest edition of the National Institute of Standards and Technology's Handbook 44.

f) All new scales and associated equipment must have a certificate of conformance issued by the National Type Evaluation Program.

g) Electronic indicating elements equipped with recording elements shall be equipped with effective means to permit the recording of weight values only when the indication is stable within plus or minus three scale divisions.

h) The maximum scale division shall be 100 pounds.

i) For axle, portable axle, and wheel load weigher scales, a vehicle must be in a reasonably level condition at the time the weight is being determined. Reasonably level means the vehicle must remain stationary during weighing without the use of any braking force.

j) For all other scales used to determine the weight of axles when part of the truck is not resting on a scale, the vehicle must be in a reasonably level condition at the time the weight is being determined.

k) All scales used for the enforcement of highway weight laws shall be certified at least once every twelve months.

l) Any registered serviceperson of the Illinois Department of Agriculture has the authority to place into service scales used for the enforcement of highway weight laws if the serviceperson conforms to the procedures listed above.

*(Source: Amended at 23 Ill. Reg. 8813, effective July 26, 1999)*

## **Section 600.330 National Institute of Standards and Technology Handbook 44**

Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44 shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a regulation issued by the Director (Section 8 of the Weights and Measures Act [225 ILCS 470/8]). National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402. The following sections of the National Institute of Standards and Technology's Handbook 44 shall not be adopted unless a different implementation date is specified:

- a) UR.2.2. Ticket Printer; Customer Ticket in Sec. 3.31 Vehicle-Tank Meters User Requirements; however, section 3.31 shall be deemed adopted starting April 1, 2016.
- b) Sec. 5.56.(a) Grain Moisture Meters. Sec. 5.56.(a) shall be effective January 1, 2000. The applicability date for Section 5.56.(b) Grain Moisture Meters is extended until the implementation of Sec. 5.56.(a).

*(Source: Amended at 39 Ill. Reg. 5349, effective March 26, 2015)*

## **Subpart F: Liquid Petroleum Measuring Devices**

### **Section 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons**

All retail liquid petroleum pumps shall be accurately marked with its deliveries in terms of either liters or gallons:

- a) Liters:
  - 1) Liters, decimal subdivisions of the liter
  - 2) The selling price per liter
  - 3) The total selling price OR
- b) Gallons:
  - 1) Gallons, decimal subdivisions of the gallon
  - 2) The selling price per gallon
  - 3) The total selling price

*(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)*

### **Section 600.670 System Used to Sell Petroleum Product**

When a petroleum retailer sells a petroleum product by either the inch pound or metric system as defined by the National Institute of Standards and Technology, only that system shall apply to all metering pumps at the facility.

*(Source: Amended at 19 Ill. Reg. 8114, effective June 7, 1995)*

### **Section 600.740 Three-Wheel Computers Prohibited**

Effective July 1, 1980, the commercial use of petroleum metering devices equipped with three-wheel computers will be prohibited.

*(Source: Amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979)*

### **Section 600.760 Stop Use Order: Hearing**

Failure of any person to comply with the rules as set forth in this Subpart concerning the advertising and sale of liquid petroleum products shall be cause to place a stop use on all liquid petroleum distribution pumps affected by such violation. The Department shall, within 10 days after placing a stop use, afford the person or persons affected by this stop use a hearing to show cause why the stop use should not be permanent.

*(Source: Amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979)*

### **Section 600.770 Maintenance of Equipment**

As used in G-UR.4.1 (Maintenance of Equipment) of the National Institute of Standards and Technology Handbook 44, which is adopted in Section 8 of the Act, for purposes of this Subpart, "predominantly" means as follows:

- a) The majority of the devices are found to be in error in a direction favorable to the device user and the average error of all devices is in favor of the device user by more than one-half maintenance tolerance; or
- b) The average error of any single product or grade is in favor of the device user by more one-half maintenance tolerance.

*(Source: Added at 32 Ill. Reg. 17674, effective November 1, 2008)*

## **Subpart G: Advertisement Of The Price Of Liquid Petroleum Products**

### **Section 600.800 Price Per Gallon or Liter in Advertisement**

Petroleum product retailers in Illinois shall, if they elect to advertise the unit price of their petroleum products (curb, storefront, billboard, etc.), display the price per gallon or liter. The advertised price shall equal the computer price setting shown on the liquid petroleum metering pumps.

*(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)*

### **Section 600.810 Height and Width of Numbers**

On a price advertising sign, the whole numbers shall not be less than 6 inches in

height and not less than 3/8 inch in stroke.

*(Source: Amended at 28 Ill. Reg. 15456, effective November 22, 2004)*

**Section 600.820 Advertised Price Complete**

If the retailer elects to advertise the price per gallon or liter of a liquid petroleum product, the price must be complete without any missing numerals in the price. In accordance with the provisions of the Gasoline Price Advertising Act (Ill. Rev. Stat. 1991, ch. 121½, pars. 861 et seq.) [720 ILCS 305], all taxes and the identity of the product must be included with the price in any such advertisement. In addition, the unit measure shall also be a part of such advertisement.

*(Source: Amended at 18 Ill. Reg. 14692, effective September 13, 1994)*

**Section 600.830 Advertising Other Commodities; Misleading Advertising Prohibited**

The advertising of other commodities offered for sale by petroleum retailers in such a way as to mislead the public with regard to petroleum product pricing shall be prohibited.

*(Source: Amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979)*

**Section 600.840 Product Identity and Type of Service**

Declarations of product identity, (regular, unleaded, etc.) and type of service offered (full-service, self-service, etc.) shall be clearly and prominently displayed in a manner not misleading to the public.

*(Source: Amended at 12 Ill. Reg. 8306, effective May 3, 1988)*

**Section 600.850 Advertisement of Price Not Required Except on Pump**

Nothing in this Subpart shall be deemed to require that the price per gallon or liter of any grade or kind of liquid petroleum product sold on the station premises be displayed or advertised, except on the liquid petroleum metering distribution pumps.

*(Source: Amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979)*

**Section 600.860 Stop Use Order; Hearing**

Failure of any person to comply with the rules as set forth in this Subpart concerning the advertising and sale of liquid petroleum products shall be cause to place a stop use on

all liquid petroleum distribution pumps affected by such violation. The Department shall, within 10 days after placing a stop use, afford the person or persons affected by this stop use a hearing to show cause why the stop use should not be permanent.

(Source: Amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979)

**Section 600.TABLE B Standard Weight Per Bushel for Agricultural Commodities**

(Sec. 152 of the Weights & Measures Act)

Alfalfa Seed	Per Bushel	60 Pounds
Apples, Green	Per Bushel	47 Pounds
Apples, Dried	Per Bushel	24 Pounds
Barley	Per Bushel	48 Pounds
Beans, Green or String	Per Bushel	24 Pounds
Beans, Soy	Per Bushel	60 Pounds
Beans, Wax	Per Bushel	24 Pounds
Beans, White	Per Bushel	60 Pounds
Beets	Per Bushel	60 Pounds
Blue Grass Seed	Per Bushel	14 Pounds
Bran	Per Bushel	20 Pounds
Buckwheat	Per Bushel	52 Pounds
Carrots	Per Bushel	50 Pounds
Charcoal	Per Bushel	20 Pounds
Clover Seed	Per Bushel	60 Pounds
Corn Seed, Broom	Per Bushel	48 Pounds
Corn Meal, Unbolted	Per Bushel	48 Pounds
Corn, in the ear	Per Bushel	70 Pounds
Corn, Kaffir	Per Bushel	56 Pounds
Corn, Shelled	Per Bushel	56 Pounds
Cotton Seed	Per Bushel	32 Pounds
Cranberries	Per Bushel	33 Pounds
Cucumbers	Per Bushel	48 Pounds
Emmer	Per Bushel	40 Pounds
Flax Seed	Per Bushel	56 Pounds
Gooseberries	Per Bushel	40 Pounds
Hemp Seed	Per Bushel	44 Pounds
Hickory Nuts	Per Bushel	50 Pounds
Hungarian Grass Seed	Per Bushel	50 Pounds



Lime	Per Bushel	80 Pounds
Malt	Per Bushel	34 Pounds
Millet	Per Bushel	50 Pounds
Millet, Japanese Barnyard	Per Bushel	35 Pounds
Oats	Per Bushel	32 Pounds
Onions	Per Bushel	57 Pounds
Onion Sets, Top	Per Bushel	30 Pounds
Onion Sets, Bottom	Per Bushel	32 Pounds
Orchard Grass Seed	Per Bushel	14 Pounds
Osage Orange Seed	Per Bushel	33 Pounds
Parsnips	Per Bushel	50 Pounds
Peaches, Dried	Per Bushel	33 Pounds
Peanuts, Green	Per Bushel	22 Pounds
Pears	Per Bushel	58 Pounds
Peas, Dried	Per Bushel	60 Pounds
Peas, Green in pod	Per Bushel	32 Pounds
Popcorn, in the ear	Per Bushel	70 Pounds
Popcorn, shelled	Per Bushel	56 Pounds
Potatoes, Irish	Per Bushel	60 Pounds
Potatoes, Sweet	Per Bushel	50 Pounds
Quinces	Per Bushel	48 Pounds
Rape Seed	Per Bushel	50 Pounds
Red Top Seed	Per Bushel	14 Pounds
Rough Rice	Per Bushel	45 Pounds
Rutabagas	Per Bushel	50 Pounds
Rye Meal	Per Bushel	50 Pounds
Rye	Per Bushel	56 Pounds
Shorts	Per Bushel	20 Pounds
Sorghum Seed	Per Bushel	50 Pounds
Spelt	Per Bushel	40 Pounds
Spinach	Per Bushel	12 Pounds
Sweet Clover Seed Unhulled	Per Bushel	33 Pounds
Timothy Seed	Per Bushel	45 Pounds
Tomatoes	Per Bushel	56 Pounds
Turnips	Per Bushel	55 Pounds
Walnuts	Per Bushel	50 Pounds
Wheat	Per Bushel	60 Pounds

**Section 600.TABLE C Illinois Standard Weights and Measures**

UNITED STATES LINEAR MEASURE

12 inches (in.) = 1 foot (ft.)

3 ft. = yard (yd.) = 36 inches

5½ yards = 1 rod (rd.) = 16½ feet

320 rods = 1 mile (mi.) = 1760 yards = 5,280 feet

CHAIN MEASURE (GUNTER'S OR SURVEYOR'S CHAIN)

7.92 inches = 1 link (li.)

100 li. = 1 chain (ch) = 66 feet

80 ch. = 1 mile (mi)

The engineer's chain is 100 feet long and consists of 100 links of 12 inches each. 52.8 chains = 1 mile.

SQUARE MEASURE

144 square inches (sq. in.) = 1 square foot (sq. ft.)

9 sq. ft. = 1 sq. yard (sq. yd.)

30¼ sq. yard = 1 square rod (sq. rd.) = 272¼ sq. ft.

160 sq. rd. = 1 acre (a) = 4,840 sq. yd. = 43,560 sq. ft.

SURVEYOR'S MEASURE

625 square links (sq. li.) = 1 square rod (sq. rd.)

16 sq. rods = 1 square chain (sq. ch.)

10 sq. ch. = 1 acre (a)

640 a. = 1 square mile (sq. mi.)

36 sq. mi. (6 mi. sq.) = 1 township (tp.) = 2,304 a.

CUBIC MEASURE

1728 cubic inches (cu. in.) = 1 cubic foot (cu. ft.)

27 cu. ft. = 1 cubic yard (cu. yd.)

UNITED STATES LIQUID MEASURE

4 gills (gi) = 1 pint (pt)

2 pt. = 1 quart (qt) = 8 gills

4 qt. = 1 gallon (gal.) = 8 pints = 32 gills

31½ gal. = 1 barrel (bbl) = 126 quarts.

2 bbl. = 1 hogshead (hhd) = 63 gallons = 252 quarts.

APOTHECARIES' FLUID MEASURE

60 minims (m.) = 1 fluid dram (fl. dr.)

8 fl. dr. = 1 fluid ounce (fl. oz.) = 480 minims

16 fl. oz. = 1 pint (p) = 128 fl. dr. = 7,680 m.

8 p. = 1 gallon (cong.) = 128 fl. oz. = 1,024 fl. dr.

## U.S. DRY MEASURE

2 pints (pt.) = 1 quart (qt.)

8 qt. = 1 peck (pk) = 16 pints

4 pk. = 1 bushel (bu.) = 32 quarts = 64 pints

105 quarts = 1 barrel (for fruits and vegetables) = 7,056 cubic inches.

## AVOIRDUPOIS WEIGHT

27  $\frac{11}{32}$  grains (gr.) = 1 dram (dr.)

16 dr. = 1 ounce (oz.) =  $437\frac{1}{2}$  grains

16 oz. = 1 pound (lb.) = 156 drams = 7000 grains

100 lbs. = 1 hundred weight (cwt.) = 1600 ounces

20 cwt. = 1 ton (t.) = 2,000 pounds

## TROY WEIGHT

24 grains (gr.) = 1 pennyweight (dwt.)

20 dwt. = 1 ounce (oz.) = 480 grains

12 oz. = 1 pound (lb.) = 240 dwt. = 5,760 gr.

## APOTHECARIES' WEIGHT

20 grains (gr.) = scruple

3 scruples = 1 dram = 60 grains

8 drams = 1 ounce = 24 scruples = 480 grains

12 ounces = 1 pound (lb.) = 96 drams = 288 scruples =  
5,760 grains

## THE METRIC SYSTEM

The metric system is based on a unit of length (the meter.). A cubic box one-tenth of a meter on the side has the unit of capacity, a liter, and the water contained in a liter weighs one kilogram. The unit of weight, the gram, in the metric system is the weight of water contained in a cubical box one-hundredth of a meter on a side. (Note: These values are not precisely correct but hold for all but the most refined measurements.)

The entire system is then built up by multiplying or dividing the unit by ten, one hundred and one thousand, using always the same prefix to indicate what the unit is multiplied or divided by, thus:

milli means  $\frac{1}{1000}$  or divided by 1000

centi means  $\frac{1}{100}$  or divided by 100

deci means  $\frac{1}{10}$  or divided by 10

deka means 10 or multiplied by 10

hecto means 100 or multiplied by 100

kilo means 1000 or multiplied by 1000

The tables then become:

#### LENGTH

- 10 milli-meters = 1 centi-meter
- 10 centi-meters = 1 deci-meter
- 10 deci-meters = 1 meter
- 10 meters = 1 deka-meter
- 10 deka-meters = 1 hecto-meter
- 10 hecto-meters = 1 kilo-meter

#### WEIGHT

- 10 milli-grams = 1 centi-gram
- 10 centi-grams = 1 deci-gram
- 10 deci-grams = 1 gram
- 10 grams = 1 deka-gram
- 10 deka-grams = 1 hecto-gram
- 10 hecto-grams = 1 kilogram

#### CAPACITY

- 10 milli-liters = 1 centi-liter
- 10 centi-liters = 1 deci-liter
- 10 deci-liters = 1 liter (1 cubic deci-meter)
- 10 liters = 1 deka-liter
- 10 deka-liters = 1 hecto-liter
- 10 hecto-liters = 1 kilo-liter

#### AREA

- 100 sq. meters = 1 are.
- 100 are. = 1 hectare
- 100 hectares = 1 sq. kilometer

In the metric system there is but one standard of weight, one standard of measure for liquids and dry commodities alike, and but one standard of length.

*(Source: Amended at 22 Ill. Reg. 1141, effective January 1, 1998)*

### **Section 600.TABLE D Equivalents: Cubic Inches in U.S. Standard Capacity Measures**

#### LIQUID MEASURE

- 1 gallon contains 231 cu. in.
- ½ gallon contains 115.5 cu. in.
- 1 quart contains 57.75 cu. in.
- 1 pint contains 28.875 cu. in.

½ pint contains 14.437 cu. in.  
1 gill contains 7.218 cu. in.  
1 fluid oz. contains 1.804 cu. in.  
1 dram contains .225 cu. in.

## DRY MEASURE

1 bushel contains 2150.42 cu. in.  
½ bushel contains 1075.21 cu. in.  
1 peck contains 537.60 cu. in.  
½ peck contains 268.80 cu. in.  
¼ peck contains 134.40 cu. in.  
1 quart contains 67.20 cu. in.  
1 pint contains 33.60 cu. in.  
½ pint contains 16.80 cu. in.

## WEIGHTS

1 grain = 64.799 milligrams  
1 milligram = 0.01543 grains  
1 ounce av. = 28.35 grams  
1 ounce troy = 31.1035 grams  
1 gram = 15.432 grains.  
1 pound av. = 0.45359 kilograms  
1 kilogram = 2.2046 pounds av.  
1 ton = 907.185 kilograms  
1 long ton = 1016 kilograms  
1 metric ton = 2204.62 pounds av.  
1 caret = 200 milligrams = 3.0865 grains

## CAPACITY

1 cu. inch = 4.43 fl. dr. = 16.387 ml.  
1 milliliter = 0.061 cu. in.  
1 cu. foot = 7.48 gal. = 0.8035 bu. (U.S.)  
1 cu. yard = 21.696 bu. (U.S.) = 0.765 cu. meter  
1 fl. dr. = 0.2256 cu. in. = 3.6966 ml.  
1 fl. oz. = 1.8047 cu. in. = 29.573 ml.  
1 qt. liq. = 57.75 cu. in. = 0.9463 liter  
1 qt. dry = 67.2 cu. in. = 1.1012 liters  
1 liter = 1.0567 qt. liq. = 0.9081 qt. dry  
1 gallon (U.S.) = 231 cu. in. = 3.7853 liters  
1 gallon British = 1.2009 U. S. gal.  
1 bushel = 2150.42 cu. in. = 1.2445 cu. ft.  
1 hectoliter = 26.42 gal. = 2.84 bushels (U.S.)  
1 cu. yd. = 21.696 bushels (U.S.) = 0.765 cu. meters  
1 cu. meter = 1.308 cu. yards

## EXTENSION

- 1 inch = 2.54 centimeters
- 1 centimeter = 0.3937 inch
- 1 foot = 3.048 decimeters
- 1 yard = 0.9144 meters
- 1 meter = 39.37 inches = 1.0936 yards
- 1 mile (statute) = 1.6093 kilometers
- 1 kilometer = 0.62137 mile (statute)
- 1 nautical mile = 6080.2 feet = 1.1515 statute miles

## AREA

- 1 acre = 0.40469 hectare
- 1 acre = 119.6 sq. yards = 0.02471 acre
- 1 hectare = 2.471 acres
- 1 square inch = 6.4516 sq. cm.
- 1 square centimeter = 0.155 sq. in.

## ADDITIONAL EQUIVALENTS

- 1 gallon water = 8.323 lbs. av.
- 1 gallon milk (S.G. 1.032) = 8.59 lbs. av.
- 1 gallon 15% cream = 8.42 lbs. av.
- 1 gallon 40% cream = 8 lbs. av.
- 1 perct of masonry = 24.75 cu. ft. ( $16\frac{1}{2} \times 1\frac{1}{2} \times 1$ )
- 25 lb. cake of ice =  $10 \times 10 \times 7\frac{1}{2}$  inches
- 50 lb. cake of ice =  $10 \times 12 \times 12\frac{1}{2}$  inches

### **Section 600.TABLE E Weights of Coal Per Cubic Foot**

(Table prepared by U. S. National Institute of Standards and Technology)

#### ANTHRACITE

	White Ash	Red Ash
Egg	57.0	53.0
Stove	56.5	52.5
Nut	55.5	52.0
Pea	53.5	51.0
Buckwheat	53.0	50.5

#### BITUMINOUS

Weights vary from 47 to 55 pounds per cubic foot.  
Cubic Feet Per Ton of Coal (Based upon above table).

	White Ash	Red Ash
Egg	35.09	37.73
Stove	35.59	38.09
Nut	36.03	38.46
Pea	37.38	39.21
Buckwheat	37.73	39.60

(Source: Amended at 19 Ill. Reg. 8114, effective June 7, 1995)

**Section 600.TABLE F Equivalents to be used by Seller in Transposing Weights**

LEVERAGE OR MULTIPLICATION OF SCALE 1 TO 1.

- 1 dwt. = 1 scruple 4 gr.
- 2 dwt. = 2 scruples 8 gr.
- 3 dwt. = 1 dr. 12 gr.
- 4 dwt. = 1½ dr. 6 gr.
- 5 dwt. = 2 dr.
- 6 dwt. = 2 dr. 1 scruple 4 gr.
- 7 dwt. = 2 dr. 2 scruples 8 gr.
- 8 dwt. = 3 dr. 12 gr.
- 9 dwt. = 3½ dr. 6 gr.
- 10 dwt. = 4 dr.
- 20 dwt. = 1 oz. av. + 2 scruples + 2.5 gr.
- 2 oz. T. = 2 oz. av. + ⅛ oz. + 1/16 oz. + 3 gr.
- 4 oz. T. = 4 oz. av. + ¼ oz. + ⅛ oz. + 6 gr.
- 8 oz. T. = 8 oz. av. + ½ oz. + ¼ oz. + 12 gr.
- 1 lb. T. = 12 oz. av. + ⅛ oz. + 1.8 gr.

LEVERAGE OR MULTIPLICATION OF SCALE, 1 TO 100

- 49 lb. flour weight = 7 oz. av. + ½ oz. + ¼ oz. + 1/16 oz. + 12. gr.
- 98 lb. flour weight = 15 oz. av. + ½ oz. + 1/8 oz. + 24 gr.
- 196 lb flour weight = 1 lb. av. + 15 oz. + ¼ oz. + 1/16 oz. + 20.8 gr.
- 60 lb. wheat weight = 9 oz. av. + ½ oz. + 1/16 oz. + 16.4 gr.
- 120 lb. wheat weight = 1 lb. av. + 3 oz. + ⅛ oz. + 1/16 oz. + 5.4 gr.
- 180 lb. wheat weight = 1 lb. av. + 12 oz. + ½ oz. + ¼ oz. + 21.9 gr.
- 300 lb. wheat weight = 3 lb. av.
- 600 lb. wheat weight = 6 lb. av.

LEVERAGE OR MULTIPLICATION OF SCALE, 1 TO 55 1/3

- 24 lb. weight = 7 oz. av. + ⅛ oz. + 1/16 oz. + 5.5 gr.
- 40 lb. weight = 12 oz.
- 80 lb. weight = 1 lb. 8 oz.

LEVERAGE OR MULTIPLICATION OF SCALE, 1 TO 66 2/3

30 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.

50 lb. weight = 12 oz.

100 lb. weight = 1 lb. 8 oz.

(Source: Amended at 22 Ill. Reg. 1141, effective January 1, 1998)

**Section 600.TABLE G Measurement of Surfaces and Volumes**

To find the capacity of a rectangular box or bin: Multiply the length by the breadth by the depth or height. The three dimensions must be in the same units.

Example: A bin is 6 ft. wide, 5 ft. 6 in. deep and 8 ft. 3 in. long. Its capacity is  $6 \times 5\frac{1}{2} \times 8\frac{3}{4} = 272\frac{1}{4}$  cubic feet.

To find the capacity of a cylindrical measure or box, or bin: Multiply the diameter by the diameter by 3.1416 by the height and divide by 4. Example: If a cylindrical measure is 13 inches in diameter and 6 inches in depth, its capacity is  $(13 \times 13 \times 3.1416 \times 6) \div 4 = 796.39$  cubic inches.

To find the approximate capacity of a barrel of dimensions different from those given in the statutes by measuring the mean diameter and depth. Example: A barrel is 25 inches between the heads inside. The inside diameter of the top and bottom is 18 inches and the inside diameter at the center is 20 inches. Find the capacity. The average diameter is approximately  $\frac{1}{2}$  of the diameter of the ends and of the center, or  $(18" + 20") \div 2 = 19$  inches. Then proceed as in the case of a cylinder.  $(19 \times 19 \times 3.1416 \times 25) \div 4 = 7088.2$  cu. in.

To find the approximate capacity of a berry box which has sloping sides: Add the area at the top to the area of the bottom, divide this sum by two and multiply the quotient by the depth.

Circumference of a circle = diameter x 3.1416

Area of a circle =  $\frac{1}{2}$  diameter x  $\frac{1}{2}$  circumference = square of radius x 3.1416

Area of a parallelogram = base x altitude

Area of triangle =  $\frac{1}{2}$  base x altitude (perpendicular)

Area of a regular polygon =  $\frac{1}{2}$  the perimeter x perpendicular to one of sides

Volume of pyramid = area of base x  $\frac{1}{3}$  of the altitude

Volume of a prism = area of its base x its altitude

Volume of a frustum of a pyramid = (area of sum of two bases + mean proportional between them) x  $\frac{1}{3}$  of the altitude. (Mean proportional between two numbers = square root of their product.)

Volume of a cone = area of base x  $\frac{1}{3}$  of the altitude

Volume of the frustum of a cone = (area of sum of two bases + a mean proportional between them) x  $\frac{1}{3}$  of the altitude. (Mean proportional between two numbers = square root of their product.)

Surface of a sphere = diameter x circumference of a great circle.

Volume of a sphere = area of surface x  $\frac{1}{3}$  of its radius.



# **MOTOR FUEL AND PETROLEUM STANDARDS ACT**

## **370/1 Short Title**

Sec. 1. This Act shall be known and may be cited as the “Motor Fuel and Petroleum Standards Act”.

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

## **370/2 Public Policy**

Sec. 2. It is hereby declared to be the policy of this State that the regulation of the quality of motor fuel and petroleum is in the public interest and that the promulgation of standards of quality will benefit the citizens of the State of Illinois.

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

## **370/3 Definitions**

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

(1) “ASTM” means ASTM International, an international, nonprofit, technical, scientific and educational society devoted to the promotion of knowledge of the materials of engineering, and the standardization of specifications and methods of testing.

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

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

(4) “Department” means the Illinois Department of Agriculture.

(5) “Person” means an individual, a corporation, company, society, association, partnership or governmental entity.

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

(7) “Director” means the Director of the Illinois Department of Agriculture or authorized designee.

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

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

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

## **370/4 ASTM Standards**

(a) All motor fuel and petroleum sold or offered for sale in the State of Illinois shall conform to the standards of this Act. The standards set forth in the Annual Book of ASTM Standards Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department. In addition, any advertised or labeled declarations regarding the quality of a motor fuel which are more stringent than ASTM standards shall be met.

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

(b) Minimum Automotive Gasoline Octane Requirements. All leaded and unleaded gasoline sold in this State shall meet or exceed the following minimum octane numbers:

Regular Grade 87

Midgrade or Plus 89

Premium or Super Grade 91

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

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

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

(e) All biodiesel with a numerical value of B99 or above that is sold or offered for sale in the State of Illinois shall conform to the ASTM D6751 Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels. For the purposes of this subsection (e), "Biodiesel" means a fuel that (i) is comprised of mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats and (ii) meets the requirements of the ASTM D6751 standards.

*(Source: P.A. 96-528, eff. 1-1-10; 96-1333, eff. 7-27-10.)*

### **370/4.1 Gasoline containing ethanol or methanol – Notice of percentage – Federal requirements**

(a) Upon any retail motor fuel dispensing device which is used to dispense a motor fuel containing at least 1% by volume of ethanol, of methanol, or of a combination thereof,

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

(a-5) (Blank).

(a-10) (Blank).

(b) Each seller of a motor fuel which contains methanol, ethanol, or biodiesel shall notify the purchaser thereof of the percentage by volume of ethanol, of methanol, of biodiesel, and of co-solvent which have been added to such motor fuel, and this information shall appear on the bill of lading, manifest or delivery ticket for such motor fuel. However, this subsection (b) shall not apply to sales at retail.

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

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

(e) (Blank).

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

*(Source: P.A. 95-381, eff. 7-1-08; 96-1333, eff. 7-27-10.)*

### **370/5 Testing and fees**

(a) The Department shall, upon the complaint of any distributor, retailer, or customer, on a random sample basis or when it deems necessary, test or cause to be tested, motor fuel or petroleum sold or offered for sale to determine the quality of the motor fuel or petroleum.

(b) If the Department does not have the laboratory capability to test motor or petroleum fuel in accordance with the requirements of this Act, it may contract with laboratories that have such capabilities for the testing of motor fuel samples submitted by the Department.

(c) The Department shall, in addition to the specified monetary penalty, assess and collect a fee of \$100 for administrative costs, collect a fee for sampling in an amount not to exceed the actual cost, and collect the actual cost for the laboratory testing of each sample found by an administrative hearing to be out of compliance with Illinois standards.

(d) Administrative, sampling and laboratory testing costs shall be paid by the last seller of the motor fuel or petroleum at the location where the out of compliance sample was obtained.

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

### **370/5.1. Enforcement and administration**

(a) The Department shall enforce and administer the provisions of this Act.

(b) The Department shall have access during normal business hours to all distributor and retailer records relating to the production, blending, refining, distributing or sale of motor fuel or petroleum. In addition, the Department shall have access to all motor fuel or petroleum for the purpose of examination, inspection, taking of samples and investigation of a retailer or distributor. If access is denied by the owner or person representing a retailer or distributor, the Department may obtain a search warrant from a court of the appropriate jurisdiction.

(c) Samples may be collected from any person by the Department without cost to the State. The Department may test or analyze such samples on a complaint basis, on a random sample basis, or as may be deemed necessary to determine compliance with the provisions of this Act.

(d) The Department may issue a stop-use order for any motor fuel or petroleum found not to be in compliance with any provision of this Act. A stop-use order shall be rescinded by the Director when the motor fuel or petroleum is in compliance of this Act.

(e) The Director may cooperate with and enter into agreements with persons in order to carry out the purpose and provisions of this Act.

(f) The Department shall notify the Department of Revenue of any violation of Section 4.1 of the Act.

(g) Retailers or Distributors shall provide assistance to the Director as may be necessary for enforcement of this Act.

(h) The Department is authorized to hold administrative hearings to determine violations of the Act or rules and compliance with provisions of this Act or rules.

(i) The Department may make such rules and regulations as may be necessary to carry out the provisions of this Act.

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

### **370/6 Violation - Penalty**

Any person who violates the provisions of this Act shall be deemed guilty of a business offense and subject to a fine of not less than \$1000 for the first offense, not less than \$1500 for a second offense and not less than \$2500 for a third offense.

Any person who impedes, obstructs, hinders or otherwise prevents or attempts to prevent the Director in the performance of official duties shall be guilty of a Class B misdemeanor for the first violation and guilty of a Class A misdemeanor for subsequent violations. Any person using physical force against the Director or his authorized agent in

the performance of official duties shall be guilty of a Class 4 felony.

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

### **370/7 Administrative hearing and penalties**

When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act or rules, other than violation of subsection (b) of Section 7.1, shall:

(a) Levy the following administrative monetary penalties:

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

violation; or

(b) (Blank).

Any penalty levied shall be collected by the Department and paid into the Motor Fuel and Petroleum Standards Fund. Monetary penalties not paid within 60 days of notice from the Department shall be submitted to the Attorney General's Office for collection.

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act and the Department's Administrative Rules which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access.

All final administrative decisions of the Department shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

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

### **370/7.1. Fuel rating display standards; administrative penalty**

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

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

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

- (A) at least 0.6, but not more than 1.5 octane numbers, \$500;
- (B) (blank);
- (C) (blank);
- (D) (blank);
- (E) (blank);
- (F) more than 1.5 octane numbers, \$1,000.

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

- (A) at least 0.6, but not more than 1.5 octane numbers, \$1,000;
- (B) (blank);
- (C) (blank);
- (D) (blank);
- (E) (blank);
- (F) more than 1.5 octane numbers, \$2,000.

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

- (A) at least 0.6, but not more than 1.5 octane numbers, \$2,000;
- (B) (blank);
- (C) (blank);
- (D) (blank);
- (E) (blank);
- (F) more than 1.5 octane numbers, \$4,000.

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

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

### **370/8 Publication of administrative hearing decisions**

The Director may publish or cause to be published, any information pertinent to the issuance of the decision of the court of administrative hearing to such media as the Director may designate.

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

### **370/9 TRO or injunction – Subpoenas**

The Director may file a complaint and apply for, and the circuit court may grant, a temporary restraining order or preliminary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations promulgated under this Act notwithstanding the existence of other judicial

remedies. Any such injunction may be entered without notice.

The Department, over the signature of the Director, is authorized to issue subpoenas and to bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings and civil cases in the circuit courts of this State. The Director is authorized to issue subpoenas duces tecum on any or all individuals and records relating to the sale of petroleum or motor fuel. The Director may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

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

### **370/10 Fund**

There is hereby created in the State Treasury a special fund to be known as the Motor Fuel and Petroleum Standards Fund. All fees and penalties collected by the Department pursuant to this Act shall be deposited into the Motor Fuel and Petroleum Standards Fund. The amount annually collected as fees shall be appropriated by the General Assembly to the Department for activities related to the enforcement of this Act.

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

**TITLE 8: AGRICULTURE AND ANIMALS**  
**CHAPTER I: DEPARTMENT OF AGRICULTURE**  
**SUBCHAPTER s: MOTOR FUELS**

**PART 850 MOTOR FUEL AND PETROLEUM STANDARDS ACT**

**Section 850.10 Written Complaint Required**

- a) A complaint regarding motor fuel quality received by the Department via telephone, in writing or by e-mail must be completed before the Department will submit an official sample (a sample taken by a Department inspector) for laboratory analysis.
- b) The complainant shall provide the following information:
- 1) Name and address of the complainant.
  - 2) Location where the product is to be sampled.
  - 3) Identification of product or products to be sampled.
  - 4) Description of complaint.
- c) After receiving a complaint, the Department shall investigate the matter, including sampling the product, if applicable, and send a written response to the complainant.

*(Source: Amended at 29 Ill. Reg. 1886, effective January 24, 2005)*

**Section 850.20 Access to Motor Fuels and Records**

The Department is authorized to enter upon any public or private premises during regular business hours in order to have access to motor fuels. Collection of such samples is subject to Constitutional requirements. Upon receipt of a complaint from a distributor or retailer, a copy of the invoice identifying that motor fuel shall be submitted to the Department.

**Section 850.30 Responsibility for Standards of Quality**

The last seller of the motor fuel to the complainant is responsible for the standards of quality of the motor fuel.

**Section 850.40 Administrative, Laboratory and Sampling Fees**

- a) The Department shall sample and test motor fuels to determine the quality of a motor fuel as follows:
- 1) when there is a specific problem with a motor fuel within a locality;
  - 2) when there is a complaint against a specific product or products of a specific retail chain; or
  - 3) when there are several specific complaints against a specific product or



products of a specific retailer.

4) when there is a complaint from a consumer.

b) When sampling and testing of motor fuel is performed by the Department as stated in Section 850.40(a) and if the motor fuel is found not to meet American Society for Testing and Materials designations, the last seller of the motor fuel shall be responsible to pay \$350 for administrative, laboratory and sampling fees.

*(Source: Amended at 29 Ill. Reg. 1886, effective January 24, 2005)*

### **Section 850.50 Label on Motor Fuel Dispensing Device**

The label, which identifies the maximum percentage by volume of ethanol, methanol, and co-solvent in a motor fuel and which is required by Section 4.1 of the Motor Fuel Standards Act (Ill. Rev. Stat. 1987, ch. 5, par. 1704.1) to be affixed to the motor fuel dispensing device and visible to the customers, shall be located on the front or sides of the dispenser and within the top 30 percent of the height of the dispenser. On a dual-faced dispenser, the label shall be affixed on each front or each side in accordance with the before stated requirements.

*(Source: Amended at 14 Ill. Reg. 5072, effective March 26, 1990)*

### **Section 850.60 ASTM Standards**

a) The standards set forth in the Annual Book of ASTM Standards Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless modified or rejected by a regulation adopted by the Department [815 ILCS 370/4]

b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.

c) The quality of gasoline-ethanol blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.2 of the Uniform Engine Fuels and Automotive Lubricants Regulations as provided in National Institute of Standards and Technology Handbook 130, 2016 edition, as adopted by the 100<sup>th</sup> National Conference on Weights and Measures, November 2015, <http://www.nist.gov/pml/wmd/pubs/upload/hb130-2016-wfinal3.pdf>. Notwithstanding the other provisions of this subsection, the Department expressly rejects the May 1, 2016 expiration of the vapor pressure exceptions in Section 2.1.2 of Handbook 130. Therefore, the vapor pressure exceptions in Section 2.1.2 of Handbook 130 shall remain in effect until ASTM incorporates those exceptions into ASTM D4814. These standards do not include any later amendments or editions of NIST Handbook 130.

*(Source: Amended at 40 Ill. Reg. 13600, effective September 16, 2016)*