



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4258

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-401.3

from Ch. 95 1/2, par. 5-401.3

Amends the Illinois Vehicle Code. Provides that scrap processors acquiring a vehicle shell or compartment from a person not licensed as a scrap processor must record the identity of the person providing the vehicle shell or compartment. Provides that the person disposing of the vehicle shell or compartment must provide documentary proof of ownership, and that the scrap processor shall not acquire the vehicle shell or compartment without obtaining this proof. Effective immediately.

LRB098 16227 MLW 51286 b

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 5-401.3 as follows:

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

7 Sec. 5-401.3. Scrap processors required to keep records.

8 (a) Every person licensed or required to be licensed as a
9 scrap processor pursuant to Section 5-301 of this Chapter shall
10 maintain for 3 years, at his established place of business, the
11 following records relating to the acquisition of recyclable
12 metals or the acquisition of a vehicle, junk vehicle, vehicle
13 shell, or vehicle cowl which has been acquired for the purpose
14 of processing into a form other than a vehicle, junk vehicle, vehicle
15 shell, or vehicle cowl which is possessed in the State
16 or brought into this State from another state, territory or
17 country. No scrap metal processor shall sell a vehicle or
18 essential part, as such, except for engines, transmissions, and
19 powertrains, unless licensed to do so under another provision
20 of this Code. A scrap processor who is additionally licensed as
21 an automotive parts recycler shall not be subject to the record
22 keeping requirements for a scrap processor when acting as an
23 automotive parts recycler.

1 (1) For a vehicle, junk vehicle, or vehicle cowl
2 acquired from a person who is licensed under this Chapter,
3 the scrap processor shall record the name and address of
4 the person, and the Illinois or out-of-state dealer license
5 number of such person on the scrap processor's weight
6 ticket at the time of the acquisition. The person disposing
7 of the vehicle, junk vehicle, or vehicle cowl shall furnish
8 the scrap processor with documentary proof of ownership of
9 the vehicle, junk vehicle, or vehicle cowl in one of the
10 following forms: a Certificate of Title, a Salvage
11 Certificate, a Junking Certificate, a Secretary of State
12 Junking Manifest, a Uniform Invoice, a Certificate of
13 Purchase, or other similar documentary proof of ownership.
14 The scrap processor shall not acquire a vehicle, junk
15 vehicle or vehicle cowl without obtaining one of the
16 aforementioned documentary proofs of ownership.

17 (2) For a vehicle, junk vehicle, ~~or~~ vehicle cowl, or
18 vehicle shell acquired from a person who is not licensed
19 under this Chapter, the scrap processor shall verify and
20 record that person's identity by recording the
21 identification of such person from at least 2 sources of
22 identification, one of which shall be a driver's license or
23 State Identification Card, on the scrap processor's weight
24 ticket at the time of the acquisition. The person disposing
25 of the vehicle, junk vehicle, ~~or~~ vehicle cowl, or vehicle
26 shell shall furnish the scrap processor with documentary

1 proof of ownership of the vehicle, junk vehicle, ~~or~~ vehicle
2 cowl, or vehicle shell in one of the following forms: a
3 Certificate of Title, a Salvage Certificate, a Junking
4 Certificate, a Secretary of State Junking Manifest, a
5 Certificate of Purchase, or other similar documentary
6 proof of ownership. The scrap processor shall not acquire a
7 vehicle, junk vehicle, ~~or~~ vehicle cowl, or vehicle shell
8 without obtaining one of the aforementioned documentary
9 proofs of ownership. Any vehicle cut into front and rear
10 compartments shall still be considered a vehicle, and the
11 scrap processor shall be required to obtain one of the
12 above proof of ownership forms before acquiring any
13 compartment of the vehicle.

14 (3) In addition to the other information required on
15 the scrap processor's weight ticket, a scrap processor who
16 at the time of acquisition of a vehicle, junk vehicle,
17 vehicle shell, or vehicle cowl is furnished a Certificate
18 of Title, Salvage Certificate or Certificate of Purchase
19 shall record the Vehicle Identification Number on the
20 weight ticket or affix a copy of the Certificate of Title,
21 Salvage Certificate or Certificate of Purchase to the
22 weight ticket and the identification of the person
23 acquiring the information on the behalf of the scrap
24 processor.

25 (4) The scrap processor shall maintain a copy of a Junk
26 Vehicle Notification relating to any Certificate of Title,

1 Salvage Certificate, Certificate of Purchase or similarly
2 acceptable out-of-state document surrendered to the
3 Secretary of State pursuant to the provisions of Section
4 3-117.2 of this Code.

5 (5) For recyclable metals valued at \$100 or more, the
6 scrap processor shall, for each transaction, record the
7 identity of the person from whom the recyclable metals were
8 acquired by verifying the identification of that person
9 from one source of identification, which shall be a valid
10 driver's license or State Identification Card, on the scrap
11 processor's weight ticket at the time of the acquisition
12 and by making and recording a photocopy or electronic scan
13 of the driver's license or State Identification Card. Such
14 information shall be available for inspection by any law
15 enforcement official. If the person delivering the
16 recyclable metal does not have a valid driver's license or
17 State Identification Card, the scrap processor shall not
18 complete the transaction. The inspection of records
19 pertaining only to recyclable metals shall not be counted
20 as an inspection of a premises for purposes of subparagraph
21 (7) of Section 5-403 of this Code.

22 This subdivision (a)(5) does not apply to electrical
23 contractors, to agencies or instrumentalities of the State
24 of Illinois or of the United States, to common carriers, to
25 purchases from persons, firms, or corporations regularly
26 engaged in the business of manufacturing recyclable metal,

1 in the business of selling recyclable metal at retail or
2 wholesale, or in the business of razing, demolishing,
3 destroying, or removing buildings, to the purchase by one
4 recyclable metal dealer from another, or the purchase from
5 persons, firms, or corporations engaged in either the
6 generation, transmission, or distribution of electric
7 energy or in telephone, telegraph, and other
8 communications if such common carriers, persons, firms, or
9 corporations at the time of the purchase provide the
10 recyclable metal dealer with a bill of sale or other
11 written evidence of title to the recyclable metal. This
12 subdivision (a)(5) also does not apply to contractual
13 arrangements between dealers.

14 (b) Any licensee who knowingly fails to record any of the
15 specific information required to be recorded on the weight
16 ticket required under any other subsection of this Section, or
17 Section 5-401 of this Code, or who knowingly fails to acquire
18 and maintain for 3 years documentary proof of ownership in one
19 of the prescribed forms shall be guilty of a Class A
20 misdemeanor and subject to a fine not to exceed \$1,000. Each
21 violation shall constitute a separate and distinct offense and
22 a separate count may be brought in the same complaint for each
23 violation. Any licensee who commits a second violation of this
24 Section within two years of a previous conviction of a
25 violation of this Section shall be guilty of a Class 4 felony.

26 (c) It shall be an affirmative defense to an offense

1 brought under paragraph (b) of this Section that the licensee
2 or person required to be licensed both reasonably and in good
3 faith relied on information appearing on a Certificate of
4 Title, a Salvage Certificate, a Junking Certificate, a
5 Secretary of State Manifest, a Secretary of State's Uniform
6 Invoice, a Certificate of Purchase, or other documentary proof
7 of ownership prepared under Section 3-117.1(a) of this Code,
8 relating to the transaction for which the required record was
9 not kept which was supplied to the licensee by another licensee
10 or an out-of-state dealer.

11 (d) No later than 15 days prior to going out of business,
12 selling the business, or transferring the ownership of the
13 business, the scrap processor shall notify the Secretary of
14 that fact. Failure to so notify the Secretary of State shall
15 constitute a failure to keep records under this Section.

16 (e) Evidence derived directly or indirectly from the
17 keeping of records required to be kept under this Section shall
18 not be admissible in a prosecution of the licensee for an
19 alleged violation of Section 4-102(a) (3) of this Code.

20 (Source: P.A. 95-253, eff. 1-1-08; 95-979, eff. 1-2-09.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.