

1 AN ACT concerning safety.

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 and recyclable metal
8 dealers required to keep records.

9 (a) Every person licensed or required to be licensed as a
10 scrap processor pursuant to Section 5-301 of this Chapter, and
11 every recyclable metal dealer as defined in Section 1-169.3 of
12 this Code, shall maintain for 3 years, at his established place
13 of business, the following records relating to the acquisition
14 of scrap metals or recyclable metal or the acquisition of a
15 vehicle, junk vehicle, or vehicle cowl which has been acquired
16 for the purpose of processing into a form other than a vehicle,
17 junk vehicle or vehicle cowl which is possessed in the State or
18 brought into this State from another state, territory or
19 country. No scrap metal processor or recyclable metal dealer
20 shall sell a vehicle or essential part, as such, except for
21 engines, transmissions, and powertrains, unless licensed to do
22 so under another provision of this Code. A scrap processor or
23 recyclable metal dealer who is additionally licensed as an

1 automotive parts recycler shall not be subject to the record
2 keeping requirements for a scrap processor or recyclable metal
3 dealer when acting as an automotive parts recycler.

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

22 (2) For a vehicle, junk vehicle or vehicle cowl
23 acquired from a person who is not licensed under this
24 Chapter, the scrap processor or recyclable metal dealer
25 shall verify and record that person's identity by recording
26 the identification of such person from at least 2 sources

1 of identification, one of which shall be a driver's license
2 or State Identification Card, on the scrap processor or
3 recyclable metal dealer's weight ticket at the time of the
4 acquisition. The person disposing of the vehicle, junk
5 vehicle, or vehicle cowl shall furnish the scrap processor
6 or recyclable metal dealer with documentary proof of
7 ownership of the vehicle, junk vehicle, or vehicle cowl in
8 one of the following forms: a Certificate of Title, a
9 Salvage Certificate, a Junking Certificate, a Secretary of
10 State Junking Manifest, a Certificate of Purchase, or other
11 similar documentary proof of ownership. The scrap
12 processor or recyclable metal dealer shall not acquire a
13 vehicle, junk vehicle or vehicle cowl without obtaining one
14 of the aforementioned documentary proofs of ownership.

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

1 (4) The scrap processor or recyclable metal dealer
2 shall maintain a copy of a Junk Vehicle Notification
3 relating to any Certificate of Title, Salvage Certificate,
4 Certificate of Purchase or similarly acceptable
5 out-of-state document surrendered to the Secretary of
6 State pursuant to the provisions of Section 3-117.2 of this
7 Code.

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

1 of Section 5-403 of this Code.

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

20 (b) Any licensee or recyclable metal dealer who knowingly
21 fails to record any of the specific information required to be
22 recorded on the weight ticket or required under any other
23 subsection of this Section or who knowingly fails to acquire
24 and maintain for 3 years documentary proof of ownership in one
25 of the prescribed forms shall be guilty of a Class A
26 misdemeanor and subject to a fine not to exceed \$1,000. Each

1 violation shall constitute a separate and distinct offense and
2 a separate count may be brought in the same complaint for each
3 violation. Any licensee or recyclable metal dealer who commits
4 a second violation of this Section within two years of a
5 previous conviction of a violation of this Section shall be
6 guilty of a Class 4 felony.

7 (c) It shall be an affirmative defense to an offense
8 brought under paragraph (b) of this Section that the licensee
9 or recyclable metal dealer or person required to be licensed
10 both reasonably and in good faith relied on information
11 appearing on a Certificate of Title, a Salvage Certificate, a
12 Junking Certificate, a Secretary of State Manifest, a Secretary
13 of State's Uniform Invoice, a Certificate of Purchase, or other
14 documentary proof of ownership prepared under Section 3-117.1
15 (a) of this Code, relating to the transaction for which the
16 required record was not kept which was supplied to the licensee
17 or recyclable metal dealer by another licensee or recyclable
18 metal dealer or an out-of-state dealer.

19 (d) No later than 15 days prior to going out of business,
20 selling the business, or transferring the ownership of the
21 business, the scrap processor or recyclable metal dealer shall
22 notify the Secretary of that fact. Failure to so notify the
23 Secretary of State shall constitute a failure to keep records
24 under this Section.

25 (e) Evidence derived directly or indirectly from the
26 keeping of records required to be kept under this Section shall

1 not be admissible in a prosecution of the licensee or
2 recyclable metal dealer for an alleged violation of Section
3 4-102 (a) (3) of this Code.

4 (f) Notwithstanding any other rulemaking authority that
5 may exist, neither the Governor nor any agency or agency head
6 under the jurisdiction of the Governor has any authority to
7 make or promulgate rules to implement or enforce the provisions
8 of this amendatory Act of the 95th General Assembly. If,
9 however, the Governor believes that rules are necessary to
10 implement or enforce the provisions of this amendatory Act of
11 the 95th General Assembly, the Governor may suggest rules to
12 the General Assembly by filing them with the Clerk of the House
13 and the Secretary of the Senate and by requesting that the
14 General Assembly authorize such rulemaking by law, enact those
15 suggested rules into law, or take any other appropriate action
16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other
19 Illinois statute where such authority is not otherwise
20 explicitly given. For the purposes of this paragraph, "rules"
21 is given the meaning contained in Section 1-70 of the Illinois
22 Administrative Procedure Act, and "agency" and "agency head"
23 are given the meanings contained in Sections 1-20 and 1-25 of
24 the Illinois Administrative Procedure Act to the extent that
25 such definitions apply to agencies or agency heads under the
26 jurisdiction of the Governor.

1 (Source: P.A. 95-253, eff. 1-1-08.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.