

HB3822



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3822

Introduced 10/5/2011, by Rep. Daniel V. Beiser

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 a scrap processor may not pay for the purchase of recyclable metals with cash.

LRB097 13262 HEP 57771 b

A BILL FOR

1 AN ACT concerning transportation.

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, or
13 vehicle cowl which has been acquired for the purpose of
14 processing into a form other than a vehicle, junk vehicle or
15 vehicle cowl which is possessed in the State or brought into
16 this State from another state, territory or country. No scrap
17 metal processor shall sell a vehicle or essential part, as
18 such, except for engines, transmissions, and powertrains,
19 unless licensed to do so under another provision of this Code.
20 A scrap processor who is additionally licensed as an automotive
21 parts recycler shall not be subject to the record keeping
22 requirements for a scrap processor when acting as an automotive
23 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
18 acquired from a person who is not licensed under this
19 Chapter, the scrap processor shall verify and record that
20 person's identity by recording the identification of such
21 person from at least 2 sources of identification, one of
22 which shall be a driver's license or State Identification
23 Card, on the scrap processor's weight ticket at the time of
24 the acquisition. The person disposing of the vehicle, junk
25 vehicle, or vehicle cowl shall furnish the scrap processor
26 with documentary proof of ownership of the vehicle, junk

1 vehicle, or vehicle cowl in one of the following forms: a
2 Certificate of Title, a Salvage Certificate, a Junking
3 Certificate, a Secretary of State Junking Manifest, a
4 Certificate of Purchase, or other similar documentary
5 proof of ownership. The scrap processor shall not acquire a
6 vehicle, junk vehicle or vehicle cowl without obtaining one
7 of the aforementioned documentary proofs of ownership.

8 (3) In addition to the other information required on
9 the scrap processor's weight ticket, a scrap processor who
10 at the time of acquisition of a vehicle, junk vehicle, or
11 vehicle cowl is furnished a Certificate of Title, Salvage
12 Certificate or Certificate of Purchase shall record the
13 Vehicle Identification Number on the weight ticket or affix
14 a copy of the Certificate of Title, Salvage Certificate or
15 Certificate of Purchase to the weight ticket and the
16 identification of the person acquiring the information on
17 the behalf of the scrap processor.

18 (4) The scrap processor shall maintain a copy of a Junk
19 Vehicle Notification relating to any Certificate of Title,
20 Salvage Certificate, Certificate of Purchase or similarly
21 acceptable out-of-state document surrendered to the
22 Secretary of State pursuant to the provisions of Section
23 3-117.2 of this Code.

24 (5) For recyclable metals valued at \$100 or more, the
25 scrap processor shall, for each transaction, record the
26 identity of the person from whom the recyclable metals were

1 acquired by verifying the identification of that person
2 from one source of identification, which shall be a valid
3 driver's license or State Identification Card, on the scrap
4 processor's weight ticket at the time of the acquisition
5 and by making and recording a photocopy or electronic scan
6 of the driver's license or State Identification Card. Such
7 information shall be available for inspection by any law
8 enforcement official. If the person delivering the
9 recyclable metal does not have a valid driver's license or
10 State Identification Card, the scrap processor shall not
11 complete the transaction. The inspection of records
12 pertaining only to recyclable metals shall not be counted
13 as an inspection of a premises for purposes of subparagraph
14 (7) of Section 5-403 of this Code.

15 This subdivision (a)(5) does not apply to electrical
16 contractors, to agencies or instrumentalities of the State
17 of Illinois or of the United States, to common carriers, to
18 purchases from persons, firms, or corporations regularly
19 engaged in the business of manufacturing recyclable metal,
20 in the business of selling recyclable metal at retail or
21 wholesale, or in the business of razing, demolishing,
22 destroying, or removing buildings, to the purchase by one
23 recyclable metal dealer from another, or the purchase from
24 persons, firms, or corporations engaged in either the
25 generation, transmission, or distribution of electric
26 energy or in telephone, telegraph, and other

1 communications if such common carriers, persons, firms, or
2 corporations at the time of the purchase provide the
3 recyclable metal dealer with a bill of sale or other
4 written evidence of title to the recyclable metal. This
5 subdivision (a)(5) also does not apply to contractual
6 arrangements between dealers.

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

19 (c) It shall be an affirmative defense to an offense
20 brought under paragraph (b) of this Section that the licensee
21 or person required to be licensed both reasonably and in good
22 faith relied on information appearing on a Certificate of
23 Title, a Salvage Certificate, a Junking Certificate, a
24 Secretary of State Manifest, a Secretary of State's Uniform
25 Invoice, a Certificate of Purchase, or other documentary proof
26 of ownership prepared under Section 3-117.1(a) of this Code,

1 relating to the transaction for which the required record was
2 not kept which was supplied to the licensee by another licensee
3 or an out-of-state dealer.

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

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

13 (f) A scrap processor may not pay for the purchase of
14 recyclable metals with cash.

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