



Sen. Michael W. Frerichs

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09700HB3825sam002

LRB097 13574 JLS 69587 a

1 AMENDMENT TO HOUSE BILL 3825

2 AMENDMENT NO. _____. Amend House Bill 3825, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Recyclable Metal Purchase Registration Law
6 is amended by changing Sections 3, 5, and 8 and by adding
7 Sections 4.1, 4.2, 4.3, and 4.6 as follows:

8 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

9 Sec. 3. Records of purchases. Except as provided in Section
10 5 of this Act every recyclable metal dealer in this State shall
11 enter into an electronic record-keeping system ~~on forms~~
12 ~~provided by the Department of State Police or such department~~
13 ~~as may succeed to its functions,~~ for each purchase of
14 recyclable metal ~~valued at \$100 or more and for each~~
15 ~~transaction involving the purchase of metal street signs~~ the
16 following information:

- 1 1. The name and address of the recyclable metal dealer;
- 2 2. The date and place of each purchase;
- 3 3. The name and address of the person or persons from
- 4 whom the recyclable metal was ~~or metal street signs were~~
- 5 purchased, which shall be verified from a valid driver's
- 6 license or other government-issued photo identification
- 7 ~~State Identification Card~~. The recyclable metal dealer
- 8 shall make and record a photocopy or electronic scan of the
- 9 driver's license or other government-issued photo
- 10 identification ~~State Identification Card~~. If the person
- 11 delivering the recyclable metal ~~or metal street signs~~ does
- 12 not have a valid driver's license or other
- 13 government-issued photo identification ~~State~~
- 14 ~~Identification Card~~, the recyclable metal dealer shall not
- 15 complete the transaction;
- 16 4. The motor vehicle license number and state of
- 17 issuance of the motor vehicle license number of the vehicle
- 18 or conveyance on which the recyclable metal was delivered
- 19 to the recyclable metal dealer;
- 20 5. A description of the recyclable metal ~~or metal~~
- 21 ~~street signs~~ purchased, including the weight and whether it
- 22 consists of bars, cable, ingots, rods, tubing, wire, wire
- 23 scraps, clamps, connectors, other appurtenances, or some
- 24 combination thereof; ~~and~~
- 25 6. Photographs or video, or both, of the seller and of
- 26 the materials as presented on the scale; and

1 7. 6. A declaration signed and dated by the person or
2 persons from whom the recyclable metal was ~~or metal street~~
3 ~~signs were~~ purchased which states the following:

4 "I, the undersigned, affirm under penalty of law
5 that the property that is subject to this transaction
6 is not to the best of my knowledge stolen property.".

7 ~~For purposes of this Section, "metal street sign" means any~~
8 ~~sign displaying the name of the street on which it is located~~
9 ~~and all signs, signals, markings, and other devices placed or~~
10 ~~erected by authority of a public body or official having~~
11 ~~jurisdiction, for the purpose of regulating, warning, or~~
12 ~~guiding traffic.~~

13 A copy of the recorded information ~~completed form~~ shall be
14 kept in an electronic record-keeping system ~~a separate book or~~
15 ~~register~~ by the recyclable metal dealer. Purchase records ~~and~~
16 shall be retained for a period of 3 2 years. Photographs shall
17 be retained for a period of 3 months and video recordings shall
18 be retained for a period of one month. The electronic
19 record-keeping system ~~Such book or register~~ shall be made
20 available for inspection by any law enforcement official or the
21 representatives of common carriers and persons, firms,
22 corporations or municipal corporations engaged in either the
23 generation, transmission or distribution of electric energy or
24 engaged in telephone, telegraph or other communications, at any
25 time.

26 (Source: P.A. 95-979, eff. 1-2-09; 96-507, eff. 8-14-09.)

1 (815 ILCS 325/4.1 new)

2 Sec. 4.1. Restricted purchases.

3 (a) It is a violation of this Act for any person to sell or
4 attempt to sell, or for any recyclable metal dealer to purchase
5 or attempt to purchase, any of the following:

6 (1) materials that are clearly marked as property
7 belonging to a business or someone else other than the
8 seller;

9 (2) property associated with use by governments,
10 utilities, or railroads including, but not limited to,
11 guardrails, manhole covers, electric transmission and
12 distribution equipment, including transformers, grounding
13 straps, wires or poles, historical markers, street signs,
14 traffic signs, sewer grates, or any rail, switch component,
15 spike, angle bar, tie plate, or bolt of the type used in
16 constructing railroad track;

17 (3) cemetery plaques or ornaments; or

18 (4) any catalytic converter not attached to a motor
19 vehicle at the time of the transaction unless the seller is
20 licensed as an automotive parts recycler or scrap
21 processor.

22 (b) This Section shall not apply when the seller produces
23 written documentation reasonably demonstrating that the seller
24 is the owner of the recyclable metal material or is authorized
25 to sell the material on behalf of the owner. The recyclable

1 metal dealer shall copy any such documentation and maintain it
2 along with the purchase record required by Section 3 of this
3 Act.

4 (815 ILCS 325/4.2 new)

5 Sec. 4.2. Purchases of HVAC recyclable metal. A recyclable
6 metal dealer shall not pay cash in payment for any air
7 conditioner evaporator coil or condenser having a value of \$100
8 or more. Payment for these materials must be made as follows:

9 (1) by check or money order;

10 (2) the payee on the check or money order shall be the
11 same person as the seller who conducted the transaction;

12 (3) if the seller is a business, then the recyclable
13 metal dealer shall make the check or money order payable to
14 the company, and not to any individual employee or agent of
15 the company.

16 (815 ILCS 325/4.3 new)

17 Sec. 4.3. Purchases of copper. A recyclable metal dealer
18 shall not pay cash in payment for any copper, including copper
19 tubing or wiring, having a value of \$100 or more. Payment for
20 these materials must be made as follows:

21 (1) by check or money order;

22 (2) the payee on the check or money order shall be the
23 same person as the seller who conducted the transaction;

24 (3) if the seller is a business, then the recyclable

1 metal dealer shall make the check or money order payable to
2 the company, and not to any individual employee or agent of
3 the company.

4 (815 ILCS 325/4.6 new)

5 Sec. 4.6. Lost or stolen metals. If a recyclable metal
6 dealer suspects property in his or her possession to be lost or
7 stolen, then he or she shall immediately notify the local law
8 enforcement agency having jurisdiction and provide the law
9 enforcement agency with the seller's information.

10 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

11 Sec. 5. Exemptions. The provisions of Sections ~~Section~~ 3,
12 4.2, and 4.3 of this Act do not apply to electrical
13 contractors, to agencies or instrumentalities of the State of
14 Illinois or of the United States, to units of local government,
15 their agents or representatives, that have contracted with the
16 recyclable metal dealer in the disposal of its metal street
17 signs, to common carriers or to purchases from persons, firms
18 or corporations regularly engaged in the business of
19 manufacturing recyclable metal, the business of selling
20 recyclable metal at retail or wholesale, in the business of
21 razing, demolishing, destroying or removing buildings, to the
22 purchase of one recyclable metal dealer from another or the
23 purchase from persons, firms or corporations engaged in either
24 the generation, transmission or distribution of electric

1 energy or in telephone, telegraph and other communications if
2 such common carriers, persons, firms or corporations at the
3 time of the purchase provide the recyclable metal dealer with a
4 bill of sale or other written evidence of title to the
5 recyclable metal.

6 (Source: P.A. 95-979, eff. 1-2-09; 96-507, eff. 8-14-09.)

7 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

8 Sec. 8. Penalty. Any recyclable metal dealer or other
9 person who knowingly fails to comply with this Act is guilty of
10 a Class A misdemeanor for the first offense, and a Class 4
11 felony for the second or subsequent offense. Each day that any
12 recyclable metal dealer so fails to comply shall constitute a
13 separate offense.

14 (Source: P.A. 95-979, eff. 1-2-09.)".