



Rep. Greg Harris

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09700HB5470ham001

LRB097 20249 KTG 67480 a

1 AMENDMENT TO HOUSE BILL 5470

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5470 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Used  
5 Wireless Communication Device Dealer Act.

6 Section 5. Wireless Communication Device Dealer defined. A  
7 business entity that uses cash to purchase or otherwise obtain  
8 any previously owned cellular telephones (hereinafter  
9 "device") for the purpose of resale or recycling is defined to  
10 be a used wireless communication device dealer (hereinafter  
11 "dealer").

12 Section 10. Record requirements.

13 (a) At the time of sale, the dealer shall require  
14 identification from each person selling or transferring any  
15 previously owned device including, but not limited to, a

1 driver's license, social security card, utility bill, employee  
2 or student identification card, credit card, or a civic, union,  
3 or professional association membership card.

4 If the identification shown is a driver's license or a  
5 State identification card issued by the Secretary of State and  
6 contains a photograph of the person being identified, only one  
7 form of identification must be shown. If the identification  
8 shown is not a driver's license or a State identification card  
9 issued by the Secretary of State and does not contain a  
10 photograph, 2 forms of identification must be shown, and one of  
11 the 2 forms of identification must include his or her residence  
12 address.

13 (b) A dealer shall maintain a record book and record at the  
14 time of sale the name and residence of any person selling any  
15 previously owned device.

16 (c) At time time of sale, the dealer shall record the  
17 following information regarding any previously owned device  
18 sold or transferred to the dealer:

19 (1) The make of the device.

20 (2) The model of the device.

21 (3) Any serial number or identification number on the  
22 device.

23 (4) The password or passcode, if any, necessary for  
24 operating the device.

25 (d) At the time of sale, the dealer shall record the amount  
26 paid for any device sold or transferred to the dealer.

1 (e) No entry in such a record shall be erased, mutilated,  
2 or changed.

3 Section 15. Reporting requirements.

4 (a) The records referred to in Section 10 shall be kept and  
5 maintained for not less than 2 years.

6 (b) The records referred to in Section 10 shall be made  
7 available for inspection and copying for any law enforcement  
8 officer upon request.

9 Section 20. Penalties. Any person who knowingly violates  
10 the provisions of this Act shall, for the first offense, be  
11 guilty of a Class C misdemeanor, and for every subsequent  
12 offense shall be guilty of a Class A misdemeanor.

13 Section 25. Exemptions. This Act does not apply to:

14 (1) any provider of wireless services, including, but  
15 not limited to, private radio service, public mobile  
16 service, or commercial mobile service, as those terms are  
17 defined in 47 U.S.C. 332 on the effective date of this Act,  
18 or to any of such provider's affiliates, agents, authorized  
19 dealers, retail locations, or franchised retail locations;  
20 or

21 (2) any person licensed under the Illinois Insurance  
22 Code, including insurers, insurance producers, and service  
23 contract providers or any of such person's affiliates,

1 agents, vendors, or contractors.

2 Section 99. Effective date. This Act takes effect January  
3 1, 2013.".