

AN ACT concerning business.

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

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

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

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

1. The name and address of the recyclable metal dealer;
2. The date and place of each purchase;
3. The name and address of the person or persons from whom the recyclable metal was ~~or metal street signs were~~ purchased, which shall be verified from a valid driver's license or other government-issued photo identification ~~State Identification Card~~. The recyclable metal dealer shall make and record a photocopy or electronic scan of the

driver's license or other government-issued photo identification ~~State Identification Card~~. If the person delivering the recyclable metal ~~or metal street signs~~ does not have a valid driver's license or other government-issued photo identification ~~State Identification Card~~, the recyclable metal dealer shall not complete the transaction;

4. The motor vehicle license number and state of issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal was delivered to the recyclable metal dealer;

5. A description of the recyclable metal ~~or metal street signs~~ purchased, including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, other appurtenances, or some combination thereof; ~~and~~

6. Photographs or video, or both, of the seller and of the materials as presented on the scale; and

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

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

~~For purposes of this Section, "metal street sign" means any sign displaying the name of the street on which it is located~~

~~and all signs, signals, markings, and other devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.~~

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

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

(815 ILCS 325/4.1 new)

Sec. 4.1. Restricted purchases.

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

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

seller;

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

(3) cemetery plaques or ornaments; or

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

(b) This Section shall not apply when the seller produces written documentation reasonably demonstrating that the seller is the owner of the recyclable metal material or is authorized to sell the material on behalf of the owner. The recyclable metal dealer shall copy any such documentation and maintain it along with the purchase record required by Section 3 of this Act.

(815 ILCS 325/4.2 new)

Sec. 4.2. Purchases of HVAC recyclable metal. A recyclable metal dealer shall not pay cash in payment for any air conditioner evaporator coil or condenser having a value of \$100

or more. Payment for these materials must be made as follows:

- (1) by check or money order;
- (2) the payee on the check or money order shall be the same person as the seller who conducted the transaction;
- (3) if the seller is a business, then the recyclable metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

(815 ILCS 325/4.3 new)

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

- (1) by check or money order;
- (2) the payee on the check or money order shall be the same person as the seller who conducted the transaction;
- (3) if the seller is a business, then the recyclable metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

(815 ILCS 325/4.6 new)

Sec. 4.6. Lost or stolen metals. If a recyclable metal dealer suspects property in his or her possession to be lost or stolen, then he or she shall immediately notify the local law

enforcement agency having jurisdiction and provide the law enforcement agency with the seller's information.

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

Sec. 5. Exemptions. The provisions of Sections ~~Section~~ 3, 4.2, and 4.3 of this Act do not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to units of local government, their agents or representatives, that have contracted with the recyclable metal dealer in the disposal of its metal street signs, to common carriers or to purchases from persons, firms or corporations regularly engaged in the business of manufacturing recyclable metal, the business of selling recyclable metal at retail or wholesale, in the business of razing, demolishing, destroying or removing buildings, to the purchase of one recyclable metal dealer from another or the purchase from persons, firms or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications if such common carriers, persons, firms or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal.

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

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

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

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