

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 Sections 5-401.3, 5-401.4, and 5-403 and by adding Section
6 5-404 as follows:

7 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

8 Sec. 5-401.3. Scrap processors ~~and recyclable metal~~
9 ~~dealers~~ required to keep records.

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

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

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

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

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

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

1 acquiring the information on the behalf of the scrap
2 processor ~~or recyclable metal dealer~~.

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

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

1 counted as an inspection of a premises for purposes of
2 subparagraph (7) of Section 5-403 of this Code.

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

21 (b) Any licensee ~~or recyclable metal dealer~~ who knowingly
22 fails to record any of the specific information required to be
23 recorded on the weight ticket required under any other
24 subsection of this Section, or Section 5-401 of this Code, or
25 who knowingly fails to acquire and maintain for 3 years
26 documentary proof of ownership in one of the prescribed forms

1 shall be guilty of a Class A misdemeanor and subject to a fine
2 not to exceed \$1,000. Each violation shall constitute a
3 separate and distinct offense and a separate count may be
4 brought in the same complaint for each violation. Any licensee
5 ~~or recyclable metal dealer~~ who commits a second violation of
6 this Section within two years of a previous conviction of a
7 violation of this Section shall be guilty of a Class 4 felony.

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

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

26 (e) Evidence derived directly or indirectly from the

1 keeping of records required to be kept under this Section shall
2 not be admissible in a prosecution of the licensee ~~or~~
3 ~~recyclable metal dealer~~ for an alleged violation of Section
4 4-102 (a) (3) of this Code.

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

6 (625 ILCS 5/5-401.4)

7 Sec. 5-401.4. Purchase of beer kegs by scrap processors ~~and~~
8 ~~recyclable metal dealers.~~

9 (a) A scrap processor ~~or recyclable metal dealer~~ may not
10 purchase metal beer kegs from any person other than the beer
11 manufacturer whose identity is printed, stamped, attached, or
12 otherwise displayed on the beer keg, or the manufacturer's
13 authorized representative.

14 (b) The purchaser shall obtain a proof of ownership record
15 from a person selling the beer keg, including any person
16 selling a beer keg with an indicia of ownership that is
17 obliterated, unreadable, or missing, and shall also verify the
18 seller's identity by a driver's license or other
19 government-issued photo identification. The proof of ownership
20 record shall include all of the following information:

21 (1) The name, address, telephone number, and signature
22 of the seller or the seller's authorized representative.

23 (2) The name and address of the buyer, or consignee if
24 not sold.

25 (3) A description of the beer keg, including its

1 capacity and any indicia of ownership or other
2 distinguishing marks appearing on the exterior surface.

3 (4) The date of transaction.

4 (c) The information required to be collected by this
5 Section shall be kept for one year from the date of purchase or
6 delivery, whichever is later.

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

8 (625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

9 Sec. 5-403. (1) Authorized representatives of the
10 Secretary of State including officers of the Secretary of
11 State's Department of Police, other peace officers, and such
12 other individuals as the Secretary may designate from time to
13 time shall make inspections of individuals and facilities
14 licensed or required to be licensed under Chapter 5 of the
15 Illinois Vehicle Code for the purpose of reviewing records
16 required to be maintained under Chapter 5 for accuracy and
17 completeness and reviewing and examining the premises of the
18 licensee's established or additional place of business for the
19 purpose of determining the accuracy of the required records.
20 Premises that may be inspected in order to determine the
21 accuracy of the books and records required to be kept includes
22 all premises used by the licensee to store vehicles and parts
23 that are reflected by the required books and records.

24 (2) Persons having knowledge of or conducting inspections
25 pursuant to this Chapter shall not in advance of such

1 inspections knowingly notify a licensee or representative of a
2 licensee of the contemplated inspection unless the Secretary or
3 an individual designated by him for this purpose authorizes
4 such notification. Any individual who, without authorization,
5 knowingly violates this subparagraph shall be guilty of a Class
6 A misdemeanor.

7 (3) The licensee or a representative of the licensee shall
8 be entitled to be present during an inspection conducted
9 pursuant to Chapter 5, however, the presence of the licensee or
10 an authorized representative of the licensee is not a condition
11 precedent to such an inspection.

12 (4) Inspection conducted pursuant to Chapter 5 may be
13 initiated at any time that business is being conducted or work
14 is being performed, whether or not open to the public or when
15 the licensee or a representative of the licensee, other than a
16 mere custodian or watchman, is present. The fact that a
17 licensee or representative of the licensee leaves the licensed
18 premises after an inspection has been initiated shall not
19 require the termination of the inspection.

20 (5) Any inspection conducted pursuant to Chapter 5 shall
21 not continue for more than 24 hours after initiation.

22 (6) In the event information comes to the attention of the
23 individuals conducting an inspection that may give rise to the
24 necessity of obtaining a search warrant, and in the event steps
25 are initiated for the procurement of a search warrant, the
26 individuals conducting such inspection may take all necessary

1 steps to secure the premises under inspection until the warrant
2 application is acted upon by a judicial officer.

3 (7) No more than 6 inspections of a premises may be
4 conducted pursuant to Chapter 5 within any 6 month period
5 except pursuant to a search warrant. Notwithstanding this
6 limitation, nothing in this subparagraph (7) shall be construed
7 to limit the authority of law enforcement agents to respond to
8 public complaints of violations of the Code. For the purpose of
9 this subparagraph (7), a public complaint is one in which the
10 complainant identifies himself or herself and sets forth, in
11 writing, the specific basis for their complaint against the
12 licensee. For the purpose of this subparagraph (7), the
13 inspection of records pertaining only to recyclable ~~scrap~~
14 metals, as provided in subdivision (a) (5) of Section 5-401.3 of
15 this Code, shall not be counted as an inspection of a premises.

16 (8) Nothing in this Section shall be construed to limit the
17 authority of individuals by the Secretary pursuant to this
18 Section to conduct searches of licensees pursuant to a duly
19 issued and authorized search warrant.

20 (9) Any licensee who, having been informed by a person
21 authorized to make inspections and examine records under this
22 Section that he desires to inspect records and the licensee's
23 premises as authorized by this Section, refuses either to
24 produce for that person records required to be kept by this
25 Chapter or to permit such authorized person to make an
26 inspection of the premises in accordance with this Section

1 shall subject the license to immediate suspension by the
2 Secretary of State.

3 (10) Beginning July 1, 1988, any person licensed under
4 5-302 shall produce for inspection upon demand those records
5 pertaining to the acquisition of salvage vehicles in this
6 State. This inspection may be conducted at the principal
7 offices of the Secretary of State.

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

9 (625 ILCS 5/5-404 new)

10 Sec. 5-404. Injunctions. The Illinois Attorney General or
11 the State's Attorney for the county in which the scrap
12 processor is located may initiate an appropriate action in the
13 circuit court of the county in which a scrap processor is
14 located to prevent the unlawful operation of a scrap processor,
15 or to restrain, correct, or abate a violation of this Act, or
16 to prevent any illegal act or conduct by the scrap processor.

17 (625 ILCS 5/1-169.3 rep.)

18 Section 10. The Illinois Vehicle Code is amended by
19 repealing Section 1-169.3.

20 Section 15. The Copper Purchase Registration Law is amended
21 by changing the title of the Act and Sections 1, 2, 3, 5, 7, and
22 8 and by adding Sections 4.5 and 9 as follows:

1 (815 ILCS 325/Act title)

2 An Act to require the registration of the purchase of
3 recyclable metal ~~copper~~ as herein defined, and providing a
4 penalty for the violation thereof.

5 (815 ILCS 325/1) (from Ch. 121 1/2, par. 321)

6 Sec. 1. Short title. This Act ~~is known and~~ may be cited as
7 the Recyclable Metal ~~"Copper~~ Purchase Registration Law".

8 (Source: P.A. 76-1476.)

9 (815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

10 Sec. 2. Definitions. When used in this Act:

11 "Recyclable metal" means any copper, brass, or aluminum, or
12 any combination of those metals, purchased by a recyclable
13 metal dealer, irrespective of form or quantity, except that
14 "recyclable metal" does not include: (i) items designed to
15 contain, or to be used in the preparation of, beverages or food
16 for human consumption; (ii) discarded items of non-commercial
17 or household waste; (iii) gold, silver, platinum, and other
18 precious metals used in jewelry; or (iv) vehicles, junk
19 vehicles, vehicle cowls, or essential vehicle parts. "Copper"
20 ~~means any copper, copper alloy or brass bars, cable, ingots,~~
21 ~~rods, tubing, wire, wire scraps, clamps, connectors or other~~
22 ~~appurtenances utilized or that can be utilized by common~~
23 ~~carriers or by persons, firms, corporations or municipal~~
24 ~~corporations engaged in either the generation, transmission or~~

1 ~~distribution of electric energy or in telephone, telegraph or~~
2 ~~other communications;~~

3 "Recyclable metal ~~Copper~~ dealer" means any individual,
4 firm, corporation or partnership engaged in the business of
5 purchasing and reselling recyclable metal ~~copper~~ either at a
6 permanently established place of business or in connection with
7 a business of an itinerant nature, including junk shops, junk
8 yards, or junk stores, except that "recyclable metal dealer"
9 does not include automotive parts recyclers, scrap processors,
10 repairers and rebuilders licensed pursuant to Section 5-301 of
11 the Illinois Vehicle Code. Recyclable metal dealers shall not
12 be engaged in the business of purchasing or reselling vehicles,
13 junk vehicles, vehicle cowl, or essential vehicle parts, ~~auto~~
14 ~~wreckers, scrap metal dealers or processors, salvage yards,~~
15 ~~collectors of or dealers in junk and junk carts or trucks.~~

16 (Source: P.A. 76-1476.)

17 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

18 Sec. 3. Records of purchases. Except as provided in Section
19 5 of this Act every recyclable metal ~~copper~~ dealer in this
20 State shall enter on forms provided by the Department of State
21 Police or such department as may succeed to its functions, for
22 each purchase of recyclable metal valued at \$100 ~~copper~~
23 ~~consisting of 50 pounds~~ or more the following information:

24 1. The name and address of the recyclable metal ~~copper~~
25 dealer;

1 2. The date and place of each purchase;

2 3. The name and address of the person or persons from
3 whom the recyclable metal ~~copper~~ was purchased, which shall
4 be verified from a valid driver's license or State
5 Identification Card. The recyclable metal dealer shall
6 make and record a photocopy or electronic scan of the
7 driver's license or State Identification Card. If the
8 person delivering the recyclable metal does not have a
9 valid driver's license or State Identification Card, the
10 recyclable metal dealer shall not complete the
11 transaction;

12 4. The motor vehicle license number and state of
13 issuance of the motor vehicle license number of the vehicle
14 or conveyance on which the recyclable metal ~~copper~~ was
15 delivered to the recyclable metal ~~copper~~ dealer;

16 5. A description of the recyclable metal ~~copper~~
17 purchased, including the weight and whether it consists of
18 bars, cable, ingots, rods, tubing, wire, wire scraps,
19 clamps, connectors, ~~or~~ other appurtenances, ~~or~~ some
20 combination thereof.

21 A copy of the completed form shall be kept in a separate
22 book or register by the recyclable metal ~~copper~~ dealer and
23 shall be retained for a period of 2 years. Such book or
24 register shall be made available for inspection by any law
25 enforcement official or the representatives of common carriers
26 and persons, firms, corporations or municipal corporations

1 engaged in either the generation, transmission or distribution
2 of electric energy or engaged in telephone, telegraph or other
3 communications, at any time.

4 (Source: P.A. 94-181, eff. 1-1-06.)

5 (815 ILCS 325/4.5 new)

6 Sec. 4.5. Purchase of beer kegs by recyclable metal
7 dealers.

8 (a) A recyclable metal dealer may not purchase metal beer
9 kegs from any person other than the beer manufacturer whose
10 identity is printed, stamped, attached, or otherwise displayed
11 on the beer keg, or from the manufacturer's authorized
12 representative.

13 (b) The purchaser shall obtain a proof of ownership record
14 from a person selling the beer keg, including any person
15 selling a beer keg with an indicia of ownership that is
16 obliterated, unreadable, or missing, and shall also verify the
17 seller's identity by a driver's license or other
18 government-issued photo identification. The proof of ownership
19 record shall include all of the following information:

20 (1) The name, address, telephone number, and signature
21 of the seller or the seller's authorized representative.

22 (2) The name and address of the buyer, or consignee if
23 not sold.

24 (3) A description of the beer keg, including its
25 capacity and any indicia of ownership or other

1 distinguishing marks appearing on the exterior surface.

2 (4) The date of transaction.

3 (c) The information required to be collected by this
4 Section shall be kept for one year from the date of purchase or
5 delivery, whichever is later.

6 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

7 Sec. 5. Exemptions. The provisions of Section 3 of this Act
8 do not apply to electrical contractors, to agencies or
9 instrumentalities of the State of Illinois or of the United
10 States, to common carriers or to purchases from persons, firms
11 or corporations regularly engaged in the business of
12 manufacturing recyclable metal copper, the business of selling
13 recyclable metal copper at retail or wholesale, in the business
14 of razing, demolishing, destroying or removing buildings, to
15 the purchase of one recyclable metal copper dealer from another
16 or the purchase from persons, firms or corporations engaged in
17 either the generation, transmission or distribution of
18 electric energy or in telephone, telegraph and other
19 communications if such common carriers, persons, firms or
20 corporations at the time of the purchase provide the recyclable
21 metal copper dealer with a bill of sale or other written
22 evidence of title to the recyclable metal copper.

23 (Source: P.A. 94-181, eff. 1-1-06.)

24 (815 ILCS 325/7) (from Ch. 121 1/2, par. 327)

1 Sec. 7. Inapplicability. This Act shall not apply in any
2 municipality that ~~which~~ provides for the registration of
3 recyclable metal ~~copper~~ purchased by resolution, ordinance or
4 regulation that ~~which~~ substantially complies with the
5 substantive provisions of this Act or any rule or regulation
6 hereunder with the exception of the penalty provisions. The
7 fact of such nonapplication shall be evidenced by a certificate
8 of exemption issued by the Department of State Police or such
9 department as may succeed to its functions, if it finds that a
10 municipal resolution, ordinance, or regulation meeting such
11 requirements is being enforced. The ~~Such~~ certificate of
12 exemption shall be available for inspection in the office of
13 the municipal clerk. This Act does not apply in municipalities
14 with populations of 1,000,000 or over.

15 (Source: P.A. 84-25.)

16 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

17 Sec. 8. Penalty. Any recyclable metal ~~copper~~ dealer who
18 knowingly fails to comply with this Act is guilty of a Class A
19 ~~B~~ misdemeanor for the first offense, and a Class 4 felony for
20 the second or subsequent offense. Each day that any recyclable
21 metal ~~copper~~ dealer so fails to comply shall constitute a
22 separate offense.

23 (Source: P.A. 77-2262.)

24 (815 ILCS 325/9 new)

1 Sec. 9. Injunctions. The Illinois Attorney General or the
2 State's Attorney for the county in which the recyclable metal
3 dealer is located may initiate an appropriate action in the
4 circuit court of the county in which a recyclable metal dealer
5 is located to prevent the unlawful operation of a recyclable
6 metal dealer, or to restrain, correct, or abate a violation of
7 this Act, or to prevent any illegal act or conduct by the
8 recyclable metal dealer.

9 Section 99. Effective date. This Act takes effect January
10 2, 2009.