



Sen. William R. Haine

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LRB095 15342 WGH 51481 a

1 AMENDMENT TO HOUSE BILL 4668

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4668 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 5-401.3, 5-401.4, and 5-403 and by adding  
6 Section 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

1 for the purpose of processing into a form other than a vehicle,  
2 junk vehicle or vehicle cowl which is possessed in the State or  
3 brought into this State from another state, territory or  
4 country. No scrap metal processor ~~or recyclable metal dealer~~  
5 shall sell a vehicle or essential part, as such, except for  
6 engines, transmissions, and powertrains, unless licensed to do  
7 so under another provision of this Code. A scrap processor ~~or~~  
8 ~~recyclable metal dealer~~ who is additionally licensed as an  
9 automotive parts recycler shall not be subject to the record  
10 keeping requirements for a scrap processor ~~or recyclable metal~~  
11 ~~dealer~~ when acting as an automotive parts recycler.

12 (1) For a vehicle, junk vehicle, or vehicle cowl  
13 acquired from a person who is licensed under this Chapter,  
14 the scrap processor ~~or recyclable metal dealer~~ shall record  
15 the name and address of the person, and the Illinois or  
16 out-of-state dealer license number of such person on the  
17 scrap processor's ~~processor or recyclable metal dealer's~~  
18 weight ticket at the time of the acquisition. The person  
19 disposing of the vehicle, junk vehicle, or vehicle cowl  
20 shall furnish the scrap processor ~~or recyclable metal~~  
21 ~~dealer~~ with documentary proof of ownership of the vehicle,  
22 junk vehicle, or vehicle cowl in one of the following  
23 forms: a Certificate of Title, a Salvage Certificate, a  
24 Junking Certificate, a Secretary of State Junking  
25 Manifest, a Uniform Invoice, a Certificate of Purchase, or  
26 other similar documentary proof of ownership. The scrap

1 processor ~~or recyclable metal dealer~~ shall not acquire a  
2 vehicle, junk vehicle or vehicle cowl without obtaining one  
3 of the aforementioned documentary proofs of ownership.

4 (2) For a vehicle, junk vehicle or vehicle cowl  
5 acquired from a person who is not licensed under this  
6 Chapter, the scrap processor ~~or recyclable metal dealer~~  
7 shall verify and record that person's identity by recording  
8 the identification of such person from at least 2 sources  
9 of identification, one of which shall be a driver's license  
10 or State Identification Card, on the scrap processor's  
11 ~~processor or recyclable metal dealer's~~ weight ticket at the  
12 time of the acquisition. The person disposing of the  
13 vehicle, junk vehicle, or vehicle cowl shall furnish the  
14 scrap processor ~~or recyclable metal dealer~~ with  
15 documentary proof of ownership of the vehicle, junk  
16 vehicle, or vehicle cowl in one of the following forms: a  
17 Certificate of Title, a Salvage Certificate, a Junking  
18 Certificate, a Secretary of State Junking Manifest, a  
19 Certificate of Purchase, or other similar documentary  
20 proof of ownership. The scrap processor ~~or recyclable metal~~  
21 ~~dealer~~ shall not acquire a vehicle, junk vehicle or vehicle  
22 cowl without obtaining one of the aforementioned  
23 documentary proofs of ownership.

24 (3) In addition to the other information required on  
25 the scrap processor's ~~processor or recyclable metal~~  
26 ~~dealer's~~ weight ticket, a scrap processor ~~or recyclable~~

1 ~~metal dealer~~ who at the time of acquisition of a vehicle,  
2 junk vehicle, or vehicle cowl is furnished a Certificate of  
3 Title, Salvage Certificate or Certificate of Purchase  
4 shall record the Vehicle ~~vehicle~~ Identification Number on  
5 the weight ticket or affix a copy of the Certificate of  
6 Title, Salvage Certificate or Certificate of Purchase to  
7 the weight ticket and the identification of the person  
8 acquiring the information on the behalf of the scrap  
9 processor ~~or recyclable metal dealer~~.

10 (4) The scrap processor ~~or recyclable metal dealer~~  
11 shall maintain a copy of a Junk Vehicle Notification  
12 relating to any Certificate of Title, Salvage Certificate,  
13 Certificate of Purchase or similarly acceptable  
14 out-of-state document surrendered to the Secretary of  
15 State pursuant to the provisions of Section 3-117.2 of this  
16 Code.

17 (5) For recyclable metals ~~scrap metals~~ valued at \$100  
18 or more, the scrap processor ~~or recyclable metal dealer~~  
19 shall, for each transaction, ~~verify and~~ record the identity  
20 of the person from whom the recyclable metals ~~scrap metals~~  
21 were acquired by verifying ~~recording~~ the identification of  
22 that person from one source of identification, which shall  
23 be a valid driver's license or State Identification Card,  
24 on the scrap processor's ~~processor or recyclable metal~~  
25 ~~dealer's~~ weight ticket at the time of the acquisition and  
26 by making and recording a photocopy or electronic scan of

1       the driver's license or State Identification Card. Such  
2       information shall be available for inspection by any law  
3       enforcement official. If the person delivering the  
4       recyclable metal does not have a valid driver's license or  
5       State Identification Card, the scrap processor shall not  
6       complete the transaction. The inspection of records  
7       pertaining only to recyclable ~~scrap~~ metals shall not be  
8       counted as an inspection of a premises for purposes of  
9       subparagraph (7) of Section 5-403 of this Code.

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

1 arrangements between dealers.

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

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

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

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

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

13 (625 ILCS 5/5-401.4)

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

16 (a) A scrap processor ~~or recyclable metal dealer~~ may not  
17 purchase metal beer kegs from any person other than the beer  
18 manufacturer whose identity is printed, stamped, attached, or  
19 otherwise displayed on the beer keg, or the manufacturer's  
20 authorized representative.

21 (b) The purchaser shall obtain a proof of ownership record  
22 from a person selling the beer keg, including any person  
23 selling a beer keg with an indicia of ownership that is  
24 obliterated, unreadable, or missing, and shall also verify the  
25 seller's identity by a driver's license or other

1 government-issued photo identification. The proof of ownership  
2 record shall include all of the following information:

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

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

7 (3) A description of the beer keg, including its  
8 capacity and any indicia of ownership or other  
9 distinguishing marks appearing on the exterior surface.

10 (4) The date of transaction.

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

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

15 (625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

16 Sec. 5-403. (1) Authorized representatives of the  
17 Secretary of State including officers of the Secretary of  
18 State's Department of Police, other peace officers, and such  
19 other individuals as the Secretary may designate from time to  
20 time shall make inspections of individuals and facilities  
21 licensed or required to be licensed under Chapter 5 of the  
22 Illinois Vehicle Code for the purpose of reviewing records  
23 required to be maintained under Chapter 5 for accuracy and  
24 completeness and reviewing and examining the premises of the  
25 licensee's established or additional place of business for the



1 purpose of determining the accuracy of the required records.  
2 Premises that may be inspected in order to determine the  
3 accuracy of the books and records required to be kept includes  
4 all premises used by the licensee to store vehicles and parts  
5 that are reflected by the required books and records.

6 (2) Persons having knowledge of or conducting inspections  
7 pursuant to this Chapter shall not in advance of such  
8 inspections knowingly notify a licensee or representative of a  
9 licensee of the contemplated inspection unless the Secretary or  
10 an individual designated by him for this purpose authorizes  
11 such notification. Any individual who, without authorization,  
12 knowingly violates this subparagraph shall be guilty of a Class  
13 A misdemeanor.

14 (3) The licensee or a representative of the licensee shall  
15 be entitled to be present during an inspection conducted  
16 pursuant to Chapter 5, however, the presence of the licensee or  
17 an authorized representative of the licensee is not a condition  
18 precedent to such an inspection.

19 (4) Inspection conducted pursuant to Chapter 5 may be  
20 initiated at any time that business is being conducted or work  
21 is being performed, whether or not open to the public or when  
22 the licensee or a representative of the licensee, other than a  
23 mere custodian or watchman, is present. The fact that a  
24 licensee or representative of the licensee leaves the licensed  
25 premises after an inspection has been initiated shall not  
26 require the termination of the inspection.

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

3           (6) In the event information comes to the attention of the  
4 individuals conducting an inspection that may give rise to the  
5 necessity of obtaining a search warrant, and in the event steps  
6 are initiated for the procurement of a search warrant, the  
7 individuals conducting such inspection may take all necessary  
8 steps to secure the premises under inspection until the warrant  
9 application is acted upon by a judicial officer.

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

23          (8) Nothing in this Section shall be construed to limit the  
24 authority of individuals by the Secretary pursuant to this  
25 Section to conduct searches of licensees pursuant to a duly  
26 issued and authorized search warrant.

1           (9) Any licensee who, having been informed by a person  
2 authorized to make inspections and examine records under this  
3 Section that he desires to inspect records and the licensee's  
4 premises as authorized by this Section, refuses either to  
5 produce for that person records required to be kept by this  
6 Chapter or to permit such authorized person to make an  
7 inspection of the premises in accordance with this Section  
8 shall subject the license to immediate suspension by the  
9 Secretary of State.

10           (10) Beginning July 1, 1988, any person licensed under  
11 5-302 shall produce for inspection upon demand those records  
12 pertaining to the acquisition of salvage vehicles in this  
13 State. This inspection may be conducted at the principal  
14 offices of the Secretary of State.

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

16           (625 ILCS 5/5-404 new)

17           Sec. 5-404. Injunctions. The Illinois Attorney General or  
18 the State's Attorney for the county in which the scrap  
19 processor is located may initiate an appropriate action in the  
20 circuit court of the county in which a scrap processor is  
21 located to prevent the unlawful operation of a scrap processor,  
22 or to restrain, correct, or abate a violation of this Act, or  
23 to prevent any illegal act or conduct by the scrap processor.

24           (625 ILCS 5/1-169.3 rep.)

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

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

6 (815 ILCS 325/Act title)

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

10 (815 ILCS 325/1) (from Ch. 121 1/2, par. 321)

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

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

14 (815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

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

16 "Recyclable metal" means any copper, brass, or aluminum, or  
17 any combination of those metals, purchased by a recyclable  
18 metal dealer, irrespective of form or quantity, except that  
19 "recyclable metal" does not include: (i) items designed to  
20 contain, or to be used in the preparation of, beverages or food  
21 for human consumption; (ii) discarded items of non-commercial  
22 or household waste; (iii) gold, silver, platinum, and other

1 precious metals used in jewelry; or (iv) vehicles, junk  
2 vehicles, vehicle cowls, or essential vehicle parts. "Copper"  
3 ~~means any copper, copper alloy or brass bars, cable, ingots,~~  
4 ~~rods, tubing, wire, wire scraps, clamps, connectors or other~~  
5 ~~appurtenances utilized or that can be utilized by common~~  
6 ~~carriers or by persons, firms, corporations or municipal~~  
7 ~~corporations engaged in either the generation, transmission or~~  
8 ~~distribution of electric energy or in telephone, telegraph or~~  
9 ~~other communications;~~

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

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

24 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

25 Sec. 3. Records of purchases. Except as provided in Section

1 5 of this Act every recyclable metal ~~copper~~ dealer in this  
2 State shall enter on forms provided by the Department of State  
3 Police or such department as may succeed to its functions, for  
4 each purchase of recyclable metal valued at \$100 ~~copper~~  
5 ~~consisting of 50 pounds~~ or more the following information:

6 1. The name and address of the recyclable metal ~~copper~~  
7 dealer;

8 2. The date and place of each purchase;

9 3. The name and address of the person or persons from  
10 whom the recyclable metal ~~copper~~ was purchased, which shall  
11 be verified from a valid driver's license or State  
12 Identification Card. The recyclable metal dealer shall  
13 make and record a photocopy or electronic scan of the  
14 driver's license or State Identification Card. If the  
15 person delivering the recyclable metal does not have a  
16 valid driver's license or State Identification Card, the  
17 recyclable metal dealer shall not complete the  
18 transaction;

19 4. The motor vehicle license number and state of  
20 issuance of the motor vehicle license number of the vehicle  
21 or conveyance on which the recyclable metal ~~copper~~ was  
22 delivered to the recyclable metal ~~copper~~ dealer;

23 5. A description of the recyclable metal ~~copper~~  
24 purchased, including the weight and whether it consists of  
25 bars, cable, ingots, rods, tubing, wire, wire scraps,  
26 clamps, connectors ~~or~~ other appurtenances, or some

1 combination thereof.

2 A copy of the completed form shall be kept in a separate  
3 book or register by the recyclable metal ~~copper~~ dealer and  
4 shall be retained for a period of 2 years. Such book or  
5 register shall be made available for inspection by any law  
6 enforcement official or the representatives of common carriers  
7 and persons, firms, corporations or municipal corporations  
8 engaged in either the generation, transmission or distribution  
9 of electric energy or engaged in telephone, telegraph or other  
10 communications, at any time.

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

12 (815 ILCS 325/4.5 new)

13 Sec. 4.5. Purchase of beer kegs by recyclable metal  
14 dealers.

15 (a) A recyclable metal dealer may not purchase metal beer  
16 kegs from any person other than the beer manufacturer whose  
17 identity is printed, stamped, attached, or otherwise displayed  
18 on the beer keg, or from the manufacturer's authorized  
19 representative.

20 (b) The purchaser shall obtain a proof of ownership record  
21 from a person selling the beer keg, including any person  
22 selling a beer keg with an indicia of ownership that is  
23 obliterated, unreadable, or missing, and shall also verify the  
24 seller's identity by a driver's license or other  
25 government-issued photo identification. The proof of ownership

1 record shall include all of the following information:

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

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

6 (3) A description of the beer keg, including its  
7 capacity and any indicia of ownership or other  
8 distinguishing marks appearing on the exterior surface.

9 (4) The date of transaction.

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

13 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

14 Sec. 5. Exemptions. The provisions of Section 3 of this Act  
15 do not apply to electrical contractors, to agencies or  
16 instrumentalities of the State of Illinois or of the United  
17 States, to common carriers or to purchases from persons, firms  
18 or corporations regularly engaged in the business of  
19 manufacturing recyclable metal ~~copper~~, the business of selling  
20 recyclable metal ~~copper~~ at retail or wholesale, in the business  
21 of razing, demolishing, destroying or removing buildings, to  
22 the purchase of one recyclable metal ~~copper~~ dealer from another  
23 or the purchase from persons, firms or corporations engaged in  
24 either the generation, transmission or distribution of  
25 electric 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 recyclable  
3 metal ~~copper~~ dealer with a bill of sale or other written  
4 evidence of title to the recyclable metal ~~copper~~.

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

6 (815 ILCS 325/7) (from Ch. 121 1/2, par. 327)

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

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

22 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

23 Sec. 8. Penalty. Any recyclable metal ~~copper~~ dealer who  
24 knowingly fails to comply with this Act is guilty of a Class A

1 ~~B~~ misdemeanor for the first offense, and a Class 4 felony for  
2 the second or subsequent offense. Each day that any recyclable  
3 metal ~~copper~~ dealer so fails to comply shall constitute a  
4 separate offense.

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

6 (815 ILCS 325/9 new)

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

15 Section 99. Effective date. This Act takes effect January  
16 2, 2009."