



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5126

by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-401.3

from Ch. 95 1/2, par. 5-401.3

Amends the Illinois Vehicle Code. Removes a uniform invoice from the list of records that a scrap processor may receive as documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl. Requires a scrap processor to record the name, address, and driver's license number of the person from whom a vehicle is received. Effective immediately.

LRB095 15616 LCT 41617 b

1 AN ACT concerning transportation.

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 Section 5-401.3 as follows:

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

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

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

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

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

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

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

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

1 scrap processor or recyclable metal dealer.

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

9 (5) For scrap metals valued at \$100 or more, the scrap
10 processor or recyclable metal dealer shall verify and
11 record the identity of the person from whom the scrap
12 metals were acquired by recording the identification of
13 that person from one source of identification, which shall
14 be a driver's license or State Identification Card, on the
15 scrap processor or recyclable metal dealer's weight ticket
16 at the time of the acquisition. The inspection of records
17 pertaining only to scrap metals shall not be counted as an
18 inspection of a premises for purposes of subparagraph (7)
19 of Section 5-403 of this Code.

20 This subdivision (a)(5) does not apply to electrical
21 contractors, to agencies or instrumentalities of the State
22 of Illinois or of the United States, to common carriers, to
23 purchases from persons, firms, or corporations regularly
24 engaged in the business of manufacturing recyclable metal,
25 in the business of selling recyclable metal at retail or
26 wholesale, or in the business of razing, demolishing,

1 destroying, or removing buildings, to the purchase by one
2 recyclable metal dealer from another, or the purchase from
3 persons, firms, or corporations engaged in either the
4 generation, transmission, or distribution of electric
5 energy or in telephone, telegraph, and other
6 communications if such common carriers, persons, firms, or
7 corporations at the time of the purchase provide the
8 recyclable metal dealer with a bill of sale or other
9 written evidence of title to the recyclable metal. This
10 subdivision (a)(5) also does not apply to contractual
11 arrangements between dealers.

12 (b) Any licensee or recyclable metal dealer who knowingly
13 fails to record any of the specific information required to be
14 recorded on the weight ticket or who knowingly fails to acquire
15 and maintain for 3 years documentary proof of ownership in one
16 of the prescribed forms shall be guilty of a Class A
17 misdemeanor and subject to a fine not to exceed \$1,000. Each
18 violation shall constitute a separate and distinct offense and
19 a separate count may be brought in the same complaint for each
20 violation. Any licensee or recyclable metal dealer who commits
21 a second violation of this Section within two years of a
22 previous conviction of a violation of this Section shall be
23 guilty of a Class 4 felony.

24 (c) It shall be an affirmative defense to an offense
25 brought under paragraph (b) of this Section that the licensee
26 or recyclable metal dealer or person required to be licensed

1 both reasonably and in good faith relied on information
2 appearing on a Certificate of Title, a Salvage Certificate, a
3 Junking Certificate, a Secretary of State Manifest, a Secretary
4 of State's Uniform Invoice, a Certificate of Purchase, or other
5 documentary proof of ownership prepared under Section 3-117.1
6 (a) of this Code, relating to the transaction for which the
7 required record was not kept which was supplied to the licensee
8 or recyclable metal dealer by another licensee or recyclable
9 metal dealer or an out-of-state dealer.

10 (d) No later than 15 days prior to going out of business,
11 selling the business, or transferring the ownership of the
12 business, the scrap processor or recyclable metal dealer shall
13 notify the Secretary of that fact. Failure to so notify the
14 Secretary of State shall constitute a failure to keep records
15 under this Section.

16 (e) Evidence derived directly or indirectly from the
17 keeping of records required to be kept under this Section shall
18 not be admissible in a prosecution of the licensee or
19 recyclable metal dealer for an alleged violation of Section
20 4-102 (a) (3) of this Code.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.