

1 AN ACT concerning business.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 16-23 as follows:

6 (720 ILCS 5/16-23 new)

7 Sec. 16-23. Theft of recyclable metal.

8 (a) A person commits theft of recyclable metal when,
9 without the consent of the owner, he or she knowingly obtains
10 or exerts control over property of the owner or aids or assists
11 in obtaining or exerting control over property of the owner:

12 (1) consisting of any recyclable metal as defined in
13 Section 2 of the Recyclable Metal Purchase Registration
14 Law; and

15 (2) which is manufactured, sold, or used as:

16 (A) telegraph, telephone, cable
17 telecommunications, or electric transmission or
18 distribution equipment including, but not limited to,
19 wires, transformers, grounds, grounding straps or
20 wire, poles, pedestals, or underground equipment;

21 (B) telephone, cable telecommunications, or
22 electric power line equipment;

23 (C) a wire or fiber insulator, power supply,

1 transformer, grounding system, transmission or other
2 apparatus, equipment or fixture used in the
3 transmission of telegraph, telephone, cable
4 telecommunications, or electrical power service;

5 (D) equipment related to wireless communications
6 regulated by the Federal Communications Commission;

7 (E) a fire hydrant, gutter, downspout, plumbing
8 pipe, or plumbing fixture;

9 (F) an irrigation unit including a cable, pump, or
10 power supply;

11 (G) a heating, ventilation, or air conditioning
12 unit or system, or any component of a heating,
13 ventilation, or air conditioning unit or system; or

14 (H) a guardrail, manhole cover, historical marker,
15 or cemetery plaque.

16 (b) A person also commits theft of recyclable metal when he
17 or she, in committing or attempting to commit theft of
18 recyclable metal under subsection (a), knowingly damages or
19 destroys any property of another by removing or damaging
20 recyclable metal components of that property.

21 (c) Sentence.

22 (1) Theft of recyclable metal not exceeding \$500 in
23 value is a Class 4 felony.

24 (2) Theft of recyclable metal not exceeding \$500 in
25 value if the theft was committed in a school or place of
26 worship or if the theft was of governmental property is a

1 Class 3 felony.

2 (3) Theft of recyclable metal exceeding \$500 and not
3 exceeding \$10,000 in value, is a Class 2 felony.

4 (4) Theft of recyclable metal exceeding \$500 in value
5 if the theft was committed in a school or place of worship
6 or if the theft was of governmental property is a Class 1
7 felony.

8 (5) Theft of recyclable metal exceeding \$10,000 in
9 value is a Class 1 felony.

10 (6) For the purpose of this Section, "value" means the
11 sum of:

12 (A) the fair market value of any recyclable metal
13 unlawfully obtained or controlled under subsection (a)
14 of this Section;

15 (B) the fair market value of any property damaged
16 or destroyed under subsection (b) of this Section; and

17 (C) the cost of restoring electric, water, gas, or
18 other utility service if the theft of recyclable metal
19 proximately causes an interruption in the utility
20 service.

21 Section 10. The Recyclable Metal Purchase Registration Law
22 is amended by changing Sections 3, 5, and 8 and by adding
23 Sections 4.1, 4.2, 4.3, and 4.6 as follows:

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

1 Sec. 3. Records of purchases. Except as provided in Section
2 5 of this Act every recyclable metal dealer in this State shall
3 enter into an electronic record-keeping system or on forms
4 provided by the Department of State Police or such department
5 as may succeed to its functions, for each purchase of
6 recyclable metal ~~valued at \$100 or more and for each~~
7 ~~transaction involving the purchase of metal street signs~~ the
8 following information:

9 1. The name and address of the recyclable metal dealer;

10 2. The date and place of each purchase;

11 3. The name and address of the person or persons from
12 whom the recyclable metal was ~~or metal street signs~~ were
13 purchased, which shall be verified from a valid driver's
14 license or other government-issued photo identification
15 ~~State Identification Card~~. The recyclable metal dealer
16 shall make and record a photocopy or electronic scan of the
17 driver's license or other government-issued photo
18 identification ~~State Identification Card~~. If the person
19 delivering the recyclable metal ~~or metal street signs~~ does
20 not have a valid driver's license or other
21 government-issued photo identification ~~State~~
22 ~~Identification Card~~, the recyclable metal dealer shall not
23 complete the transaction;

24 4. The motor vehicle license number and state of
25 issuance of the motor vehicle license number of the vehicle
26 or conveyance on which the recyclable metal was delivered

1 to the recyclable metal dealer;

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

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

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

13 ~~For purposes of this Section, "metal street sign" means any~~
14 ~~sign displaying the name of the street on which it is located~~
15 ~~and all signs, signals, markings, and other devices placed or~~
16 ~~erected by authority of a public body or official having~~
17 ~~jurisdiction, for the purpose of regulating, warning, or~~
18 ~~guiding traffic.~~

19 The record of purchase ~~A copy of the completed form~~ shall
20 be kept in a ~~separate~~ book or register or electronic
21 record-keeping system by the recyclable metal dealer and shall
22 be retained for a period of 3 ~~2~~ years. Such book or register or
23 electronic record-keeping system shall be made available for
24 inspection by any law enforcement official or the
25 representatives of common carriers and persons, firms,
26 corporations or municipal corporations engaged in ~~either~~ the

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

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

5 (815 ILCS 325/4.1 new)

6 Sec. 4.1. Restricted purchases.

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

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

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

21 (3) cemetery plaques or ornaments; or

22 (4) any catalytic converter not attached to a motor
23 vehicle at the time of the transaction unless the seller is
24 licensed as an automotive parts recycler, scrap processor,
25 repairer, or rebuilder under the Illinois Vehicle Code.

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

8 (815 ILCS 325/4.2 new)

9 Sec. 4.2. Purchases of HVAC recyclable metal.

10 A recyclable metal dealer shall not pay cash in payment for
11 any air conditioner evaporator coil or condenser having a value
12 of \$100 or more. Payment for these materials must be made as
13 follows:

14 (1) by check or money order;

15 (2) the payee on the check or money order shall be the
16 same person as the seller who conducted the transaction;

17 (3) if the seller is a business, then the recyclable
18 metal dealer shall make the check or money order payable to
19 the company, and not to any individual employee or agent of
20 the company.

21 (815 ILCS 325/4.3 new)

22 Sec. 4.3. Purchases of copper. A recyclable metal dealer
23 shall not pay cash in payment for any copper, including copper
24 tubing or wiring, having a value of \$100 or more. Payment for

1 these materials must be made as follows:

2 (1) by check or money order;

3 (2) the payee on the check or money order shall be the
4 same person as the seller who conducted the transaction;

5 (3) if the seller is a business, then the recyclable
6 metal dealer shall make the check or money order payable to
7 the company, and not to any individual employee or agent of
8 the company.

9 (815 ILCS 325/4.6 new)

10 Sec. 4.6. Lost or stolen metals.

11 If a recyclable metal dealer suspects property in his or
12 her possession to be lost or stolen, then he or she shall
13 immediately notify the local law enforcement agency having
14 jurisdiction and provide the law enforcement agency with the
15 seller's information.

16 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

17 Sec. 5. Exemptions. The provisions of Sections 3, 4.2, and
18 4.3 ~~Section 3~~ of this Act do not apply to electrical
19 contractors, to agencies or instrumentalities of the State of
20 Illinois or of the United States, to units of local government,
21 their agents or representatives, that have contracted with the
22 recyclable metal dealer in the disposal of its metal street
23 signs, to common carriers or to purchases from persons, firms
24 or corporations regularly engaged in the business of

1 manufacturing recyclable metal, the business of selling
2 recyclable metal at retail or wholesale, in the business of
3 razing, demolishing, destroying or removing buildings, to the
4 purchase of one recyclable metal dealer from another or the
5 purchase from persons, firms or corporations engaged in either
6 the generation, transmission or distribution of electric
7 energy or in telephone, telegraph and other communications if
8 such common carriers, persons, firms or corporations at the
9 time of the purchase provide the recyclable metal dealer with a
10 bill of sale or other written evidence of title to the
11 recyclable metal.

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

13 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

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

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