

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

7 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

8 Sec. 3. Records of purchases. Except as provided in Section
9 5 of this Act every recyclable metal dealer in this State shall
10 enter into an electronic record-keeping system ~~on forms~~
11 ~~provided by the Department of State Police or such department~~
12 ~~as may succeed to its functions,~~ for each purchase of
13 recyclable metal ~~valued at \$100 or more and for each~~
14 ~~transaction involving the purchase of metal street signs~~ the
15 following information:

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

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

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

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

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

19 7. 6. A declaration signed and dated by the person or
20 persons from whom the recyclable metal was ~~or metal street~~
21 ~~signs were~~ purchased which states the following:

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

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

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

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

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

19 (815 ILCS 325/4.1 new)

20 Sec. 4.1. Restricted purchases.

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

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

1 seller;

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

10 (3) cemetery plaques or ornaments; or

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

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

22 (815 ILCS 325/4.2 new)

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

1 or more. Payment for 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 325/4.3 new)

10 Sec. 4.3. Purchases of copper. A recyclable metal dealer
11 shall not pay cash in payment for any copper, including copper
12 tubing or wiring, having a value of \$100 or more. Payment for
13 these materials must be made as 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 325/4.6 new)

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

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

3 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

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

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

24 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

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

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