



BUSINESS TRANSACTIONS

(815 ILCS 325/) Recyclable Metal Purchase Registration Law.

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

Sec. 1. Short title. This Act may be cited as the Recyclable Metal Purchase Registration Law.

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

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

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

"Recyclable metal" means any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include: (i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; (iii) gold, silver, platinum, and other precious metals used in jewelry; or (iv) vehicles, junk vehicles, vehicle cowls, or essential vehicle parts.

"Recyclable metal dealer" means any individual, firm, corporation or partnership engaged in the business of purchasing and reselling recyclable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, or junk stores, except that "recyclable metal dealer" does not include automotive parts recyclers, scrap processors, repairers and rebuilders licensed pursuant to Section 5-301 of the Illinois Vehicle Code. Recyclable metal dealers shall not be engaged in the business of purchasing or reselling vehicles, junk vehicles, vehicle cowls, or essential vehicle parts.

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

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

Sec. 3. Records of purchases. Except as provided in Section 5 of this Act every recyclable metal dealer in this State shall enter into an electronic record-keeping system for each purchase of recyclable metal or recyclable metal containing copper the following information:

1. The name and address of the recyclable metal

dealer;

2. The date and place of each purchase;
3. The name and address of the person or persons

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from whom the recyclable metal was purchased, which shall be verified from a valid driver's license or other government-issued photo identification. The recyclable metal dealer shall make and record a photocopy or electronic scan of the driver's license or other government-issued photo identification. If the person delivering the recyclable metal does not have a valid driver's license or other government-issued photo identification, the recyclable metal dealer shall not complete the transaction;

4. The motor vehicle license number and state of

issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal was delivered to the recyclable metal dealer;

5. A description of the recyclable metal purchased,

including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, other appurtenances, or some combination thereof;

6. Photographs or video, or both, of the seller and

of the materials as presented on the scale; and

7. A declaration signed and dated by the person or

persons from whom the recyclable metal was purchased which states the following:

"I, the undersigned, affirm under penalty of law

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that the property that is subject to this transaction is not to the best of my knowledge stolen property."

A copy of the recorded information shall be kept in an electronic record-keeping system by the recyclable metal dealer. Purchase records shall be retained for a period of 3 years. Photographs shall be retained for a period of 3 months and video recordings shall be retained for a period of one month. The electronic record-keeping system shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or engaged in telephone, telegraph or other communications, at any time. (Source: P.A. 97-923, eff. 1-1-13; 97-924, eff. 1-1-13; 98-463, eff. 8-16-13.)

(815 ILCS 325/4)

Sec. 4. (Repealed).

(Source: P.A. 76-1476. Repealed by P.A. 94-181, eff. 1-1-06.)

(815 ILCS 325/4.1)

Sec. 4.1. Restricted purchases.

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

(1) materials that are clearly marked as property

belonging to a business or someone else other than the seller;

(2) property associated with use by governments,

utilities, or railroads including, but not limited to, guardrails, manhole covers, electric transmission and distribution equipment, including transformers, grounding straps, wires or poles, historical markers, street signs, traffic signs, sewer grates, or any rail, switch component, spike, angle bar, tie plate, or bolt of the type used in constructing railroad track;

(3) cemetery plaques or ornaments; or

(4) any catalytic converter not attached to a motor

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vehicle at the time of the transaction unless the seller is licensed as an automotive parts recycler or scrap processor.

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

(Source: P.A. 97-923, eff. 1-1-13.)

(815 ILCS 325/4.2)

Sec. 4.2. Purchases of HVAC recyclable metal. A recyclable metal dealer shall not pay cash in payment for any air conditioner evaporator coil or condenser having a value of \$100 or more. Payment for these materials must be made as follows:

- (1) by check or money order;
- (2) the payee on the check or money order shall be

the same person as the seller who conducted the transaction;

- (3) if the seller is a business, then the recyclable

metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

(Source: P.A. 97-923, eff. 1-1-13.)

(815 ILCS 325/4.3)

Sec. 4.3. Purchases of copper. A recyclable metal dealer shall not pay cash in payment for any copper, including copper tubing or wiring, having a value of \$100 or more. Payment for these materials must be made as follows:

- (1) by check or money order;
- (2) the payee on the check or money order shall be

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the same person as the seller who conducted the transaction;

(3) if the seller is a business, then the recyclable

metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

(Source: P.A. 97-923, eff. 1-1-13.)

(815 ILCS 325/4.5)

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

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

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

(1) The name, address, telephone number, and

signature of the seller or the seller's authorized representative.

(2) The name and address of the buyer, or consignee

if not sold.

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

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

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(4) The date of transaction.

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

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

(815 ILCS 325/4.6)

Sec. 4.6. Lost or stolen metals. If a recyclable metal dealer suspects property in his or her possession to be lost or stolen, then he or she shall immediately notify the local law enforcement agency having jurisdiction and provide the law enforcement agency with the seller's information.

(Source: P.A. 97-923, eff. 1-1-13.)

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

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

(Source: P.A. 96-507, eff. 8-14-09; 97-923, eff. 1-1-13.)

(815 ILCS 325/6)

Sec. 6. (Repealed).

(Source: P.A. 94-181, eff. 1-1-06. Repealed by P.A. 98-692, eff. 7-1-14.)

(815 ILCS 325/6.5)

Sec. 6.5. Recyclable Metal Theft Task Force.

(a) The Recyclable Metal Theft Task Force is created within the Office of the Secretary of State. The Office of the Secretary of State shall provide administrative support for the Task Force. The Task Force shall consist of the members designated in subsections (b) and (c).

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(b) Members of the Task Force representing the State shall be appointed as follows:

(1) Two members of the Senate appointed one each by

the President of the Senate and by the Minority Leader of the Senate;

(2) Two members of the House of Representatives

appointed one each by the Speaker of the House of Representatives and by the Minority Leader of the House of Representatives;

(3) One member representing the Office of the

Secretary of State appointed by the Secretary of State; and

(4) Two members representing the Department of State

Police appointed by the Director of State Police, one of whom must represent the State Police Academy.

(c) The members appointed under subsection (b) shall select from their membership a chairperson. The chairperson shall appoint the public members of the Task Force as follows:

(1) One member representing municipalities in this

State with consideration given to persons recommended by an organization representing municipalities in this State;

(2) Five chiefs of police from various geographical

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areas of the State with consideration given to persons recommended by an organization representing chiefs of police in this State;

(3) One representative of a public utility

headquartered in Illinois;

(4) One representative of recyclable metal dealers in

Illinois;

(5) One representative of scrap metal suppliers in

Illinois;

(6) One representative of insurance companies

offering homeowners insurance in this State; and

(7) One representative of rural electric cooperatives

in Illinois.

(d) The Task Force shall endeavor to establish a collaborative effort to combat recyclable metal theft throughout the State and assist in developing regional task forces, as determined necessary, to combat recyclable metal theft. The Task Force shall consider and develop long-term solutions, both legislative and enforcement-driven, for the rising problem of recyclable metal thefts in this State.

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(e) Each year, the Task Force shall review the effectiveness of its efforts in deterring and investigating the problem of recyclable metal theft and in assisting in the prosecution of persons engaged in recyclable metal theft. The Task Force shall by October 31 of each year report its findings and recommendations to the General Assembly and the Governor.

(Source: P.A. 99-52, eff. 1-1-16.)

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

Sec. 7. Inapplicability. This Act shall not apply in any municipality that provides for the registration of recyclable metal purchased by resolution, ordinance or regulation that substantially complies with the substantive provisions of this Act or any rule or regulation hereunder with the exception of the penalty provisions. The fact of such non application shall be evidenced by a certificate of exemption issued by the Department of State Police or such department as may succeed to its functions, if it finds that a municipal resolution, ordinance, or regulation meeting such requirements is being enforced. The certificate of exemption shall be available for inspection in the office of the municipal clerk. This Act does not apply in municipalities with populations of 1,000,000 or over.

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

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

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

(Source: P.A. 97-923, eff. 1-1-13.)

(815 ILCS 325/9)

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

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

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2330&ChapterID=67>

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