



Sen. Michael W. Frerichs

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09700HB3825sam001

LRB097 13574 JLS 69308 a

1 AMENDMENT TO HOUSE BILL 3825

2 AMENDMENT NO. _____. Amend House Bill 3825 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Recyclable Metal Purchase Registration Law
5 is amended by changing Sections 3 and 8 and by adding Sections
6 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;

1 2. The date and place of each purchase;

2 3. The name and address of the person or persons from
3 whom the recyclable metal was ~~or metal street signs were~~
4 purchased, which shall be verified from a valid driver's
5 license or State Identification Card. The recyclable metal
6 dealer shall make and record a photocopy or electronic scan
7 of the driver's license or State Identification Card. If
8 the person delivering the recyclable metal ~~or metal street~~
9 ~~signs~~ does not have a valid driver's license or State
10 Identification Card, the recyclable metal dealer shall not
11 complete the transaction;

12 4. The motor vehicle license number and state of
13 issuance of the motor vehicle license number of the vehicle
14 or conveyance on which the recyclable metal was delivered
15 to the recyclable metal dealer;

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

21 6. Photographs and video, or both, of the seller and of
22 the material as it is presented on the scale; and

23 7. ~~6.~~ A declaration signed and dated by the person or
24 persons from whom the recyclable metal was ~~or metal street~~
25 ~~signs were~~ purchased which states the following:

26 "I, the undersigned, affirm under penalty of law

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

3 ~~For purposes of this Section, "metal street sign" means any~~
4 ~~sign displaying the name of the street on which it is located~~
5 ~~and all signs, signals, markings, and other devices placed or~~
6 ~~erected by authority of a public body or official having~~
7 ~~jurisdiction, for the purpose of regulating, warning, or~~
8 ~~guiding traffic.~~

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

22 In every transaction, a recyclable metal dealer shall
23 inquire as to where the recyclable metal was obtained for the
24 purpose of determining whether the seller is in lawful
25 possession of the recyclable metal. If the seller presents a
26 bill of sale, receipt, or other document indicating that he or

1 she is in lawful possession of the recyclable metal, then the
2 recyclable metal dealer shall copy such document and maintain
3 it along with the purchase record required by this Section.

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, cables used only in
16 high-voltage transmission lines, and historical markers;

17 (3) street signs, traffic signs, and sewer grates; or

18 (4) cemetery plaques.

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

1 (815 ILCS 325/4.2 new)

2 Sec. 4.2. Purchases of HVAC recyclable metal. A recyclable
3 metal dealer shall not pay cash, nor shall the dealer make
4 payment at the time of the transaction, in payment for any air
5 conditioner evaporator coil or condenser. Payment for any air
6 conditioner evaporator coil or condenser must be made as
7 follows:

8 (1) by check or money order;

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

11 (3) if the seller is a business, then the recyclable
12 metal dealer shall make the check or money order payable to
13 the company, and not to any individual employee or agent of
14 the company.

15 (815 ILCS 325/4.3 new)

16 Sec. 4.3. Purchases of copper; catalytic converters. A
17 recyclable metal dealer shall not pay cash in payment for any
18 copper, including copper tubing or wiring, or catalytic
19 converters. Payment for these materials must be made as
20 follows:

21 (1) by check or money order;

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

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

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

4 (815 ILCS 325/4.6 new)

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

10 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

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

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