



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4611

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-401.3

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

Amends the Illinois Vehicle Code. Provides that scrap processors acquiring a vehicle shell or compartment must record the identity of the person providing the vehicle shell or compartment. Provides that the person disposing of the vehicle shell or compartment must provide documentary proof of ownership, and that the scrap processor shall not acquire the vehicle shell or compartment without obtaining this proof. Effective immediately.

LRB098 19387 MLW 54543 b

1 AN ACT concerning vehicles.

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 required to keep records.

8 (a) Every person licensed or required to be licensed as a
9 scrap processor pursuant to Section 5-301 of this Chapter shall
10 maintain for 3 years, at his established place of business, the
11 following records relating to the acquisition of recyclable
12 metals or the acquisition of a vehicle, junk vehicle, vehicle
13 shell, or vehicle cowl which has been acquired for the purpose
14 of processing into a form other than a vehicle, junk vehicle, vehicle
15 shell, or vehicle cowl which is possessed in the State
16 or brought into this State from another state, territory or
17 country. No scrap metal processor shall sell a vehicle or
18 essential part, as such, except for engines, transmissions, and
19 powertrains, unless licensed to do so under another provision
20 of this Code. A scrap processor who is additionally licensed as
21 an automotive parts recycler shall not be subject to the record
22 keeping requirements for a scrap processor when acting as an
23 automotive parts recycler.

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

18 (2) For a vehicle, junk vehicle, vehicle shell, or
19 vehicle cowl acquired from a person who is not licensed
20 under this Chapter, the scrap processor shall verify and
21 record that person's identity by recording the
22 identification of such person from at least 2 sources of
23 identification, one of which shall be a driver's license or
24 State Identification Card, on the scrap processor's weight
25 ticket at the time of the acquisition. The person disposing
26 of the vehicle, junk vehicle, vehicle shell, or vehicle

1 cowl shall furnish the scrap processor with documentary
2 proof of ownership of the vehicle, junk vehicle, vehicle
3 shell, or vehicle cowl in one of the following forms: a
4 Certificate of Title, a Salvage Certificate, a Junking
5 Certificate, a Secretary of State Junking Manifest, a
6 Certificate of Purchase, or other similar documentary
7 proof of ownership. The scrap processor shall not acquire a
8 vehicle, junk vehicle, vehicle shell, or vehicle cowl
9 without obtaining one of the aforementioned documentary
10 proofs of ownership. Any vehicle cut into front and rear
11 compartments shall still be considered a vehicle, and the
12 scrap processor shall be required to obtain one of the
13 above proof of ownership forms before acquiring any
14 compartment of the vehicle.

15 (3) In addition to the other information required on
16 the scrap processor's weight ticket, a scrap processor who
17 at the time of acquisition of a vehicle, junk vehicle,
18 vehicle shell, or vehicle cowl is furnished a Certificate
19 of Title, Salvage Certificate or Certificate of Purchase
20 shall record the Vehicle Identification Number on the
21 weight ticket or affix a copy of the Certificate of Title,
22 Salvage Certificate or Certificate of Purchase to the
23 weight ticket and the identification of the person
24 acquiring the information on the behalf of the scrap
25 processor.

26 (4) The scrap processor shall maintain a copy of a Junk

1 Vehicle Notification relating to any Certificate of Title,
2 Salvage Certificate, Certificate of Purchase or similarly
3 acceptable out-of-state document surrendered to the
4 Secretary of State pursuant to the provisions of Section
5 3-117.2 of this Code.

6 (5) For recyclable metals valued at \$100 or more, the
7 scrap processor shall, for each transaction, record the
8 identity of the person from whom the recyclable metals were
9 acquired by verifying the identification of that person
10 from one source of identification, which shall be a valid
11 driver's license or State Identification Card, on the scrap
12 processor's weight ticket at the time of the acquisition
13 and by making and recording a photocopy or electronic scan
14 of the driver's license or State Identification Card. Such
15 information shall be available for inspection by any law
16 enforcement official. If the person delivering the
17 recyclable metal does not have a valid driver's license or
18 State Identification Card, the scrap processor shall not
19 complete the transaction. The inspection of records
20 pertaining only to recyclable metals shall not be counted
21 as an inspection of a premises for purposes of subparagraph
22 (7) of Section 5-403 of this Code.

23 This subdivision (a) (5) does not apply to electrical
24 contractors, to agencies or instrumentalities of the State
25 of Illinois or of the United States, to common carriers, to
26 purchases from persons, firms, or corporations regularly

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

15 (b) Any licensee who knowingly fails to record any of the
16 specific information required to be recorded on the weight
17 ticket required under any other subsection of this Section, or
18 Section 5-401 of this Code, or who knowingly fails to acquire
19 and maintain for 3 years documentary proof of ownership in one
20 of the prescribed forms shall be guilty of a Class A
21 misdemeanor and subject to a fine not to exceed \$1,000. Each
22 violation shall constitute a separate and distinct offense and
23 a separate count may be brought in the same complaint for each
24 violation. Any licensee who commits a second violation of this
25 Section within two years of a previous conviction of a
26 violation of this Section shall be guilty of a Class 4 felony.

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

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

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

21 (Source: P.A. 95-253, eff. 1-1-08; 95-979, eff. 1-2-09.)

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