

1 AN ACT concerning regulation.

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

4 Section 5. The Resale Dealers Act is amended by changing  
5 Section 5 as follows:

6 (815 ILCS 398/5)

7 Sec. 5. Definitions. For the purposes of this Act:

8 "Appropriate law enforcement official" means the sheriff  
9 of the county where a resale dealer is located or, if the  
10 resale dealer is located within a municipality, the police  
11 chief of the municipality, provided, however, that the sheriff  
12 or police chief may designate an appropriate official of the  
13 county or municipality as applicable.

14 "Precious metals" means any item containing gold, silver,  
15 platinum, palladium, or rhodium or any combination of gold,  
16 silver, platinum, palladium, or rhodium. "Precious metals" do  
17 not include items containing any chemical or any automotive,  
18 photographic, electrical, medical or dental materials, or  
19 electronic parts, except for those containing precious metals.

20 "Recyclable metal" means items made of copper, brass, or  
21 aluminum.

22 "Repair and refurbishment program" means a program,  
23 offered by a wireless telephone service provider,

1 manufacturer, or retailer who is not primarily engaged in  
2 purchasing personal property of any type from a person who is  
3 not a wholesaler, through which used or previously owned  
4 wireless communications devices are restored to good working  
5 order.

6 "Resale dealer" means any individual, firm, corporation,  
7 or partnership engaged in the business of operating a business  
8 for profit, which buys, sells, possesses on consignment for  
9 sale, or trades jewelry, stamps, electronic equipment,  
10 including wireless communications devices, or any precious  
11 metals that have been previously owned by a consumer. The term  
12 "resale dealer" includes without limitation:

13 (1) businesses commonly known as swapshop operators,  
14 cash for gold operators, and jewelers that purchase and  
15 resell items from persons other than dealers possessing a  
16 federal employee identification number and suppliers and  
17 engage in disassembling for purposes other than  
18 appraisals, melting, or otherwise altering jewelry; or-

19 (2) any individual, partnership, limited partnership,  
20 limited liability company, corporation, or other entity  
21 engaged in the business of buying or selling used wireless  
22 communications devices.

23 The term "resale dealer" does not include pawnbrokers, coin  
24 dealers, providers of commercial mobile services as defined in  
25 47 U.S.C. 332(d) or their authorized dealers, ~~or~~ retail  
26 merchants that do not purchase previously owned items directly

1 from the public at the retail location, or a wireless telephone  
2 service provider, retailer, or entity who has 25 or more  
3 locations in this State who acquires wireless communications  
4 devices for the purpose of recycling or refurbishment or as  
5 part of a trade-in or a repair and refurbishment program or a  
6 business engaged in manufacturing wireless communications  
7 devices who acquires the devices as part of a trade-in program.

8 The fact that any business does any of the following acts shall  
9 be prima facie proof that such business is a resale dealer: (i)  
10 advertises in any fashion, including through media  
11 advertisements, websites, telephone listings, or signs on the  
12 exterior or interior of buildings, that it buys or sells used  
13 items and (ii) devotes a significant segment or section of the  
14 business premises to the purchase or sale of used items.

15 "Trade-in program" means a program offered by a wireless  
16 telephone service provider, manufacturer, or retailer who is  
17 not primarily engaged in purchasing personal property of any  
18 type from a person who is not a wholesaler, pursuant to which  
19 used wireless communications devices are accepted from  
20 customers for trade-in when purchasing a new device or in  
21 exchange for a noncash credit usable only for the purchase of  
22 goods or services from the wireless telephone service provider,  
23 manufacturer, or retailer or a rebate from a manufacturer on  
24 the purchase of one of the manufacturer's wireless  
25 communications devices.

26 "Wireless communications device" means a hand-held

1 cellular phone or other hand-held mobile device that (1) is  
2 built on a smart phone mobile operating system; (2) possesses  
3 advanced computing capability; (3) enables the user to engage  
4 in voice communications via commercial mobile radio service, as  
5 defined in 47 CFR 20.3; and (4) is capable of operating on a  
6 long-term evolution network and successor wireless data  
7 network communication standards. Capabilities a wireless  
8 communications device may possess include, but are not limited  
9 to, built-in applications, Internet access, digital voice  
10 service, text messaging, email, and web browsing. "Wireless  
11 communications device" does not include a phone commonly  
12 referred to as a feature or message phone, a laptop computer,  
13 tablet device, or a device that has only electronic reading  
14 capability.

15 "Wireless telephone service provider" means a provider of  
16 wireless telephone services and its authorized dealers,  
17 distributors, and agents.

18 (Source: P.A. 98-1096, eff. 1-1-15.)