

AN ACT concerning regulation.

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

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

(815 ILCS 398/5)

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

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

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

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

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

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

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

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

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

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

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

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

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

"Wireless communications device" means a hand-held

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

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

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