

**PROPOSED SUBSTITUTE TO FILE ID 17-5293
(Technology and Innovation Committee 12/13/2018)**

Sponsored by: RICHARD R. BOYKIN, Cook County Board of Commissioners

PROPOSED ORDINANCE

SECONDHAND SALES OF WIRELESS COMMUNICATIONS DEVICES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 54, Licenses, Permits and Miscellaneous Business Regulations, Article XIII Secondhand Sales of Wireless Communications Devices, Sections 54-421 to 54-423 of the Cook County Code is hereby enacted as Follows:

Sec. 54-421. Definitions.

Secondhand Dealer means any person who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value any secondhand property. The term "Secondhand Dealer" shall not include persons or entities who have 10 or more locations in Cook County who acquire cell phones for the purpose of recycling or refurbishment and report sales electronically to local law enforcement or a manufacturer of wireless communication devices that acquires the devices as part of a trade-in program, or a provider of commercial mobile service, as defined in 47 U.S.C. 332(d), and such provider's authorized agents and retailers that have contractual relationships with the provider to sell the provider's authorized products and services.

Wireless communication device means any device through which personal wireless services, as defined in 47 U.S.C. 332(c)(7)(C)(i), are transmitted.

Serial number means, in reference to cell phones or other wireless communication devices, a Mobile Equipment Identifier (MEID), International Mobile Equipment Identity (IMEI) number or Electronic Serial Number (ESN)

Secondhand property means any previously owned audio-video equipment; construction materials, including, but not limited to, plumbing, electrical, roofing, masonry and carpentry supplies; jewelry or watch made of precious metal or precious stone or gem; article made of precious metal or precious stone or gem; sporting or athletic gear or equipment, including a bicycle; or currency.

Stolen Cell Phone Database means a stolen cell phone database into which the make, model and serial number of a stolen or lost cell phone is identified. At the time of the enactment of this amendatory ordinance of 2017, stolen cell phone database means any electronic service linked to Groupe Speciale Mobile Association (GSMA) database that is used to search a cell phones International Mobile Equipment Identity (IMEI) Number across international networks to determine whether the cell phone has been reported lost or stolen.

Sec. 54-422. Registry Search Required.

(a) No secondhand dealer shall purchase, take or receive from any person in pawn or pledge, for money loaned, or shall buy any property from a minor, or shall so take, receive or buy any such property, the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor

(b) No secondhand dealer shall purchase, take or receive from any person in pawn or pledge, for money loaned, any cell phone whose make, model and serial number is identified in a stolen cell phone database. Before purchasing, taking or receiving from any person in pawn or pledge, for money loaned, any cell phone, the secondhand dealer shall check the stolen cell phone database to verify that the cell phone is not a stolen or lost cell phone, and shall record in an inventory log the date and time of such verification, the make, model and serial number of the cell phone, and a unique inventory number for each such cell phone. The inventory log and cell phone shall be made available at all reasonable times to inspection by authorized personnel of the County Sheriff Department or other Law Enforcement Agency.

Sec. 54-423. Violation - Penalty

Any person who violates the provisions of this section, upon conviction thereof, shall be fined not less than \$1000.00 nor more than \$2,000.00 for each offense. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, Illinois Revised Statutes, Chapter 110, Section 1-101, et seq. (1985), as amended. Each purchase, use, sale, gift or transfer of any such replica firearm shall be deemed a separate and distinct offense, and each day a person unlawfully engages in the business of selling or exhibits for sale any such replica firearm shall be deemed a separate and distinct offense.

Effective date: This ordinance shall be in effect July 1, 2018