



JESSE WHITE
SECRETARY OF STATE

Date: November 27, 2012

TO: Anne Craig, Director, Illinois State Library

From: Cynthia Wood, Assistant General Counsel, Office of the Illinois Secretary of State

Subject: Delivery of Library Materials

This memorandum is in response to your inquiry as to what type of items can be delivered to member libraries through the backbone inter-system Illinois Library Delivery System and the three library systems' intra-system delivery services. For the purposes of this memorandum, the two service types – inter and intra system delivery – will be collectively referred to as library delivery service. The library delivery service has statutory authority to operate pursuant to 23 Ill. Admin. Code 3030.50 (i), (j) and (k). The United States Postal Code generally prohibits the conveyance of letters or packets by regular trips or at stated periods over any postal route by anyone other than the United States Postal Service unless the sending or carrying of letters accompany and relate in all substantial respects to some part of the cargo or the ordering, shipping, or delivery of the cargo. 39 CFR 310.3 (a). A letter is defined as "a message directed to a specific person or address and recorded in or on a tangible object". Tangible objects used for letters include, but are not limited to paper (including paper in sheet or card form), recording disks, and magnetic tapes. Tangible objects used for letters do not include the following:

- a. Objects whose material or shape and design make them valuable or useful for purposes other than as media for long-distance communications, unless the objects are actually used as media for personal and business correspondence.
- b. Outsized, rigid objects not capable of enclosure in envelopes, sacks, boxes, or other containers commonly used to transmit letters or packets of letters. Generally, all First-Class Mail and all Standard Mail matter, other than merchandise or other goods, delivered to a specific person or place in accordance with a selective delivery plan would be considered a letter. 39 CFR 310.1

The following forms of communications are **not** considered letters pursuant to 39 CFR 310.1(a) (7) and therefore are deliverable through the library delivery service:

- a. Telegrams.
- b. Financial instruments such as checks, drafts, promissory notes, bonds, stock certificates, securities, title policies, and insurance policies, when shipped to, from, or between financial institutions. For

checks and drafts, financial institutions means banks, savings banks, savings and loan institutions, credit unions, and their offices, affiliates, and facilities. For other instruments, "financial institutions" means institutions performing functions involving the bulk generation, clearance, and transfer of such instruments.

- c. Abstracts of title, mortgages, and other liens, deeds, leases, releases, and articles of incorporation.
- d. Papers filed in lawsuits or formal quasi-judicial proceedings, and orders of courts and quasi-judicial bodies.
- e. Newspapers and periodicals.
- f. Books and catalogs consisting of 24 or more bound pages with at least 22 printed, and telephone directories.
- g. Matter sent from a printer, stationer, or similar source to a person ordering such matter for use as his or her letters.
- h. Letters sent to a records storage center exclusively for storage, sent exclusively for destruction, retrieved from a records storage center, and sent as part of a household or business relocation.
- i. Tags, labels, stickers, signs, or posters whose type-size, layout, or physical characteristics indicate that they are primarily intended to be attached to other objects for reading.
- j. Photographic material sent by a person to a processor, and processed photographic material being returned from the processor to the person who sent the material for processing.
- k. Copy sent from a person to an independent or company-owned printer or compositor, or between printers and compositors, and proofs or printed matter returned from the printer or compositor to the office of the person who initially sent the copy.
- l. Sound recordings, films, and packets of identical printed letters containing messages that are to be totally or almost totally disseminated to the public.
- m. Computer programs recorded on media suitable for direct input. For the conditions under which the Private Express Statutes are suspended for data processing materials, see section 39 CFR 320.2.

Since the vast majority of interlibrary loan materials consist of books, newspapers, maps and periodicals, they would not be considered letters and may be sent through the library delivery service without concern. Any items that can be cataloged within a library are deliverable through the library delivery service. All letters unrelated to cargo sent and items that cannot otherwise be cataloged within a library must be sent through means other than library delivery service. Such items as overdue notices, letters, memos, or loan request forms for loan items other than those being shipped at the time, should not be sent via library delivery service unless appropriate postage has been paid and cancelled as required by 39 USC 601 (a).