



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5160

Introduced 1/27/2022, by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Electric Vehicle Recycling Act. Provides that, within 60 days after the Act's effective date, manufacturers of electric vehicles that contain hazardous components and batteries must begin to implement a collection program that facilitates the removal of hazardous components and batteries from end-of-life vehicles prior to the electric vehicles being flattened, crushed, shredded, or otherwise processed for recycling and to collect and properly manage hazardous components and batteries in accordance with the Environmental Protection Act. Provides that, within 90 days after the Act's effective date, manufacturers of electric vehicles that contain hazardous components and batteries must submit to the Environmental Protection Agency an implementation plan that describes how the collection program will be carried out for the duration of the program. Requires the Agency to provide assistance to manufacturers in their implementation of the collection program. Contains provisions regarding violations and penalties under the Act and indemnification for manufacturers. Contains other provisions. Effective immediately.

LRB102 26027 CPF 35457 b

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the  
5 Electric Vehicle Recycling Act.

6 Section 3. Findings. The General Assembly finds that:

7 (1) A manufacturer of electric vehicles with hazardous  
8 components or batteries, and any component with no  
9 economical recyclable value that will end up in a landfill  
10 in the State of Illinois, should be solely responsible, at  
11 the manufacturer's expense, for proper removal, handling,  
12 and recycling. This should include proper training,  
13 ongoing education, and specialty equipment required, at no  
14 expense, for a licensed auto recycler to complete the safe  
15 removal of all hazardous components and batteries under  
16 this Act.

17 (2) Hazardous components and batteries must be removed  
18 when end-of-life vehicles are flattened, crushed, baled,  
19 shredded, melted, or otherwise processed for recycling.

20 (3) Removing hazardous components and batteries from  
21 end-of-life vehicles is an effective way to prevent them  
22 from being released into the environment.

23 (4) It is in the interest of the residents of the State

1 of Illinois to remove these hazardous components and  
2 batteries from end-of-life vehicles.

3 Section 5. Definitions. In this Act:

4 "Agency" means the Environmental Protection Agency.

5 "Battery" means a container that cannot be reused, is  
6 deemed to be hazardous, and consists of one or more cells, a  
7 module, or any means of power storage in which chemical energy  
8 is converted into electricity and used as a source of power.

9 "Electric vehicle" has the same meaning as defined in  
10 Section 11-1308 of the Illinois Vehicle Code.

11 "End-of-life vehicle" means an electric vehicle that is  
12 sold, given, or otherwise conveyed to a vehicle recycler for  
13 the purpose of reselling its parts or for recycling.

14 "Hazardous component" means a component of an electric  
15 vehicle with any chemical, pollutant, waste, or substance that  
16 is classified or regulated under any environmental law as a  
17 hazardous substance, toxic substance, pollutant, or  
18 contaminant.

19 "Manufacturer" means a person who is the last person in  
20 the production or assembly process of a new electric vehicle  
21 that uses one or more hazardous components and batteries; in  
22 the case of an imported electric vehicle, the manufacturer is  
23 the importer or domestic distributor of the electric vehicle.

24 "Manufacturer" does not include any person engaged in the  
25 business of selling new electric vehicles at retail or

1 converting or modifying new electric vehicles after the  
2 production or assembly process.

3 "Person" means any individual, partnership,  
4 co-partnership, firm, company, limited liability company,  
5 corporation, association, joint stock company, trust, estate,  
6 political subdivision, State agency, or any other legal  
7 entity, or its legal representative, agent, or assign.

8 "Removal" means removing any number of hazardous  
9 components or batteries from an end-of-life vehicle prior to  
10 the vehicle being flattened, crushed, baled, shredded, or  
11 otherwise processed for recycling or that are available to be  
12 removed from an end-of-life vehicle that is flattened,  
13 crushed, shredded, or otherwise processed for recycling.

14 "Scrap processor" means a person who engages in the  
15 business of shredding or otherwise processing end-of-life  
16 vehicles or other scrap metal into prepared grades and whose  
17 principal product is scrap iron, scrap steel, or nonferrous  
18 metallic scrap for sale or for remelting purposes.

19 "Vehicle recycler" means a person who engages in the  
20 business of acquiring, dismantling, removing parts from, or  
21 destroying 6 or more end-of-life vehicles in a calendar year  
22 for the primary purpose of reselling the vehicles' parts.

23 Section 10. Removal requirements.

24 (a) Hazardous components and batteries and that come from  
25 end-of-life vehicles must be managed in accordance with the

1 Environmental Protection Act and any rules and regulations  
2 adopted thereunder.

3 (b) No person shall represent that all hazardous  
4 components and batteries have been removed from an electric  
5 vehicle if hazardous components and batteries have not been  
6 removed from the electric vehicle, except where a hazardous  
7 component or battery cannot be removed from the electric  
8 vehicle because it is inaccessible due to significant damage  
9 to the electric vehicle in the area surrounding a hazardous  
10 component or battery.

11 (c) Consistent with the protection of confidential  
12 business information, vehicle recyclers who remove hazardous  
13 components and batteries from end-of-life vehicles must  
14 maintain records documenting the removal and disposal of the  
15 hazardous components and batteries as set forth by the  
16 manufacturers' collection program established under Section  
17 15, including, but not limited to, the make and model of each  
18 car from which one or more hazardous components or batteries  
19 are removed by a vehicle recycler.

20 The records required under this subsection must be  
21 retained at the vehicle recycler's place of business for a  
22 minimum of 3 years and made available for inspection and  
23 copying by the Agency during normal business hours.

24 Section 15. Hazardous components and battery collection  
25 program.

1           (a) Within 60 days after the effective date of this Act,  
2 manufacturers of electric vehicles that contain hazardous  
3 components, nonrecyclable components, or batteries must begin  
4 implementing a program that facilitates the removal of  
5 hazardous components and batteries from end-of-life vehicles  
6 prior to the vehicles being flattened, crushed, shredded, or  
7 otherwise processed for recycling and to collect and properly  
8 manage hazardous components and batteries in accordance with  
9 the Environmental Protection Act and any rules and regulations  
10 adopted thereunder. In order to ensure that hazardous  
11 components and batteries are removed and collected in a safe  
12 and consistent manner, manufacturers must provide training and  
13 certification, at no expense, to licensed vehicle recyclers in  
14 accordance with the Illinois Vehicle code for end-of-life  
15 vehicle recycling infrastructure. The collection program must  
16 be designed to comply with the following:

17           (1) Develop and provide educational materials that  
18 include guidance as to which electric vehicles may contain  
19 hazardous components and batteries and procedures for  
20 locating and removing them for proper recycling, as set  
21 forth by the manufacturers. The educational materials may  
22 include, but are not limited to, brochures, fact sheets,  
23 and videos.

24           (2) Conduct outreach activities to encourage vehicle  
25 recyclers to participate in the recycling program. The  
26 activities may include, but are not limited to, direct

1 mailings, workshops, and site visits.

2 (3) Provide storage containers to participating  
3 vehicle recyclers and vehicle crushers for proper  
4 collection under the program.

5 (4) Provide a collection and transportation system to  
6 periodically collect and replace filled storage containers  
7 from vehicle recyclers either upon notification that a  
8 storage container is full or on a schedule predetermined  
9 by the manufacturers.

10 (5) Establish an entity that will serve as a point of  
11 contact for the collection program and that will  
12 establish, implement, and oversee the collection program  
13 on behalf of the manufacturers.

14 (6) Track participation in the collection program and  
15 the progress of collections.

16 (b) Within 90 days after the effective date of this Act,  
17 manufacturers of electric vehicles that contain hazardous  
18 components and batteries must submit to the Agency an  
19 implementation plan that describes how the collection program  
20 under subsection (a) will be carried out for the duration of  
21 the collection program. At a minimum, the implementation plan  
22 must comply with the following:

23 (1) Identify the educational materials and procedures  
24 that will assist, at no expense to vehicle recyclers, in  
25 identifying, removing, and properly managing hazardous  
26 components and batteries from end-of-life vehicles.

1           (2) Describe the outreach program that will be  
2           undertaken to encourage vehicle recyclers to participate  
3           in the collection program.

4           (3) Describe how the manufacturers will ensure that  
5           hazardous components and batteries removed from  
6           end-of-life vehicles are managed in accordance with the  
7           Environmental Protection Act and any rules and regulations  
8           adopted thereunder.

9           (4) Describe how the manufacturers will collect and  
10          document the information required under this Act.

11          (5) Describe how the collection program will be  
12          financed and implemented.

13          (6) Identify the manufacturers' addresses to which the  
14          Agency should send notice to the manufacturers of the  
15          collection program. The Agency shall review the collection  
16          program implementation plans it receives for completeness  
17          and shall notify each manufacturer in writing if a  
18          collection program implementation plan is incomplete.  
19          Within 30 days after receiving a notification of  
20          incompleteness from the Agency, the manufacturers shall  
21          submit to the Agency an implementation plan that contains  
22          all of the required information.

23          (c) The Agency must provide assistance to manufacturers in  
24          their implementation of the collection program required under  
25          this Section. The assistance shall include providing  
26          manufacturers with information about businesses likely to be

1 engaged in vehicle recycling, conducting site visits to  
2 promote participation in the collection program, and assisting  
3 with the scheduling, locating, and staffing of workshops  
4 conducted to encourage vehicle recyclers to participate in the  
5 collection program.

6 (d) Manufacturers subject to the requirements of this  
7 Section shall provide, to the extent practicable, the  
8 opportunity for trade associations of vehicle recyclers to be  
9 involved in the delivery and dissemination of educational  
10 materials, at no expense, regarding the identification,  
11 removal, collection, and proper management of electric vehicle  
12 batteries and hazardous components in end-of-life vehicles.

13 (e) The Agency shall provide notice under this Section by  
14 posting a statement on its website and by sending a written  
15 notice via certified mail to the manufacturers, subject to the  
16 requirements of this Section, at the addresses provided in the  
17 manufacturers' collection program plan under paragraph (6) of  
18 subsection (b).

19 (f) Beginning 30 days after the Agency first provides  
20 notice under this Section, the following shall apply:

21 (1) Vehicle recyclers must remove all hazardous  
22 components and batteries from end-of-life vehicles prior  
23 to delivering the vehicles to a scrap processor, provided  
24 that a vehicle recycler is not required to remove  
25 hazardous components or batteries that are inaccessible  
26 due to significant damage to the vehicle in the area

1 surrounding the hazardous components or batteries that  
2 occurred prior to the vehicle recycler's receipt of the  
3 vehicle, in which case the damage must be noted in the  
4 records the vehicle recycler is required to maintain under  
5 subsection (c) of Section 10.

6 (2) No vehicle recycler or scrap processor shall  
7 flatten, crush, or otherwise process an end-of-life  
8 vehicle for recycling unless all hazardous components and  
9 batteries have been removed from the vehicle, provided  
10 that hazardous components or batteries that are  
11 inaccessible due to significant damage to the vehicle in  
12 the area surrounding the hazardous components or batteries  
13 that occurred prior to the vehicle recycler's receipt of  
14 the vehicle are not required to be removed. The damage  
15 must be noted in the records the vehicle recycler is  
16 required to maintain under this Act.

17 (g) Manufacturers subject to the requirements of this  
18 Section must provide to vehicle recyclers the following  
19 compensation for all hazardous components and batteries  
20 removed from end-of-life vehicles on or after the date of  
21 notice provided by the Agency under this Act:

22 (1) For each hazardous component and battery removed  
23 by the vehicle recycler, an amount based upon the  
24 manufacturers' warranties, procedures, and the shop rate.

25 (2) The costs of the containers in which hazardous  
26 components and batteries are collected and the costs of

1 packaging and transporting hazardous components and  
2 batteries off-site. Payment of this compensation must be  
3 provided in a prompt manner.

4 (h) In meeting the requirements of this Section,  
5 manufacturers may work individually or as part of a group of 2  
6 or more manufacturers.

7 Section 20. Agency recommendations. Every 3 years the  
8 Agency shall make a recommendation to the General Assembly as  
9 to whether the compensation required under subsection (g) of  
10 Section 15 should be modified to ensure adequate compensation  
11 for the removal of hazardous components and batteries from  
12 end-of-life vehicles. In developing its recommendations, the  
13 Agency shall seek comments and information from interested  
14 persons, including, but not limited to, representatives of  
15 vehicle recyclers, vehicle manufacturers, and environmental  
16 groups.

17 Section 25. Submission to the Agency. All information  
18 required to be submitted to the Agency under this Act must be  
19 submitted on forms prescribed by the Agency.

20 Section 30. Investigation of violations; penalties.

21 (a) The Agency shall investigate violations of this Act.

22 (b) Any manufacturer that willfully or knowingly violates  
23 any provision of this Act or willfully or knowingly fails to

1 perform any duty imposed under this Act shall be liable for a  
2 civil penalty not to exceed \$1,000 for the violation and an  
3 additional civil penalty not to exceed \$1,000 for each day the  
4 violation continues, and shall be liable for a civil penalty  
5 not to exceed \$5,000 for a second or subsequent violation and  
6 an additional civil penalty not to exceed \$1,000 for each day  
7 the second or subsequent violation continues.

8 (c) Any vehicle recycler or scrap processor who willfully  
9 or knowingly violates any provision of this Act or fails to  
10 perform any duty imposed under this Act shall be liable for a  
11 civil penalty not to exceed \$250 for the first violation and a  
12 civil penalty not to exceed \$500 for a second or subsequent  
13 violation.

14 (d) The penalties provided in this Section may be  
15 recovered in a civil action brought in the name of the People  
16 of the State of Illinois by the State's Attorney of the county  
17 in which the violation occurred or by the Attorney General.

18 Without limiting any other authority that may exist for  
19 the awarding of attorneys' fees and costs, a court of  
20 competent jurisdiction may award costs and reasonable  
21 attorneys' fees, including the reasonable costs of expert  
22 witnesses and consultants, to the State's Attorney or the  
23 Attorney General in a case where he or she has prevailed  
24 against a person who has committed a willful, knowing, or  
25 repeated violation of this Act. Any funds collected under this  
26 Section in an action in which the Attorney General has

1 prevailed shall be deposited in the Hazardous Waste Fund. Any  
2 funds collected under this Section in an action in which a  
3 State's Attorney has prevailed shall be retained by the county  
4 in which he or she serves.

5 (e) The State's Attorney of the county in which a  
6 violation occurs or the Attorney General may, at the request  
7 of the Agency or on his or her own motion, institute civil  
8 action for an injunction, prohibitory or mandatory, to  
9 restrain a violation of this Act or to require such other  
10 action as may be necessary to address a violation of this Act.

11 (f) The penalties and injunctions provided in this Act are  
12 in addition to any penalties, injunctions, or other relief  
13 provided under any other law. Nothing in this Act shall bar a  
14 cause of action by the State for any other penalty,  
15 injunction, or relief provided by any other law.

16 Section 35. Indemnification. Manufacturers subject to the  
17 requirements of this Act shall indemnify, defend, and hold  
18 harmless vehicle recyclers for any liability arising from the  
19 release from hazardous components and batteries after they are  
20 transferred under the manufacturers' collection program to a  
21 manufacturer or its agent, provided that it has been managed  
22 in accordance with the Environmental Protection Act and any  
23 rules and regulations adopted thereunder prior to the  
24 transfer.

1           Section 40. Federal requirements. If the Agency determines  
2           that the requirements of this Act are no longer necessary  
3           because a federal program provides equal or greater protection  
4           to human health and safety and the environment in this State,  
5           the Agency shall submit a report of its determination to the  
6           General Assembly. In making its determination, the Agency  
7           shall seek comments or information from interested persons,  
8           including, but not limited to, representatives of vehicle  
9           recyclers, vehicle manufacturers, and environmental groups.

10           Section 99. Effective date. This Act takes effect upon  
11           becoming law.