



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5286

Introduced 1/31/2022, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

815 ILCS 325/2	from Ch. 121 1/2, par. 322
815 ILCS 325/4.1	
815 ILCS 325/8	from Ch. 121 1/2, par. 328

Amends the Recyclable Metal Purchase Registration Law. Imposes restrictions concerning the acquisition and disposition of catalytic converter contents, steel wheels, and aluminum wheels upon recyclable metal dealers rather than licensed vehicle dealers, financing affiliates, parts recyclers, scrap processors, repairers, rebuilders and out-of-state salvage vehicle buyers. Authorizes a fine of \$1,000 or the value of the unlawfully recycled metal, whichever is greater, for a first offense and a fine of \$5,000 or 3 times the value of the unlawfully recycled metal, whichever is greater, for a second or subsequent offense.

LRB102 22218 RAM 31348 b

1 AN ACT concerning business.

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

4 Section 5. The Recyclable Metal Purchase Registration Law
5 is amended by changing Sections 2, 4.1, and 8 as follows:

6 (815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

7 Sec. 2. Definitions. When used in this Act:

8 "Recyclable metal" means any copper, brass, or aluminum,
9 or any combination of those metals, any catalytic converter or
10 its contents, or any aluminum wheel or steel wheel purchased
11 by a recyclable metal dealer, irrespective of form or
12 quantity, except that "recyclable metal" does not include: (i)
13 items designed to contain, or to be used in the preparation of,
14 beverages or food for human consumption; (ii) discarded items
15 of non-commercial or household waste; (iii) gold, silver,
16 platinum, and other precious metals used in jewelry; or (iv)
17 vehicles, junk vehicles, vehicle cowls, or essential vehicle
18 parts.

19 "Recyclable metal dealer" means any individual, firm,
20 corporation or partnership engaged in the business of
21 purchasing and reselling recyclable metal either at a
22 permanently established place of business or in connection
23 with a business of an itinerant nature, including junk shops,

1 junk yards, or junk stores, except that "recyclable metal
2 dealer" does not include automotive parts recyclers, scrap
3 processors, repairers and rebuilders licensed pursuant to
4 Section 5-301 of the Illinois Vehicle Code. Recyclable metal
5 dealers shall not be engaged in the business of purchasing or
6 reselling vehicles, junk vehicles, vehicle cowls, or essential
7 vehicle parts.

8 (Source: P.A. 95-979, eff. 1-2-09.)

9 (815 ILCS 325/4.1)

10 Sec. 4.1. Restricted purchases.

11 (a) It is a violation of this Act for any person to sell or
12 attempt to sell, or for any recyclable metal dealer to
13 purchase or attempt to purchase, any of the following:

14 (1) materials that are clearly marked as property
15 belonging to a business or someone else other than the
16 seller;

17 (2) property associated with use by governments,
18 utilities, or railroads including, but not limited to,
19 guardrails, manhole covers, electric transmission and
20 distribution equipment, including transformers, grounding
21 straps, wires or poles, historical markers, street signs,
22 traffic signs, sewer grates, or any rail, switch
23 component, spike, angle bar, tie plate, or bolt of the
24 type used in constructing railroad track;

25 (3) cemetery plaques or ornaments; ~~or~~

1 (4) any catalytic converter or its contents not
2 attached to a motor vehicle at the time of the transaction
3 unless the seller is licensed as an automotive parts
4 recycler or scrap processor; or

5 (5) any aluminum or steel wheel not attached to a
6 motor vehicle unless the seller is licensed as an
7 automotive parts recycler or scrap processor.

8 (b) This Section shall not apply when the seller produces
9 written documentation reasonably demonstrating that the seller
10 is the owner of the recyclable metal material or is authorized
11 to sell the material on behalf of the owner. The recyclable
12 metal dealer shall copy any such documentation and maintain it
13 along with the purchase record required by Section 3 of this
14 Act.

15 (Source: P.A. 97-923, eff. 1-1-13.)

16 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

17 Sec. 8. Penalty. Any recyclable metal dealer or other
18 person who knowingly fails to comply with this Act is guilty of
19 a Class A misdemeanor for the first offense along with a fine
20 of \$1,000 or the value of the metal, whichever is greater, and
21 a Class 4 felony for the second or subsequent offense along
22 with a fine of \$5,000 or 3 times the value of the metal,
23 whichever is greater. Each day that any recyclable metal
24 dealer so fails to comply shall constitute a separate offense.

25 (Source: P.A. 97-923, eff. 1-1-13.)