



Sen. Sue Rezin

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10300SB1398sam001

LRB103 24874 SPS 57568 a

1 AMENDMENT TO SENATE BILL 1398

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1398 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Electronics Recycling Act is  
5 amended by adding Section 1-83.5 as follows:

6 (415 ILCS 151/1-83.5 new)

7 Sec. 1-83.5. Lithium batteries; disposal; local  
8 authorities.

9 (a) By March 1, 2024, the Agency shall adopt rules  
10 requiring each manufacturer of an electric vehicle that is  
11 sold in the State and that contains a lithium-ion battery and  
12 each manufacturer of lithium-ion batteries sold in the State  
13 to submit to the Agency by June 1, 2024, a plan for recycling  
14 or repurposing the lithium-ion batteries it distributes in the  
15 State.

16 (b) Notwithstanding any provision of law to the contrary,

1 beginning July 1, 2024, a lithium-ion battery may not be  
2 disposed of in a sanitary landfill or mixed recycling waste  
3 bin in the State.

4 (c) The Agency shall encourage local authorities to use  
5 separate curbside recycling collection bins for the disposal  
6 of lithium-ion batteries.

7 (d) In this Section, "lithium-ion battery" has the same  
8 meaning as defined in Section 2.09 of the Hazardous Materials  
9 Emergency Act.

10 Section 10. The Hazardous Materials Emergency Act is  
11 amended by adding Section 2.09 and by changing Sections 3,  
12 5.11, and 6 as follows:

13 (430 ILCS 50/2.09 new)

14 Sec. 2.09. "Lithium-ion battery" means a type of  
15 rechargeable battery that contains lithium ions as the primary  
16 component of its electrolyte and that is most commonly found  
17 in cell phones, power tools, digital cameras, laptops,  
18 children's toys, electronic cigarettes, small and large  
19 appliances, tablets, and e-readers.

20 (430 ILCS 50/3) (from Ch. 127, par. 1253)

21 Sec. 3. It is the purpose of this Act to require the  
22 Illinois Department of Transportation to adopt by regulation  
23 the federal hazardous materials placarding regulations

1 promulgated under the Hazardous Materials Transportation Act  
2 (PL 93-633) for interstate and intrastate transportation of  
3 hazardous materials as they are applicable in the State of  
4 Illinois, and to recommend that units of local government  
5 adopt regulations for hazard signage systems applicable to the  
6 use, storage, and manufacture of hazardous materials,  
7 including, but not limited to, lithium-ion batteries, with the  
8 following exceptions:

9 (a) No hazard signage system or State placarding  
10 requirements shall apply to the use, storage, or  
11 transportation of a hazardous material that is located on a  
12 farm and that is used solely for agricultural purposes. It is  
13 not the purpose of this Section to exempt the owner of an  
14 agricultural hazardous material from reporting an accident  
15 involving the material as required in Sections 7 and 7.01 of  
16 this Act, nor is it the purpose of this Section to exempt from  
17 the placarding requirements the storage, transportation or  
18 manufacture of a hazardous material that is an agricultural  
19 material when the material is in the possession of the  
20 manufacturer, distributor, dealer, retailer or any other  
21 person who handles the material in larger quantities than  
22 those designed for consumer use or for any purpose other than  
23 its intended agricultural usage.

24 (b) (Blank).

25 (c) No placarding requirements or hazard signage  
26 requirements adopted pursuant to this Act shall apply to

1 pipelines or meters involved in the transmission of natural or  
2 flammable gas by a public utility as defined in the Public  
3 Utilities Act.

4 (d) This Act does not authorize the Department to require  
5 any placarding system for transportation of hazardous  
6 materials that is inconsistent with any placarding system  
7 required by Federal law or regulation, nor does it authorize  
8 the Department to require any placarding system or other  
9 standards for transportation of hazardous materials that is  
10 more stringent than any placarding system or standard required  
11 by the federal law or regulations in situations where a  
12 federal placarding system exists.

13 (Source: P.A. 90-449, eff. 8-16-97.)

14 (430 ILCS 50/5.11)

15 Sec. 5.11. Units of local government; hazard signage  
16 systems.

17 (a) A unit of local government may adopt ordinances or  
18 regulations requiring a hazard signage system applicable to  
19 equipment, facilities, structures, or locations involved in  
20 the use, storage, or manufacture of hazardous materials,  
21 including, but not limited to, lithium-ion batteries. The  
22 hazard signage system (such as, but not limited to, the  
23 National Fire Protection Association standard "NFPA 704"  
24 system as specified in its Standard System for the  
25 Identification of the Fire Hazards of Materials for Emergency

1 Response) shall be consistent with any such signage required  
2 by federal law or regulation.

3 (b) An ordinance or regulation adopted by a unit of local  
4 government under this Section requiring a hazard signage  
5 system may not take effect sooner than 90 days after its  
6 adoption by the unit of local government.

7 (c) A home rule unit may not regulate hazard signage  
8 systems in a manner inconsistent with the regulation of those  
9 systems by the State under this Act or by the federal  
10 government. This Section is a limitation under subsection (i)  
11 of Section 6 of Article VII of the Illinois Constitution on the  
12 concurrent exercise by home rule units of powers and functions  
13 exercised by the State.

14 (Source: P.A. 90-449, eff. 8-16-97.)

15 (430 ILCS 50/6) (from Ch. 127, par. 1256)

16 Sec. 6. It is the responsibility of any person who leases,  
17 operates or controls any facilities, equipment, structures, or  
18 locations for the use, storage, or manufacture of hazardous  
19 materials, including, but not limited to, lithium-ion  
20 batteries, to display on such facility, equipment, structure,  
21 or location appropriate hazard signage as described and in  
22 such manner as provided by regulation promulgated pursuant to  
23 Section 5 of this Act or as provided by ordinance or regulation  
24 adopted by a unit of local government pursuant to Section  
25 5.11.

1 (Source: P.A. 90-449, eff. 8-16-97.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law."