

AN ACT concerning transportation.

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

Section 5. The Recyclable Metal Purchase Registration Law is amended by changing Sections 2, 3, 4.1, 6.5, and 8 and by adding 4.4 as follows:

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

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

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

"Recyclable metal dealer" means any individual, firm, corporation or partnership conducting activity within the boundaries of the State of Illinois and engaged in the business of purchasing and reselling recyclable metal either at a permanently established place of business or in

connection with a business of an itinerant nature, including junk shops, junk yards, or junk stores, except that "recyclable metal dealer" does not include automotive parts recyclers, scrap processors, repairers and rebuilders licensed pursuant to Section 5-301 of the Illinois Vehicle Code. Recyclable metal dealers shall not be engaged in the business of purchasing or reselling vehicles, junk vehicles, vehicle cowls, or essential vehicle parts.

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

(815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

Sec. 3. Records of purchases. Except as provided in Section 5 of this Act every recyclable metal dealer in this State shall enter into an electronic record-keeping system for each purchase of recyclable metal, a catalytic converter or its contents, or recyclable metal containing copper the following information:

1. The name and address of the recyclable metal dealer;
2. The date and place of each purchase;
3. The name, ~~and~~ address, and copy of the license as an automotive parts recycler or scrap processor issued by the Secretary of State of the person or persons from whom the recyclable metal was purchased, which shall be verified from a valid driver's license or other government-issued photo identification. The recyclable metal dealer shall

make and record a photocopy or electronic scan of the license as an automotive parts recycler or scrap processor issued by the Secretary of State and driver's license or other government-issued photo identification. If the person delivering the recyclable metal does not have a valid driver's license or other government-issued photo identification, the recyclable metal dealer shall not complete the transaction;

4. The motor vehicle license number and state of issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal was delivered to the recyclable metal dealer;

5. A description of the recyclable metal purchased, including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, other appurtenances, or some combination thereof;

6. Photographs or video, or both, of the seller and of the materials as presented on the scale; and

7. A declaration signed and dated by the person or persons from whom the recyclable metal was purchased which states the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

A copy of the recorded information shall be kept in an

electronic record-keeping system by the recyclable metal dealer. Purchase records shall be retained for a period of 3 years. Photographs shall be retained for a period of 3 months and video recordings shall be retained for a period of one month. The electronic record-keeping system shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or engaged in telephone, telegraph or other communications, at any time. A recyclable metal dealer must complete and file a 1099-MISC on behalf of the seller, unless the seller has a current license as an automotive parts recycler or scrap processor issued by the Secretary of State.

(Source: P.A. 97-923, eff. 1-1-13; 97-924, eff. 1-1-13; 98-463, eff. 8-16-13.)

(815 ILCS 325/4.1)

Sec. 4.1. Restricted purchases.

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

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

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

(3) cemetery plaques or ornaments; or

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

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

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

(815 ILCS 325/4.4 new)

Sec. 4.4. Purchase of a catalytic converter or its contents. A recyclable metal dealer shall not pay cash in payment for any catalytic converter or its contents having a

value of \$100 or more.

(815 ILCS 325/6.5)

Sec. 6.5. Recyclable Metal Theft Task Force.

(a) The Recyclable Metal Theft Task Force is created within the Office of the Secretary of State. The Office of the Secretary of State shall provide administrative support for the Task Force. The Task Force shall consist of the members designated in subsections (b) and (c).

(b) Members of the Task Force representing the State shall be appointed as follows:

(1) Two members of the Senate appointed one each by the President of the Senate and by the Minority Leader of the Senate;

(2) Two members of the House of Representatives appointed one each by the Speaker of the House of Representatives and by the Minority Leader of the House of Representatives;

(3) One member representing the Office of the Secretary of State appointed by the Secretary of State; and

(4) Two members representing the Illinois State Police appointed by the Director of the Illinois State Police, one of whom must represent the State Police Academy.

(c) The members appointed under subsection (b) shall select from their membership a chairperson. The chairperson

shall appoint the public members of the Task Force as follows:

(1) One member representing municipalities in this State with consideration given to persons recommended by an organization representing municipalities in this State;

(2) Five chiefs of police from various geographical areas of the State with consideration given to persons recommended by an organization representing chiefs of police in this State;

(3) One representative of a public utility headquartered in Illinois;

(4) One representative of recyclable metal dealers in Illinois;

(5) One representative of scrap metal suppliers in Illinois;

(6) One representative of insurance companies offering homeowners insurance in this State;

(7) One representative of rural electric cooperatives in Illinois; ~~and~~

(8) One representative of a local exchange carrier doing business in Illinois; ~~and~~

(9) One representative of automotive recyclers in this State; and

(10) One representative of fleet operators in this State.

(d) The Task Force shall endeavor to establish a collaborative effort to combat recyclable metal theft

throughout the State and assist in developing regional task forces, as determined necessary, to combat recyclable metal theft. The Task Force shall consider and develop long-term solutions, both legislative and enforcement-driven, for the rising problem of recyclable metal thefts in this State.

(e) Each year, the Task Force shall review the effectiveness of its efforts in deterring and investigating the problem of recyclable metal theft and in assisting in the prosecution of persons engaged in recyclable metal theft. The Task Force shall by October 31 of each year report its findings and recommendations to the General Assembly and the Governor.

(Source: P.A. 102-538, eff. 8-20-21.)

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

Sec. 8. Penalty. Any recyclable metal dealer or other person who knowingly fails to comply with this Act is guilty of a Class A misdemeanor for the first offense, and a Class 4 felony for the second or subsequent offense. Each day that any recyclable metal dealer so fails to comply shall constitute a separate offense. Any metal obtained not in accordance with this Act is subject to immediate forfeiture.

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

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