



Rep. Jaime M. Andrade, Jr.

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10200HB0106ham001

LRB102 03976 JLS 23350 a

1 AMENDMENT TO HOUSE BILL 106

2 AMENDMENT NO. _____. Amend House Bill 106 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Recyclable Metal Purchase Registration Law
5 is amended by changing Sections 2, 4.1, 8, and 9 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)

1 vehicles, junk vehicles, vehicle cowls, or essential vehicle
2 parts.

3 "Recyclable metal dealer" means any individual, firm,
4 corporation or partnership engaged in the business of
5 purchasing and reselling recyclable metal either at a
6 permanently established place of business or in connection
7 with a business of an itinerant nature, including junk shops,
8 junk yards, or junk stores, except that "recyclable metal
9 dealer" does not include automotive parts recyclers, scrap
10 processors, repairers and rebuilders licensed pursuant to
11 Section 5-301 of the Illinois Vehicle Code. Recyclable metal
12 dealers shall not be engaged in the business of purchasing or
13 reselling vehicles, junk vehicles, vehicle cowls, or essential
14 vehicle parts.

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

16 (815 ILCS 325/4.1)

17 Sec. 4.1. Restricted purchases.

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

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

24 (2) property associated with use by governments,
25 utilities, or railroads including, but not limited to,

1 guardrails, manhole covers, electric transmission and
2 distribution equipment, including transformers, grounding
3 straps, wires or poles, historical markers, street signs,
4 traffic signs, sewer grates, or any rail, switch
5 component, spike, angle bar, tie plate, or bolt of the
6 type used in constructing railroad track;

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

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

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

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

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

23 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

24 Sec. 8. Penalty. Any recyclable metal dealer or other
25 person who knowingly fails to comply with this Act is guilty of

1 a Class A misdemeanor for the first offense along with a fine
2 of \$1,000 or the value of the metal, whichever is greater, and
3 a Class 4 felony for the second or subsequent offense along
4 with a fine of \$5,000 or 3 times the value of the metal,
5 whichever is greater. Each day that any recyclable metal
6 dealer so fails to comply shall constitute a separate offense.
7 (Source: P.A. 97-923, eff. 1-1-13.)

8 (815 ILCS 325/9)

9 Sec. 9. Injunctions. The Illinois Attorney General,
10 Department of Revenue, or the State's Attorney for the county
11 in which the recyclable metal dealer is located may initiate
12 an appropriate action in the circuit court of the county in
13 which a recyclable metal dealer is located to prevent the
14 unlawful operation of a recyclable metal dealer, or to
15 restrain, correct, or abate a violation of this Act, or to
16 prevent any illegal act or conduct by the recyclable metal
17 dealer.

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