



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5199

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 325/3	from Ch. 121 1/2, par. 323
815 ILCS 325/4.1	
815 ILCS 325/4.4 new	
815 ILCS 325/6.5	
815 ILCS 325/8	from Ch. 121 1/2, par. 328

Amends the Recyclable Metal Purchase Registration Law. Provides that every recyclable metal dealer in the State shall enter specified information into an electronic record-keeping system for each purchase of recyclable metal, a catalytic converter or its contents, or recyclable metal containing copper (rather than recyclable metal or recyclable metal containing copper). Provides that 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. Provides that it is a violation of the Act for any person to possess, purchase, attempt to purchase, sell or attempt to sell (rather than sell or attempt to sell), or for any recyclable metal dealer to purchase or attempt to purchase, specified materials. Provides that a recyclable metal dealer shall not pay cash in payment for any catalytic converter or its contents having a value of \$100 or more, unless the seller has a current license as an automotive parts recycler or scrap processor issued by the Secretary of State. Provides that one representative of automotive recyclers in the State shall serve on the Recyclable Metal Theft Task Force. Provides that any metal obtained not in accordance with the Act is subject to immediate forfeiture. Effective immediately.

LRB102 26036 SPS 35469 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, 3, 4.1, 6.5, and 8 and by
6 adding 4.4 as follows:

7 (815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

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

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

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

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

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

10 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

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

17 1. The name and address of the recyclable metal
18 dealer;

19 2. The date and place of each purchase;

20 3. The name, ~~and~~ address, and copy of the license as an
21 automotive parts recycler or scrap processor issued by the
22 Secretary of State of the person or persons from whom the
23 recyclable metal was purchased, which shall be verified
24 from a valid driver's license or other government-issued
25 photo identification. The recyclable metal dealer shall

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

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

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

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

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

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

26 A copy of the recorded information shall be kept in an

1 electronic record-keeping system by the recyclable metal
2 dealer. Purchase records shall be retained for a period of 3
3 years. Photographs shall be retained for a period of 3 months
4 and video recordings shall be retained for a period of one
5 month. The electronic record-keeping system shall be made
6 available for inspection by any law enforcement official or
7 the representatives of common carriers and persons, firms,
8 corporations or municipal corporations engaged in either the
9 generation, transmission or distribution of electric energy or
10 engaged in telephone, telegraph or other communications, at
11 any time. A recyclable metal dealer must complete and file a
12 1099-MISC on behalf of the seller, unless the seller has a
13 current license as an automotive parts recycler or scrap
14 processor issued by the Secretary of State.

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

17 (815 ILCS 325/4.1)

18 Sec. 4.1. Restricted purchases.

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

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

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

9 (3) cemetery plaques or ornaments; or

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

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

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

22 (815 ILCS 325/4.4 new)

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

1 value of \$100 or more, unless the seller has a current license
2 as an automotive parts recycler or scrap processor issued by
3 the Secretary of State.

4 (815 ILCS 325/6.5)

5 Sec. 6.5. Recyclable Metal Theft Task Force.

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

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

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

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

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

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

1 (c) The members appointed under subsection (b) shall
2 select from their membership a chairperson. The chairperson
3 shall appoint the public members of the Task Force as follows:

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

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

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

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

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

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

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

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

23 (9) One representative of automotive recyclers in this
24 State.

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

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

6 (e) Each year, the Task Force shall review the
7 effectiveness of its efforts in deterring and investigating
8 the problem of recyclable metal theft and in assisting in the
9 prosecution of persons engaged in recyclable metal theft. The
10 Task Force shall by October 31 of each year report its findings
11 and recommendations to the General Assembly and the Governor.
12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

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

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

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