



Rep. Jaime M. Andrade, Jr.

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10200HB5286ham001

LRB102 22218 SPS 36797 a

1 AMENDMENT TO HOUSE BILL 5286

2 AMENDMENT NO. _____. Amend House Bill 5286 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, 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

1 precious metals used in jewelry; or (iv) vehicles, junk
2 vehicles, vehicle cowls, or essential vehicle parts.

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

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

17 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

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

- 24 1. The name and address of the recyclable metal
25 dealer;

1 2. The date and place of each purchase;

2 3. The name, ~~and~~ address, and copy of the license as an
3 automotive parts recycler or scrap processor issued by the
4 Secretary of State of the person or persons from whom the
5 recyclable metal was purchased, which shall be verified
6 from a valid driver's license or other government-issued
7 photo identification. The recyclable metal dealer shall
8 make and record a photocopy or electronic scan of the
9 license as an automotive parts recycler or scrap processor
10 issued by the Secretary of State and driver's license or
11 other government-issued photo identification. If the
12 person delivering the recyclable metal does not have a
13 valid driver's license or other government-issued photo
14 identification, the recyclable metal dealer shall not
15 complete the transaction;

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

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

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

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

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

7 A copy of the recorded information shall be kept in an
8 electronic record-keeping system by the recyclable metal
9 dealer. Purchase records shall be retained for a period of 3
10 years. Photographs shall be retained for a period of 3 months
11 and video recordings shall be retained for a period of one
12 month. The electronic record-keeping system shall be made
13 available for inspection by any law enforcement official or
14 the representatives of common carriers and persons, firms,
15 corporations or municipal corporations engaged in either the
16 generation, transmission or distribution of electric energy or
17 engaged in telephone, telegraph or other communications, at
18 any time. A recyclable metal dealer must complete and file a
19 1099-MISC on behalf of the seller, unless the seller has a
20 current license as an automotive parts recycler or scrap
21 processor issued by the Secretary of State.

22 (Source: P.A. 97-923, eff. 1-1-13; 97-924, eff. 1-1-13;
23 98-463, eff. 8-16-13.)

24 (815 ILCS 325/4.1)

25 Sec. 4.1. Restricted purchases.

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

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

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

16 (3) cemetery plaques or ornaments; or

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

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

1 Act.

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

3 (815 ILCS 325/4.4 new)

4 Sec. 4.4. Purchase of a catalytic converter or its
5 contents. A recyclable metal dealer shall not pay cash in
6 payment for any catalytic converter or its contents having a
7 value of \$100 or more.

8 (815 ILCS 325/6.5)

9 Sec. 6.5. Recyclable Metal Theft Task Force.

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

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

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

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

24 (3) One member representing the Office of the

1 Secretary of State appointed by the Secretary of State;
2 and

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

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

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

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

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

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

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

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

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

26 (8) One representative of a local exchange carrier

1 doing business in Illinois;~~;~~

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

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

6 (d) The Task Force shall endeavor to establish a
7 collaborative effort to combat recyclable metal theft
8 throughout the State and assist in developing regional task
9 forces, as determined necessary, to combat recyclable metal
10 theft. The Task Force shall consider and develop long-term
11 solutions, both legislative and enforcement-driven, for the
12 rising problem of recyclable metal thefts in this State.

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

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

20 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

21 Sec. 8. Penalty. Any recyclable metal dealer or other
22 person who knowingly fails to comply with this Act is guilty of
23 a Class A misdemeanor for the first offense, and a Class 4
24 felony for the second or subsequent offense. Each day that any
25 recyclable metal dealer so fails to comply shall constitute a

1 separate offense. Any metal obtained not in accordance with
2 this Act is subject to immediate forfeiture.

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

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