



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3374

Introduced 2/17/2023, by Rep. Lawrence "Larry" Walsh, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Electric Vehicle Recycling Act. Provides that, within 60 days after the Act's effective date, manufacturers of electric vehicles that contain hazardous components and batteries must begin to implement a collection program that facilitates the removal of hazardous components and batteries from end-of-life vehicles prior to the electric vehicles being flattened, crushed, shredded, or otherwise processed for recycling and to collect and properly manage hazardous components and batteries in accordance with the Environmental Protection Act. Provides that, within 90 days after the Act's effective date, manufacturers of vehicles that contain hazardous components and batteries that cannot be reused and are deemed to be hazardous, must submit to the Environmental Protection Agency an implementation plan that describes how the collection program will be carried out for the duration of the program. Requires the Agency to provide assistance to manufacturers in their implementation of the collection program. Contains provisions regarding violations and penalties under the Act and indemnification for manufacturers. Contains other provisions. Effective immediately.

LRB103 26380 CPF 52742 b

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Electric Vehicle Recycling Act.

6 Section 3. Findings. The General Assembly finds that:

7 (1) A manufacturer of electric vehicles with
8 components or batteries that cannot be reused and are
9 deemed to be hazardous, and any component with no
10 economical recyclable value that will end up in a landfill
11 in the State of Illinois, should be solely responsible, at
12 the manufacturer's expense, for proper removal, handling,
13 and recycling. This should include proper training,
14 ongoing education, and specialty equipment and tools
15 required, at no expense, for a licensed auto recycler to
16 complete the safe removal of all hazardous components and
17 batteries under this Act.

18 (2) Hazardous components and batteries must be removed
19 when end-of-life vehicles are flattened, crushed, baled,
20 shredded, melted, or otherwise processed for recycling.

21 (3) Removing hazardous components and batteries from
22 end-of-life vehicles is an effective way to prevent them
23 from being released into the environment.

1 (4) It is in the interest of the residents of the State
2 of Illinois to remove these hazardous components and
3 batteries from end-of-life vehicles.

4 Section 5. Definitions. In this Act:

5 "Agency" means the Environmental Protection Agency.

6 "Battery" means a container consisting of one or more
7 cells, modules, or any means of power storage in which
8 chemical energy is converted into electricity and used as a
9 source of power.

10 "Electric vehicle" has the same meaning as defined in
11 Section 11-1308 of the Illinois Vehicle Code.

12 "End-of-life vehicle" means an electric vehicle that is
13 sold, given, or otherwise conveyed to a vehicle recycler for
14 the purpose of reselling its parts or for recycling.

15 "Hazardous component" means a component of an electric
16 vehicle with any chemical, pollutant, waste, or substance that
17 is classified or regulated under any environmental law as a
18 hazardous substance, toxic substance, pollutant, or
19 contaminant.

20 "Manufacturer" means a person who is the last person in
21 the production or assembly process of a new electric vehicle
22 that uses one or more hazardous components and batteries; in
23 the case of an imported electric vehicle, the manufacturer is
24 the importer or domestic distributor of the electric vehicle.

25 "Manufacturer" does not include any person engaged in the

1 business of selling new electric vehicles at retail or
2 converting or modifying new electric vehicles after the
3 production or assembly process.

4 "Person" means any individual, partnership,
5 co-partnership, firm, company, limited liability company,
6 corporation, association, joint stock company, trust, estate,
7 political subdivision, State agency, or any other legal
8 entity, or its legal representative, agent, or assign.

9 "Removal" means removing any number of hazardous
10 components or batteries from an end-of-life vehicle prior to
11 the vehicle being flattened, crushed, baled, shredded, or
12 otherwise processed for recycling or that are available to be
13 removed from an end-of-life vehicle that is flattened,
14 crushed, shredded, or otherwise processed for recycling.

15 "Scrap metal recycler" means a person who engages in the
16 business of shredding or otherwise processing end-of-life
17 vehicles or other scrap metal into prepared grades and whose
18 principal product is scrap iron, scrap steel, or nonferrous
19 metallic scrap for sale or for remelting purposes.

20 "Vehicle recycler" means a person who engages in the
21 business of acquiring, dismantling, removing parts from, or
22 destroying 6 or more end-of-life vehicles in a calendar year
23 for the primary purpose of reselling the vehicles' parts.

24 Section 10. Removal requirements.

25 (a) Hazardous components and batteries that cannot be

1 reused and are deemed to be hazardous from end-of-life
2 vehicles must be managed in accordance with the Environmental
3 Protection Act and any rules and regulations adopted
4 thereunder.

5 (b) No person shall represent that all hazardous
6 components and batteries have been removed from an electric
7 vehicle if hazardous components and batteries have not been
8 removed from the electric vehicle, except where a hazardous
9 component or battery cannot be removed from the electric
10 vehicle because it is inaccessible due to significant damage
11 to the electric vehicle in the area surrounding a mercury
12 switch or hazardous component or battery.

13 (c) Consistent with the protection of confidential
14 business information, vehicle recyclers who remove hazardous
15 components and batteries from end-of-life vehicles must
16 maintain records documenting the removal and disposal of
17 hazardous components and batteries that cannot be reused and
18 are deemed to be hazardous as set forth by the manufacturers'
19 collection program established under Section 15, including,
20 but not limited to, the make and model of each car from which
21 one or more hazardous components or batteries that cannot be
22 reused and are deemed to be hazardous are removed by a vehicle
23 recycler. The records required under this subsection must be
24 retained at the vehicle recycler's place of business for a
25 minimum of 3 years and made available for inspection and
26 copying by the Agency during normal business hours.

1 Section 15. Hazardous components and battery collection
2 program.

3 (a) Within 60 days after the effective date of this Act,
4 manufacturers of electric vehicles that contain hazardous
5 components, nonrecyclable components, or batteries must begin
6 implementing a program that facilitates the removal of
7 hazardous components and batteries that cannot be reused and
8 are deemed to be hazardous from end-of-life vehicles prior to
9 the vehicles being flattened, crushed, shredded, or otherwise
10 processed for recycling and to collect and properly manage
11 hazardous components and batteries in accordance with the
12 Environmental Protection Act and any rules and regulations
13 adopted thereunder. In order to ensure that hazardous
14 components and batteries are removed and collected in a safe
15 and consistent manner, manufacturers must provide training and
16 certification, at no expense, to licensed vehicle recyclers in
17 accordance with the Illinois Vehicle code for end-of-life
18 vehicle recycling infrastructure. The collection program must
19 be designed to comply with the following:

20 (1) Develop and provide educational materials that
21 include guidance as to which electric vehicles may contain
22 hazardous components and batteries and procedures for
23 locating and removing them for proper recycling, as set
24 forth by the manufacturers. The educational materials may
25 include, but are not limited to, brochures, fact sheets,

1 and videos.

2 (2) Conduct outreach activities to encourage vehicle
3 recyclers and vehicle crushers to participate in the
4 recycling program. The activities may include, but are not
5 limited to, direct mailings, workshops, and site visits.

6 (3) Provide storage containers to participating
7 vehicle recyclers and vehicle crushers for proper
8 collection under the program.

9 (4) Provide a collection and transportation system to
10 periodically collect and replace filled storage containers
11 from vehicle recyclers either upon notification that a
12 storage container is full or on a schedule predetermined
13 by the manufacturers.

14 (5) Establish an entity that will serve as a point of
15 contact for the collection program and that will
16 establish, implement, and oversee the collection program
17 on behalf of the manufacturers.

18 (6) Track participation in the collection program and
19 the progress of collections.

20 (b) Within 90 days after the effective date of this Act,
21 manufacturers of electric vehicles that contain hazardous
22 components and batteries that cannot be reused and are deemed
23 to be hazardous must submit to the Agency an implementation
24 plan that describes how the collection program under
25 subsection (a) will be carried out for the duration of the
26 collection program. At a minimum, the implementation plan must

1 comply with the following:

2 (1) Identify the educational materials and procedures
3 that will assist, at no expense to vehicle recyclers in
4 identifying, removing, and properly managing hazardous
5 components and batteries from end-of-life vehicles.

6 (2) Describe the outreach program that will be
7 undertaken to encourage vehicle recyclers to participate
8 in the collection program.

9 (3) Describe how the manufacturers will ensure that
10 hazardous components and batteries removed from
11 end-of-life vehicles are managed in accordance with the
12 Environmental Protection Act and any rules and regulations
13 adopted thereunder.

14 (4) Describe how the manufacturers will collect and
15 document the information required under this Act.

16 (5) Describe how the collection program will be
17 financed and implemented.

18 (6) Identify the manufacturers' addresses to which the
19 Agency should send notice to the manufacturers of the
20 collection program. The Agency shall review the collection
21 program implementation plans it receives for completeness
22 and shall notify each manufacturer in writing if a
23 collection program implementation plan is incomplete.
24 Within 30 days after receiving a notification of
25 incompleteness from the Agency, the manufacturers shall
26 submit to the Agency an implementation plan that contains

1 all of the required information.

2 (c) The Agency must provide assistance to manufacturers in
3 their implementation of the collection program required under
4 this Section. The assistance shall include providing
5 manufacturers with information about businesses likely to be
6 engaged in vehicle recycling conducting site visits to promote
7 participation in the collection program, and assisting with
8 the scheduling, locating, and staffing of workshops conducted
9 to encourage vehicle recyclers to participate in the
10 collection program.

11 (d) Manufacturers subject to the requirements of this
12 Section shall provide, to the extent practicable, the
13 opportunity for trade associations of vehicle recyclers to be
14 involved in the delivery and dissemination of educational
15 materials, at no expense, regarding the identification,
16 removal, collection, and proper management of electric vehicle
17 batteries and hazardous components in end-of-life vehicles.

18 (e) The Agency shall provide notice under this Section by
19 posting a statement on its website and by sending a written
20 notice via certified mail to the manufacturers, subject to the
21 requirements of this Section, at the addresses provided in the
22 manufacturers' collection program plan under paragraph (6) of
23 subsection (b).

24 (f) Beginning 30 days after the Agency first provides
25 notice under this Section, the following shall apply:

26 (1) Vehicle recyclers must remove all hazardous

1 components and batteries from end-of-life vehicles prior
2 to delivering the vehicles to a scrap metal recycler,
3 provided that a vehicle recycler is not required to remove
4 hazardous components or batteries that are inaccessible
5 due to significant damage to the vehicle in the area
6 surrounding the hazardous components or batteries that
7 occurred prior to the vehicle recycler's receipt of the
8 vehicle, in which case the damage must be noted in the
9 records the vehicle recycler is required to maintain under
10 subsection (c) of Section 10.

11 (2) No vehicle recycler, or scrap metal recycler shall
12 flatten, crush, or otherwise process an end-of-life
13 vehicle for recycling unless all hazardous components and
14 batteries have been removed from the vehicle, provided
15 that hazardous components or batteries that are
16 inaccessible due to significant damage to the vehicle in
17 the area surrounding the hazardous components or batteries
18 that occurred prior to the vehicle recycler's receipt of
19 the vehicle are not required to be removed. The damage
20 must be noted in the records the vehicle recyclers
21 required to maintain under this Act.

22 (g) Manufacturers subject to the requirements of this
23 Section must provide to vehicle recyclers the following
24 compensation for all hazardous components and batteries
25 removed from end-of-life vehicles on or after the date of
26 notice provided by the Agency under this Act:

1 (1) For each hazardous component and battery removed
2 by the vehicle recycler or scrap metal recycler, an amount
3 based upon the manufacturers' warranties, procedures, and
4 the shop rate.

5 (2) The costs of the containers in which hazardous
6 components and batteries are collected and the costs of
7 packaging and transporting hazardous components and
8 batteries off-site. Payment of this compensation must be
9 provided in a prompt manner.

10 (h) In meeting the requirements of this Section,
11 manufacturers may work individually or as part of a group of 2
12 or more manufacturers.

13 Section 20. Agency recommendations. Every 3 years the
14 Agency shall make a recommendation to the General Assembly as
15 to whether the compensation required under subsection (g) of
16 Section 15 should be modified to ensure adequate compensation
17 for the removal of hazardous components and batteries from
18 end-of-life vehicles. In developing its recommendations, the
19 Agency shall seek comments and information from interested
20 persons, including, but not limited to, representatives of
21 vehicle recyclers, vehicle manufacturers, and environmental
22 groups.

23 Section 25. Submission to the Agency. All information
24 required to be submitted to the Agency under this Act must be

1 submitted on forms prescribed by the Agency.

2 Section 30. Investigation of violations; penalties.

3 (a) The Agency shall investigate violations of this Act.

4 (b) Any manufacturer that willfully or knowingly violates
5 any provision of this Act or willfully or knowingly fails to
6 perform any duty imposed under this Act shall be liable for a
7 civil penalty not to exceed \$1,000 for the violation and an
8 additional civil penalty not to exceed \$1,000 for each day the
9 violation continues, and shall be liable for a civil penalty
10 not to exceed \$5,000 for a second or subsequent violation and
11 an additional civil penalty not to exceed \$1,000 for each day
12 the second or subsequent violation continues.

13 (c) Any vehicle recycler or scrap metal recycler who
14 willfully or knowingly violates any provision of this Act or
15 fails to perform any duty imposed under this Act shall be
16 liable for a civil penalty not to exceed \$250 for the first
17 violation and a civil penalty not to exceed \$500 for a second
18 or subsequent violation.

19 (d) The penalties provided in this Section may be
20 recovered in a civil action brought in the name of the People
21 of the State of Illinois by the State's Attorney of the county
22 in which the violation occurred or by the Attorney General.

23 Without limiting any other authority that may exist for
24 the awarding of attorneys' fees and costs, a court of
25 competent jurisdiction may award costs and reasonable

1 attorneys' fees, including the reasonable costs of expert
2 witnesses and consultants, to the State's Attorney or the
3 Attorney General in a case where he or she has prevailed
4 against a person who has committed a willful, knowing, or
5 repeated violation of this Act. Any funds collected under this
6 Section in an action in which the Attorney General has
7 prevailed shall be deposited in the Hazardous Waste Fund. Any
8 funds collected under this Section in an action in which a
9 State's Attorney has prevailed shall be retained by the county
10 in which he or she serves.

11 (e) The State's Attorney of the county in which a
12 violation occurs or the Attorney General may, at the request
13 of the Agency or on his or her own motion, institute civil
14 action for an injunction, prohibitory or mandatory, to
15 restrain a violation of this Act or to require such other
16 action as may be necessary to address a violation of this Act.

17 (f) The penalties and injunctions provided in this Act are
18 in addition to any penalties, injunctions, or other relief
19 provided under any other law. Nothing in this Act shall bar a
20 cause of action by the State for any other penalty,
21 injunction, or relief provided by any other law.

22 Section 35. Indemnification. Manufacturers subject to the
23 requirements of this Act shall indemnify, defend, and hold
24 harmless vehicle recyclers and scrap metal recyclers for any
25 liability arising from the release from hazardous components

1 and batteries after they are transferred under the
2 manufacturers' collection program to a manufacturer or its
3 agent, provided that it has been managed in accordance with
4 the Environmental Protection Act and any rules and regulations
5 adopted thereunder prior to the transfer.

6 Section 40. Federal requirements. If the Agency determines
7 that the requirements of this Act are no longer necessary
8 because a federal program provides equal or greater protection
9 to human health and safety and the environment in this State,
10 the Agency shall submit a report of its determination to the
11 General Assembly. In making its determination, the Agency
12 shall seek comments or information from interested persons,
13 including, but not limited to, representatives of vehicle
14 recyclers, vehicle crushers, scrap metal recyclers, vehicle
15 manufacturers, and environmental groups.

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