

AN ACT concerning transportation.

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

(20 ILCS 4005/12 rep.)

Section 5. The Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act is amended by repealing Section 12.

Section 10. The Illinois Vehicle Code is amended by adding Sections 1-110.05 and 1-115.01 as follows:

(625 ILCS 5/1-110.05 new)

Sec. 1-110.05. Catalytic converter.

"Catalytic converter" means a post-combustion device that: (1) oxidizes hydrocarbons and carbon monoxide gases or reduces oxides of nitrogen; and (2) is designed or intended for use as part of an emission control system. As used in this Section, "catalytic converter" includes nonferrous parts, including rhodium, platinum, and palladium.

(625 ILCS 5/1-115.01 new)

Sec. 1-115.01. Detached catalytic converter.

"Detached catalytic converter" means a catalytic converter, as defined in Section 1-110.05 of the Code, that

was previously installed on a motor vehicle and subsequently removed.

Section 15. The Recyclable Metal Purchase Registration Law is amended by changing Sections 2, 3, 4.1, and 4.4 as follows:

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

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

"Catalytic converter" means a post-combustion device that oxidizes hydrocarbons and carbon monoxide gases or reduces oxides of nitrogen and that is designed or intended for use as part of an emission control system. As used in this Section, "catalytic converter" includes nonferrous parts, including rhodium, platinum, and palladium.

"Detached catalytic converter" means a catalytic converter that was previously installed on a motor vehicle and subsequently removed.

"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. 102-906, eff. 5-27-22.)

(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, 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, and, in a transaction involving a catalytic converter, the vehicle identification number of the vehicle from which the catalytic converter was removed and any numbers, bar codes, stickers, or other unique markings

of the catalytic converter that was removed;

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.";
~~and-~~

8. A copy of the certificate of title or uniform invoice showing the seller's ownership in the vehicle in the case of a transaction involving a catalytic converter.

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. 102-906, eff. 5-27-22.)

(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) (Blank). 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. 102-906, eff. 5-27-22.)

(815 ILCS 325/4.4)

Sec. 4.4. Purchase of a catalytic converter or its contents.

(a) It is unlawful for any person to purchase or otherwise acquire a used, detached catalytic converter or any nonferrous part thereof unless all of the following apply:

(1) the person is a licensed recyclable metal dealer;

(2) the sale or purchase occurs at the fixed business address of a licensed recyclable metal dealer that is a party to the transaction; and

(3) the purchaser has maintained the information required under Section 3 of the Recyclable Metal Purchase Registration Law.

(b) A recyclable metal dealer shall not pay cash in payment for any catalytic converter or its contents having a value of \$100 or more.

(Source: P.A. 102-906, eff. 5-27-22.)