

1 AMENDMENT TO HOUSE BILL 1887

2 AMENDMENT NO. _____. Amend House Bill 1887, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Lead Poisoning Prevention Act is amended
6 by changing Sections 11.2 and 12 as follows:

7 (410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)

8 Sec. 11.2. Administrative action ~~Revocation-of--License.~~

9 Pursuant to the Illinois Administrative Procedure Act and
10 rules promulgated thereunder, the Department may deny,
11 suspend, or revoke any license if the Department finds
12 failure or refusal to comply with provisions of this Act or
13 rules promulgated pursuant to the Act.

14 The Department may assess civil penalties against any
15 licensed lead worker, licensed lead professional, licensed
16 lead contractor, or approved lead training provider for
17 violations of this Act and the rules promulgated hereunder,
18 pursuant to rules for penalties established by the
19 Department. Any penalties collected shall be deposited into
20 the Lead Poisoning Screening, Prevention, and Abatement Fund.

21 (Source: P.A. 87-1144.)

1 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

2 Sec. 12. Violations of Act.

3 (a) Violation of any Section of this Act other than
4 Section 7 shall be punishable as a Class A misdemeanor.

5 (b) In cases where a person is found to have mislabeled,
6 possessed, offered for sale or transfer, sold or transferred,
7 or given away lead-bearing substances, a representative of
8 the Department shall confiscate the lead-bearing substances
9 and retain the substances until they are shown to be in
10 compliance with this Act.

11 (c) In addition to any other penalty provided under this
12 Act, the court in an action brought under subsection (e) may
13 impose upon any person who violates or does not comply with a
14 notice of deficiency and a mitigation order issued under
15 subsection (7) of Section 9 of this Act a civil penalty not
16 exceeding \$2,500 for each violation, plus \$250 for each day
17 that the violation continues.

18 Any civil penalties collected in a court proceeding shall
19 be deposited into a delegated county lead poisoning
20 screening, prevention, and abatement fund or, if no delegated
21 county or lead poisoning screening, prevention, and abatement
22 fund exists, into the Lead Poisoning Screening, Prevention,
23 and Abatement Fund established under Section 7.2.

24 (d) Whenever the Department finds that an emergency
25 exists that requires immediate action to protect the health
26 of children under this Act, it may, without administrative
27 procedure or notice, cause an action to be brought by the
28 Attorney General or the State's Attorney of the county in
29 which a violation has occurred for a temporary restraining
30 order or a preliminary injunction to require such action as
31 is required to meet the emergency and protect the health of
32 children.

33 (e) The State's Attorney of the county in which a
34 violation occurs or the Attorney General may bring an action

1 for the enforcement of this Act and the rules adopted and
2 orders issued under this Act, in the name of the People of
3 the State of Illinois, and may, in addition to other remedies
4 provided in this Act, bring an action for a temporary
5 restraining order or preliminary injunction as described in
6 subsection (d) or an injunction to restrain any actual or
7 threatened violation or to impose or collect a civil penalty
8 for any violation.

9 (Source: P.A. 87-175.)

10 Section 10. The Environmental Protection Act is amended
11 by adding Section 22.28a as follows:

12 (415 ILCS 5/22.28a new)

13 Sec. 22.28a. White goods handled by scrap dealership or
14 junkyard.

15 (a) No owner, operator, agent, or employee of a junkyard
16 or scrap dealership may knowingly shred, scrap, dismantle,
17 recycle, incinerate, handle, store, or otherwise manage any
18 white good that contains any white good components in
19 violation of this Act or any other applicable State or
20 federal law.

21 (b) For the purposes of this Section, the terms "white
22 goods" and "white goods components" have the same meaning as
23 in Section 22.28.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."