**Section 276.401 Waiver Requirements**

a) All vehicles subject to inspection under the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C] shall be eligible for a waiver from meeting the applicable vehicle emission standards contained in 35 Ill. Adm. Code 240 upon submission of proof to a Waiver Inspector of compliance with all of the following:

1) After failing a retest, the vehicle has failed to comply with the applicable vehicle emission standards;

2) A minimum expenditure of at least $450 in emission-related repairs exclusive of tampering-related repairs have been made;

3) The vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provisions pursuant to Section 207 of the Clean Air Act (42 USC 7541);

4) The Agency determines by normal inspection procedures that the emission control devices are present and appear to be properly connected and operating;

5) Repairs are conducted by a recognized repair technician; and

6) Evidence of repair is presented consisting of either of the following:

A) Signed and dated receipts identifying the vehicle and describing the diagnostic procedures that were utilized in determining the repairs, justification that the repairs performed were appropriate and necessary for the emissions test failure, and the amount charged for eligible emission-related repairs; or

B) An affidavit executed by the person performing the eligible emission related repairs.

b) Emission-related repairs performed not more than 30 days prior to the current TED may be applied to the $450 minimum expenditure if the repairs were appropriate for the DTCs present at the time of the initial failure.

c) Waivers shall not be issued if the MIL is inoperative.

d) Vehicles subject to a steady-state idle exhaust test shall not be eligible for waivers unless the vehicle passes a fuel cap test.

e) Waivers shall be issued to the vehicle owners. In the event the vehicle owner is not present, a waiver may be issued to the vehicle owner's designee if specific written authorization from the vehicle owner on a form prescribed by the Agency is presented at the time of waiver application.

(Source: Amended at 35 Ill. Reg. 11268, effective June 28, 2011)