**Section 276.1101 Requirements for Collecting and Reporting Data Pertaining to the Repair of Vehicles that Failed or Were Rejected from an Emissions Inspection**

a) The Agency shall:

1) Compile pertinent emissions repair data into a report that is provided to owners of vehicles that do not pass an emissions inspection and that is made available to the general public; and

2) Specify the method for transmitting repair data to the Agency.

b) Individuals or businesses that perform emissions-related repairs and report that data to the Agency shall:

1) Register at a website specified by the Agency and agree to be bound by the terms and conditions of any user agreement associated with that website;

2) Submit accurate, complete, and legible repair data in order to be included in the compiled report; and

3) Perform a minimum number of repairs within a specified period of time and achieve a minimum performance level as determined by the Agency in order to be included in the compiled report.

c) An individual or business shall be excluded from the compiled report for not less than one year if the Agency determines that:

1) An individual or business has violated a user agreement as referenced in subsection (b)(1) of this Section;

2) An individual or business has violated Illinois law or rule or any provision of a local ordinance, code, or rule relating to solicitation or advertisement of emission-related repair services;

3) An individual or business uses the Agency servicemark, Illinois Air Team servicemark, or Air Team servicemark; uses any reproduction, counterfeit, copy, variation, or imitation of these servicemarks; or uses the Agency, Illinois Air Team, or Air Team name in any of their advertisements, solicitations, or other marketing devices without prior written authorization of the Agency;

4) An individual or business directly or indirectly creates the impression that the Agency, Illinois Air Team, or Air Team endorses, approves, or recommends the emission-related repair services of the individual or business; or

5) An individual or business intentionally, negligently, or through gross negligence affects or attempts to affect the integrity of a vehicle emissions inspection or an inspection procedure.

d) If the Agency determines that an individual or business has repeated any action listed in subsection (c) of this Section, the Agency may permanently exclude the individual or business from the compiled report.

e) Agency Determinations, Disputes, and Appeals

1) Agency Determinations

Agency determinations under subsection (c) or (d) of this Section shall be furnished in writing to the individual or business by mail, electronic mail, facsimile, personal service, or similar means.

2) Disputes

A) An individual or business that disagrees with an Agency determination under subsection (c) or (d) of this Section may dispute that determination. Disputes shall:

i) Be in writing;

ii) Include a copy of the Agency's written determination;

iii) Include a justification with any supporting documentation explaining why the individual or business should not be excluded from the compiled report; and

iv) Be clearly marked "Repair Facility Performance Report Dispute".

B) The written dispute must be postmarked within 30 days after the date of the Agency's determination.

C) If the written dispute has not been disposed of by written agreement within 30 days after the postmarked date of the written dispute, the individual or business may appeal the Agency's determination to the Director in accordance with subsection (e)(3) of this Section.

3) Appeals

A) If a dispute is not disposed of by written agreement as specified in subsection (e)(2) of this Section, an individual or business may file a notice of appeal with the Director of the Agency.

B) A notice of appeal shall:

i) Be in writing;

ii) Include a copy of the Agency's written determination;

iii) Include a copy of the written dispute;

iv) Include any additional justification with any supporting documentation explaining why the individual or business should not be excluded from the compiled report; and

v) Be clearly marked "Repair Facility Performance Report Appeal".

C) The notice of appeal must be postmarked within 60 days after the postmarked date of the written dispute.

D) The appeal shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the individual or business by mail, electronic mail, facsimile, personal service, or similar means. The decision of the Director shall be final and conclusive.

E) The Director shall not be precluded from considering questions of law or equity in any decision.

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