



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3106

Introduced 2/19/2021, by Rep. Robert Rita and Jonathan Carroll

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/13-103.3 new	
625 ILCS 5/13-105.1 new	
625 ILCS 5/13-106	from Ch. 95 1/2, par. 13-106
625 ILCS 5/13-107	from Ch. 95 1/2, par. 13-107
625 ILCS 5/13-108	from Ch. 95 1/2, par. 13-108
625 ILCS 5/13-109.1	

Amends the Illinois Vehicle Code. Provides that the Department of Transportation shall issue a permit to the proprietor of a vehicle service company that meets certain requirements to operate an official portable emissions testing company. Provides that a permittee may test the permittee's own second division vehicles and issue certificates of safety and conduct emission inspections of the permittee's own second division vehicles. Adds language governing fees, bonding, and oversight of official portable emissions testing companies. Makes corresponding changes.

LRB102 15170 RAM 20525 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 13-106, 13-107, 13-108, and 13-109.1 and by  
6 adding Sections 13-103.3 and 13-105.1 as follows:

7 (625 ILCS 5/13-103.3 new)

8 Sec. 13-103.3. Official portable emissions testing  
9 company; fee; permit; bond. Upon the payment of a fee of \$10  
10 and the filing of an application by the proprietor of any  
11 vehicle service company upon forms furnished by the  
12 Department, accompanied by proof of experience, training, and  
13 ability of the operator of the testing equipment, together  
14 with proof of approved testing equipment as defined in Section  
15 13-102 and the giving of a bond conditioned upon faithful  
16 observance of this Section and of rules adopted by the  
17 Department in the amount of \$1,000 with security approved by  
18 the Department, the Department shall issue a permit to the  
19 proprietor of the vehicle service company to operate an  
20 official portable emissions testing company. An official  
21 portable emissions testing company shall only conduct portable  
22 emissions inspections for diesel fleets with 5 or more diesel  
23 vehicles required to be inspected under subsection (a) of

1 Section 13-109.1, and only at the fleet owner's place of  
2 business. A permit issued under this Section shall expire 12  
3 months following its issuance, but may be renewed annually by  
4 complying with this Section and upon the payment of a renewal  
5 fee of \$10. No person or vehicle service company shall operate  
6 as an official portable emissions testing company without  
7 having been issued a permit as provided in this Section.

8 A permittee under this Section may test second division  
9 vehicles owned, operated, or controlled by the permittee and  
10 issue certificates of safety and conduct emission inspections  
11 of such vehicles in accordance with Section 13-109.1.

12 Each permit issued by the Department shall state on its  
13 face the location of the recordkeeping office of the  
14 proprietor of the official portable emissions testing company.  
15 However, the Department, upon application, may authorize a  
16 change in the location of the recordkeeping office. Upon the  
17 approval of such an application, the Department shall issue an  
18 endorsement to be fixed by the applicant to the permit. Such an  
19 endorsement constitutes authority for the applicant to make  
20 the change in location.

21 (625 ILCS 5/13-105.1 new)

22 Sec. 13-105.1. Inspection of official portable emissions  
23 testing company. Employees specifically authorized by the  
24 Department shall inspect, at frequent intervals, vehicles,  
25 equipment, and the recordkeeping office used by an official

1 portable emissions testing company. Department employees under  
2 this Section shall have access to all records, relating to  
3 tests and work done or parts sold as a result of such tests, to  
4 ascertain whether tests are properly, fairly, and honestly  
5 made. Department employees under this Section may examine the  
6 owner of an official portable emissions company or any officer  
7 or employee thereof under oath. The Department shall conduct  
8 periodic nonscheduled inspections of the premises of vehicles  
9 owned and operated by a licensed official portable emissions  
10 testing company.

11 (625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)  
12 Sec. 13-106. Rates and charges by official testing  
13 stations and official portable emissions testing companies;  
14 schedule stations—Schedule to be filed. Every operator of an  
15 official testing station or official portable emissions  
16 testing company shall file with the Department, in the manner  
17 prescribed by the Department, a schedule of all rates and  
18 charges made by him for performing the tests provided for in  
19 Section 13-101 and Section 13-109.1. Such rate or charge shall  
20 include an amount to reimburse the operator of the official  
21 testing station or official portable emissions testing company  
22 for the purchase from the Department of the certificate of  
23 safety required by this chapter, not to exceed that fee paid to  
24 the Department by the operator authorized by this chapter.  
25 Such rates and charges shall be just and reasonable and the

1 Department upon its own initiative or upon complaint of any  
2 person or corporation may require the testing station operator  
3 to appear for a hearing and prove that the rates so filed are  
4 just and reasonable. A "just and reasonable" rate or charge,  
5 for the purposes of this Section, means a rate or charge which  
6 is the same, or nearly the same, as the prevailing rate or  
7 charge for the same or similar tests made in the community  
8 where the station is located. No operator may change this  
9 schedule of rates and charges until the proposed changes are  
10 filed with and approved by the Department. No license may be  
11 issued to any official testing station or official portable  
12 emissions testing company unless the applicant has filed with  
13 the Department a proposed schedule of rates and charges and  
14 unless such rates and charges have been approved by the  
15 Department. No operator of an official testing station or  
16 official portable emissions testing company shall charge more  
17 or less than the rates so filed with and approved by the  
18 Department.

19 (Source: P.A. 91-254, eff. 7-1-00.)

20 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

21 Sec. 13-107. Investigation of complaints against official  
22 testing stations and official portable emissions testing  
23 companies. The Department shall, upon its own motion, or upon  
24 charges made in writing verified under oath, investigate  
25 complaints that an official testing station or official

1 portable emissions testing company is willfully falsifying  
2 records or tests, either for the purpose of selling parts or  
3 services not actually required, or for the purpose of issuing  
4 a certificate of safety for a vehicle designed to carry 15 or  
5 fewer passengers operated by a contract carrier transporting  
6 employees in the course of their employment on a highway of  
7 this State, second division vehicle, or medical transport  
8 vehicle that is not in safe mechanical condition as determined  
9 by the standards of this Chapter in violation of the  
10 provisions of this Chapter or of the rules and regulations  
11 issued by the Department.

12 The Secretary of Transportation, for the purpose of more  
13 effectively carrying out the provisions of Chapter 13, may  
14 appoint such a number of inspectors as he may deem necessary.  
15 Such inspectors shall inspect and investigate applicants for  
16 official testing station or official portable emissions  
17 testing company permits and investigate and report violations.  
18 With respect to enforcement of the provisions of this Chapter  
19 13, such inspectors shall have and may exercise throughout the  
20 State all the powers of police officers.

21 The Secretary must authorize to each inspector and to any  
22 other employee of the Department exercising the powers of a  
23 peace officer a distinct badge that, on its face, (i) clearly  
24 states that the badge is authorized by the Department and (ii)  
25 contains a unique identifying number. No other badge shall be  
26 authorized by the Department. Nothing in this Section

1 prohibits the Secretary from issuing shields or other  
2 distinctive identification to employees not exercising the  
3 powers of a peace officer if the Secretary determines that a  
4 shield or distinctive identification is needed by the employee  
5 to carry out his or her responsibilities.

6 (Source: P.A. 92-108, eff. 1-1-02; 93-423, eff. 8-5-03.)

7 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

8 Sec. 13-108. Hearing on complaint against official testing  
9 station or official portable emissions testing company;  
10 suspension ~~station-Suspension~~ or revocation of permit. If it  
11 appears to the Department, either through its own  
12 investigation or upon charges verified under oath, that any of  
13 the provisions of this Chapter or the rules and regulations of  
14 the Department, are being violated, the Department, shall  
15 after notice to the person, firm or corporation charged with  
16 such violation, conduct a hearing. At least 10 days prior to  
17 the date of such hearing the Department shall cause to be  
18 served upon the person, firm or corporation charged with such  
19 violation, a copy of such charge or charges by registered mail  
20 or by the personal service thereof, together with a notice  
21 specifying the time and place of such hearing. At the time and  
22 place specified in such notice the person, firm or corporation  
23 charged with such violation shall be given an opportunity to  
24 appear in person or by counsel and to be heard by the Secretary  
25 of Transportation or an officer or employee of the Department

1 designated in writing by him to conduct such hearing. If it  
2 appears from the hearing that such person, firm or corporation  
3 is guilty of the charge preferred against him or it, the  
4 Secretary of Transportation may order the permit suspended or  
5 revoked, and the bond forfeited. Any such revocation or  
6 suspension shall not be a bar to subsequent arrest and  
7 prosecution for violation of this Chapter.

8 (Source: P.A. 78-255.)

9 (625 ILCS 5/13-109.1)

10 Sec. 13-109.1. Annual emission inspection tests;  
11 standards; penalties; funds.

12 (a) For each diesel powered vehicle that (i) is registered  
13 for a gross weight of more than 16,000 pounds, (ii) is  
14 registered within an affected area, and (iii) is a 2 year or  
15 older model year, an annual emission inspection test shall be  
16 conducted at an official testing station or by an official  
17 portable emissions testing company certified by the Illinois  
18 Department of Transportation to perform diesel emission  
19 inspections pursuant to the standards set forth in subsection  
20 (b) of this Section. This annual emission inspection test may  
21 be conducted in conjunction with a semi-annual safety test.

22 (a-5) (Blank).

23 (b) Diesel emission inspections conducted under this  
24 Chapter 13 shall be conducted in accordance with the Society  
25 of Automotive Engineers Recommended Practice J1667



1 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel  
2 Powered Vehicles" and the cutpoint standards set forth in the  
3 United States Environmental Protection Agency guidance  
4 document "Guidance to States on Smoke Opacity Cutpoints to be  
5 used with the SAE J1667 In-Use Smoke Test Procedure". Those  
6 procedures and standards, as now in effect, are made a part of  
7 this Code, in the same manner as though they were set out in  
8 full in this Code.

9 Notwithstanding the above cutpoint standards, for motor  
10 vehicles that are model years 1973 and older, until December  
11 31, 2002, the level of peak smoke opacity shall not exceed 70  
12 percent. Beginning January 1, 2003, for motor vehicles that  
13 are model years 1973 and older, the level of peak smoke opacity  
14 shall not exceed 55 percent.

15 (c) If the annual emission inspection under subsection (a)  
16 reveals that the vehicle is not in compliance with the diesel  
17 emission standards set forth in subsection (b) of this  
18 Section, the operator of the official testing station or  
19 official portable emissions testing company shall issue a  
20 warning notice requiring correction of the violation. The  
21 correction shall be made and the vehicle submitted to an  
22 emissions retest at an official testing station or official  
23 portable emissions testing company certified by the Department  
24 to perform diesel emission inspections within 30 days from the  
25 issuance of the warning notice requiring correction of the  
26 violation.

1           If, within 30 days from the issuance of the warning  
2 notice, the vehicle is not in compliance with the diesel  
3 emission standards set forth in subsection (b) as determined  
4 by an emissions retest at an official testing station or  
5 through an official portable emissions testing company, the  
6 certified emissions testing operator, ~~the operator of the~~  
7 ~~official testing station~~ or the Department shall place the  
8 vehicle out-of-service in accordance with the rules  
9 promulgated by the Department. Operating a vehicle that has  
10 been placed out-of-service under this subsection (c) is a  
11 petty offense punishable by a \$1,000 fine. The vehicle must  
12 pass a diesel emission inspection at an official testing  
13 station before it is again placed in service. The Secretary of  
14 State, Department of State Police, and other law enforcement  
15 officers shall enforce this Section. No emergency vehicle, as  
16 defined in Section 1-105, may be placed out-of-service  
17 pursuant to this Section.

18           The Department, ~~or~~ an official testing station, or an  
19 official portable emissions testing company may issue a  
20 certificate of waiver subsequent to a reinspection of a  
21 vehicle that failed the emissions inspection. Certificate of  
22 waiver shall be issued upon determination that documented  
23 proof demonstrates that emissions repair costs for the  
24 noncompliant vehicle of at least \$3,000 have been spent in an  
25 effort to achieve compliance with the emission standards set  
26 forth in subsection (b). The Department of Transportation

1 shall adopt rules for the implementation of this subsection  
2 including standards of documented proof as well as the  
3 criteria by which a waiver shall be granted.

4 (c-5) (Blank).

5 (d) (Blank).

6 (Source: P.A. 100-700, eff. 8-3-18.)