

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 13-102.1, 13-106, 13-107, 13-108, and
6 13-109.1 and by adding Sections 13-102.2, 13-103.3 and
7 13-105.1 as follows:

8 (625 ILCS 5/13-102.1)

9 Sec. 13-102.1. Diesel powered vehicle emission inspection
10 report. Beginning July 1, 2000, the Department of
11 Transportation shall conduct an annual study concerned with
12 the results of emission inspections for diesel powered
13 vehicles registered for a gross weight of more than 16,000
14 pounds or having a gross vehicle weight rating of more than
15 16,000 pounds. The study shall be reported to the General
16 Assembly by June 30, 2001, and every June 30 thereafter. The
17 study shall also be sent to the Illinois Environmental
18 Protection Agency for its use in environmental matters.

19 The study shall include, but not be limited to, the
20 following information:

21 (a) the number of diesel powered vehicles that were
22 inspected for emission compliance pursuant to this Chapter
23 13 during the previous year, separating the number of

1 inspections conducted at a brick-and-mortar official
2 testing station and the number of inspections conducted by
3 an official portable emissions testing company;

4 (b) the number of diesel powered vehicles that failed
5 and passed the emission inspections conducted pursuant to
6 this Chapter 13 during the previous year, separating the
7 number of inspections conducted at a brick-and-mortar
8 official testing station and the number of inspections
9 conducted by an official portable emissions testing
10 company; and

11 (c) the number of diesel powered vehicles that failed
12 the emission inspections conducted pursuant to this
13 Chapter 13 more than once in the previous year, separating
14 the number of inspections conducted at a brick-and-mortar
15 official testing station and the number of inspections
16 conducted by an official portable emissions testing
17 company.

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

19 (625 ILCS 5/13-102.2 new)

20 Sec. 13-102.2. Diesel Emissions Opacity Report.

21 (a) By March 15, 2023, the Department of Transportation
22 shall make available to the public a report that includes the
23 following:

24 (1) a summary and disclosure of actual Department
25 diesel emission testing data for at least one year through

1 December 31, 2022, including an analysis of opacity levels
2 recorded from actual opacity tests conducted, keyed to the
3 model year of the vehicle and mileage;

4 (2) a census of the opacity limits for other states
5 and Environmental Protection Agency (EPA) non-attainment
6 areas in the United States;

7 (3) a summary of actual air quality data in Illinois
8 compared to actual air quality data from other states and
9 EPA non-attainment areas in the United States; and

10 (4) substantive input from trucking or transportation
11 companies and the public, including environmental justice
12 communities, in the affected areas on the impact of
13 stricter opacity limits.

14 (b) In the report, the Department must include the
15 following items in an effort for the State to better
16 understand the technology, repair, and enforcement elements of
17 diesel emissions standards in Illinois:

18 (1) an analysis of the feasibility of including an
19 onboard diagnostics (OBD) testing regime for vehicles
20 model year 2010 and newer that are compatible with such
21 testing; and

22 (2) recommendations for improving the effectiveness of
23 the diesel emissions testing program.

24 (625 ILCS 5/13-103.3 new)

25 Sec. 13-103.3. Official portable emissions testing

1 company; fee; permit; bond. Upon the payment of a fee of \$10
2 and the filing of an application by the proprietor of any
3 vehicle service company upon forms furnished by the
4 Department, accompanied by proof of experience, training, and
5 ability of the operator of the testing equipment, together
6 with proof of approved testing equipment as defined in Section
7 13-102 and the giving of a bond conditioned upon faithful
8 observance of this Section and of rules adopted by the
9 Department in the amount of \$1,000 with security approved by
10 the Department, the Department shall issue a permit to the
11 proprietor of the vehicle service company to operate an
12 official portable emissions testing company. An official
13 portable emissions testing company shall only conduct portable
14 emissions inspections for diesel fleets with 5 or more diesel
15 vehicles required to be inspected under subsection (a) of
16 Section 13-109.1, and only at the fleet owner's place of
17 business. A permit issued under this Section shall expire 12
18 months following its issuance, but may be renewed annually by
19 complying with this Section and upon the payment of a renewal
20 fee of \$10. No person or vehicle service company shall operate
21 as an official portable emissions testing company without
22 having been issued a permit as provided in this Section.

23 A permittee under this Section may test second division
24 vehicles owned, operated, or controlled by the permittee to
25 conduct emission inspections of such vehicles in accordance
26 with Section 13-109.1. A permittee under this Section may

1 conduct interstate inspections on interstate carriers in
2 accordance with 49 CFR Part 396.

3 Each permit issued by the Department shall state on its
4 face the location of the recordkeeping office of the
5 proprietor of the official portable emissions testing company.
6 However, the Department, upon application, may authorize a
7 change in the location of the recordkeeping office. Upon the
8 approval of such an application, the Department shall issue an
9 endorsement to be fixed by the applicant to the permit. Such an
10 endorsement constitutes authority for the applicant to make
11 the change in location.

12 (625 ILCS 5/13-105.1 new)

13 Sec. 13-105.1. Inspection of official portable emissions
14 testing company. Employees specifically authorized by the
15 Department shall inspect, at frequent intervals, vehicles,
16 equipment, and the recordkeeping office used by an official
17 portable emissions testing company. Department employees under
18 this Section shall have access to all records, relating to
19 tests and work done or parts sold as a result of such tests, to
20 ascertain whether tests are properly, fairly, and honestly
21 made. Department employees under this Section may examine the
22 owner of an official portable emissions company or any officer
23 or employee thereof under oath. The Department shall conduct
24 periodic nonscheduled inspections of the premises of vehicles
25 owned and operated by a licensed official portable emissions

1 testing company.

2 (625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)

3 Sec. 13-106. Rates and charges by official testing
4 stations and official portable emissions testing companies;
5 schedule ~~stations~~ ~~Schedule~~ to be filed. Every operator of an
6 official testing station or official portable emissions
7 testing company shall file with the Department, in the manner
8 prescribed by the Department, a schedule of all rates and
9 charges made by him for performing the tests provided for in
10 Section 13-101 and Section 13-109.1. Such rate or charge shall
11 include an amount to reimburse the operator of the official
12 testing station or official portable emissions testing company
13 for the purchase from the Department of the certificate of
14 safety required by this chapter, not to exceed that fee paid to
15 the Department by the operator authorized by this chapter.
16 Such rates and charges shall be just and reasonable and the
17 Department upon its own initiative or upon complaint of any
18 person or corporation may require the testing station operator
19 to appear for a hearing and prove that the rates so filed are
20 just and reasonable. A "just and reasonable" rate or charge,
21 for the purposes of this Section, means a rate or charge which
22 is the same, or nearly the same, as the prevailing rate or
23 charge for the same or similar tests made in the community
24 where the station is located. No operator may change this
25 schedule of rates and charges until the proposed changes are

1 filed with and approved by the Department. No license may be
2 issued to any official testing station or official portable
3 emissions testing company unless the applicant has filed with
4 the Department a proposed schedule of rates and charges and
5 unless such rates and charges have been approved by the
6 Department. No operator of an official testing station or
7 official portable emissions testing company shall charge more
8 or less than the rates so filed with and approved by the
9 Department.

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

11 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

12 Sec. 13-107. Investigation of complaints against official
13 testing stations and official portable emissions testing
14 companies. The Department shall, upon its own motion, or upon
15 charges made in writing verified under oath, investigate
16 complaints that an official testing station or official
17 portable emissions testing company is willfully falsifying
18 records or tests, either for the purpose of selling parts or
19 services not actually required, or for the purpose of issuing
20 a certificate of safety for a vehicle designed to carry 15 or
21 fewer passengers operated by a contract carrier transporting
22 employees in the course of their employment on a highway of
23 this State, second division vehicle, or medical transport
24 vehicle that is not in safe mechanical condition as determined
25 by the standards of this Chapter in violation of the

1 provisions of this Chapter or of the rules and regulations
2 issued by the Department.

3 The Secretary of Transportation, for the purpose of more
4 effectively carrying out the provisions of Chapter 13, may
5 appoint such a number of inspectors as he may deem necessary.
6 Such inspectors shall inspect and investigate applicants for
7 official testing station or official portable emissions
8 testing company permits and investigate and report violations.
9 With respect to enforcement of the provisions of this Chapter
10 13, such inspectors shall have and may exercise throughout the
11 State all the powers of police officers.

12 The Secretary must authorize to each inspector and to any
13 other employee of the Department exercising the powers of a
14 peace officer a distinct badge that, on its face, (i) clearly
15 states that the badge is authorized by the Department and (ii)
16 contains a unique identifying number. No other badge shall be
17 authorized by the Department. Nothing in this Section
18 prohibits the Secretary from issuing shields or other
19 distinctive identification to employees not exercising the
20 powers of a peace officer if the Secretary determines that a
21 shield or distinctive identification is needed by the employee
22 to carry out his or her responsibilities.

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

24 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

25 Sec. 13-108. Hearing on complaint against official testing

1 station or official portable emissions testing company;
2 suspension ~~station~~ ~~Suspension~~ or revocation of permit. If it
3 appears to the Department, either through its own
4 investigation or upon charges verified under oath, that any of
5 the provisions of this Chapter or the rules and regulations of
6 the Department, are being violated, the Department, shall
7 after notice to the person, firm or corporation charged with
8 such violation, conduct a hearing. At least 10 days prior to
9 the date of such hearing the Department shall cause to be
10 served upon the person, firm or corporation charged with such
11 violation, a copy of such charge or charges by registered mail
12 or by the personal service thereof, together with a notice
13 specifying the time and place of such hearing. At the time and
14 place specified in such notice the person, firm or corporation
15 charged with such violation shall be given an opportunity to
16 appear in person or by counsel and to be heard by the Secretary
17 of Transportation or an officer or employee of the Department
18 designated in writing by him to conduct such hearing. If it
19 appears from the hearing that such person, firm or corporation
20 is guilty of the charge preferred against him or it, the
21 Secretary of Transportation may order the permit suspended or
22 revoked, and the bond forfeited. Any such revocation or
23 suspension shall not be a bar to subsequent arrest and
24 prosecution for violation of this Chapter.

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

1 (625 ILCS 5/13-109.1)

2 Sec. 13-109.1. Annual emission inspection tests;
3 standards; penalties; funds.

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

14 (a-5) (Blank).

15 (b) Diesel emission inspections conducted under this
16 Chapter 13 shall be conducted in accordance with the Society
17 of Automotive Engineers Recommended Practice J1667
18 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel
19 Powered Vehicles" and the cutpoint standards set forth in the
20 United States Environmental Protection Agency guidance
21 document "Guidance to States on Smoke Opacity Cutpoints to be
22 used with the SAE J1667 In-Use Smoke Test Procedure". Those
23 procedures and standards, as now in effect, are made a part of
24 this Code, in the same manner as though they were set out in
25 full in this Code.

26 Notwithstanding the above cutpoint standards, for motor

1 vehicles that are model years 1973 and older, until December
2 31, 2002, the level of peak smoke opacity shall not exceed 70
3 percent. Beginning January 1, 2003, for motor vehicles that
4 are model years 1973 and older, the level of peak smoke opacity
5 shall not exceed 55 percent.

6 (c) If the annual emission inspection under subsection (a)
7 reveals that the vehicle is not in compliance with the diesel
8 emission standards set forth in subsection (b) of this
9 Section, the operator of the official testing station or
10 official portable emissions testing company shall issue a
11 warning notice requiring correction of the violation. The
12 correction shall be made and the vehicle submitted to an
13 emissions retest at an official testing station or official
14 portable emissions testing company certified by the Department
15 to perform diesel emission inspections within 30 days from the
16 issuance of the warning notice requiring correction of the
17 violation.

18 If, within 30 days from the issuance of the warning
19 notice, the vehicle is not in compliance with the diesel
20 emission standards set forth in subsection (b) as determined
21 by an emissions retest at an official testing station or
22 through an official portable emissions testing company, the
23 certified emissions testing operator, ~~the operator of the~~
24 ~~official testing station~~ or the Department shall place the
25 vehicle out-of-service in accordance with the rules
26 promulgated by the Department. Operating a vehicle that has

1 been placed out-of-service under this subsection (c) is a
2 petty offense punishable by a \$1,000 fine. The vehicle must
3 pass a diesel emission inspection at an official testing
4 station before it is again placed in service. The Secretary of
5 State, Department of State Police, and other law enforcement
6 officers shall enforce this Section. No emergency vehicle, as
7 defined in Section 1-105, may be placed out-of-service
8 pursuant to this Section.

9 The Department, ~~or~~ an official testing station, or an
10 official portable emissions testing company may issue a
11 certificate of waiver subsequent to a reinspection of a
12 vehicle that failed the emissions inspection. Certificate of
13 waiver shall be issued upon determination that documented
14 proof demonstrates that emissions repair costs for the
15 noncompliant vehicle of at least \$3,000 have been spent in an
16 effort to achieve compliance with the emission standards set
17 forth in subsection (b). The Department of Transportation
18 shall adopt rules for the implementation of this subsection
19 including standards of documented proof as well as the
20 criteria by which a waiver shall be granted.

21 (c-5) (Blank).

22 (d) (Blank).

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