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09400HB4314ham001

LRB094 15787 DRH 55540 a

1 AMENDMENT TO HOUSE BILL 4314

2 AMENDMENT NO. _____. Amend House Bill 4314 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 13C-15, 13C-50, 13C-55, and 13C-60 as
6 follows:

7 (625 ILCS 5/13C-15)
8 Sec. 13C-15. Inspections.

9 (a) Computer-Matched Inspections and Notification.

10 (1) The provisions of this subsection (a) are operative
11 until the implementation of the registration denial
12 inspection and notification mechanisms required by
13 subsection (b). Beginning with the implementation of the
14 program required by this Chapter, every motor vehicle that
15 is owned by a resident of an affected county, other than a
16 vehicle that is exempt under paragraph (a)(6) or (a)(7)
17 ~~subsection (f) or (g)~~, is subject to inspection under the
18 program.

19 The Agency shall send notice of the assigned inspection
20 month, at least 15 days before the beginning of the
21 assigned month, to the owner of each vehicle subject to the
22 program. An initial emission inspection sticker or initial
23 inspection certificate, as the case may be, expires on the
24 last day of the third month following the month assigned by

1 the Agency for the first inspection of the vehicle. A
2 renewal inspection sticker or certificate expires on the
3 last day of the third month following the month assigned
4 for inspection in the year in which the vehicle's next
5 inspection is required.

6 The Agency or its agent may issue an interim emission
7 inspection sticker or certificate for any vehicle subject
8 to inspection that does not have a currently valid emission
9 inspection sticker or certificate at the time the Agency is
10 notified by the Secretary of State of its registration by a
11 new owner, and for which an initial emission inspection
12 sticker or certificate has already been issued. An interim
13 emission inspection sticker or certificate expires no
14 later than the last day of the sixth complete calendar
15 month after the date the Agency issued the interim emission
16 inspection sticker or certificate.

17 The owner of each vehicle subject to inspection shall
18 obtain an emission inspection sticker or certificate for
19 the vehicle in accordance with this paragraph (1)
20 ~~subsection~~. Before the expiration of the emission
21 inspection sticker or certificate, the owner shall have the
22 vehicle inspected and, upon demonstration of compliance,
23 obtain a renewal emission inspection sticker or
24 certificate. A renewal emission inspection sticker or
25 certificate shall not be issued more than 5 months before
26 the expiration date of the previous inspection sticker or
27 certificate.

28 (2) ~~(b)~~ Except as provided in paragraph (a)(3)
29 ~~subsection (c)~~, vehicles shall be inspected every 2 years
30 on a schedule that begins either in the second, fourth, or
31 later calendar year after the vehicle model year. The
32 beginning test schedule shall be set by the Agency and
33 shall be consistent with the State's requirements for
34 emission reductions as determined by the applicable United

1 States Environmental Protection Agency vehicle emissions
2 estimation model and applicable guidance and rules.

3 (3) ~~(e)~~ A vehicle may be inspected at a time outside of
4 its normal 2-year inspection schedule, if (i) the vehicle
5 was acquired by a new owner and (ii) the vehicle was
6 required to be in compliance with this Act at the time the
7 vehicle was acquired by the new owner, but it was not then
8 in compliance.

9 (4) ~~(d)~~ The owner of a vehicle subject to inspection
10 shall have the vehicle inspected and shall obtain and
11 display on the vehicle or carry within the vehicle, in a
12 manner specified by the Agency, a valid unexpired emission
13 inspection sticker or certificate in the manner specified
14 by the Agency. A person who violates this paragraph (4)
15 ~~subsection (d)~~ is guilty of a petty offense, except that a
16 third or subsequent violation within one year of the first
17 violation is a Class C misdemeanor. The fine imposed for a
18 violation of this paragraph (4) ~~subsection~~ shall be not
19 less than \$50 if the violation occurred within 60 days
20 following the date by which a new or renewal emission
21 inspection sticker or certificate was required to be
22 obtained for the vehicle, and not less than \$300 if the
23 violation occurred more than 60 days after that date.

24 (5) ~~(e)~~ For a \$20 fee, to be paid into the Vehicle
25 Inspection Fund, the Agency may inspect:

26 (A) ~~(1)~~ A vehicle registered in and subject to the
27 emission inspections requirements of another state.

28 (B) ~~(2)~~ A vehicle presented for inspection on a
29 voluntary basis.

30 Any fees collected under this paragraph (5) ~~subsection~~
31 shall not offset Motor Fuel Tax Funds normally appropriated
32 for the program.

33 (6) ~~(f)~~ The following vehicles are not subject to
34 inspection:

1 (A) ~~(1)~~ Vehicles not subject to registration under
2 Article IV of Chapter 3 of this Code, other than
3 vehicles owned by the federal government.

4 (B) ~~(2)~~ Motorcycles, motor driven cycles, and
5 motorized pedalcycles.

6 (C) ~~(3)~~ Farm vehicles and implements of husbandry.

7 (D) ~~(4)~~ Implements of warfare owned by the State or
8 federal government.

9 (E) ~~(5)~~ Antique vehicles, custom vehicles, street
10 rods, and vehicles of model year 1967 or before.

11 (F) ~~(6)~~ Vehicles operated exclusively for parade
12 or ceremonial purposes by any veterans, fraternal, or
13 civic organization, organized on a not-for-profit
14 basis.

15 (G) ~~(7)~~ Vehicles for which the Secretary of State,
16 under Section 3-117 of this Code, has issued a Junking
17 Certificate.

18 (H) ~~(8)~~ Diesel powered vehicles and vehicles that
19 are powered exclusively by electricity.

20 (I) ~~(9)~~ Vehicles operated exclusively in organized
21 amateur or professional sporting activities, as
22 defined in Section 3.310 of the Environmental
23 Protection Act.

24 (J) ~~(10)~~ Vehicles registered in, subject to, and in
25 compliance with the emission inspection requirements
26 of another state.

27 (K) ~~(11)~~ Vehicles participating in an OBD
28 continuous monitoring program operated in accordance
29 with procedures adopted by the Agency.

30 (L) ~~(12)~~ Vehicles of model year 1995 or earlier
31 that do not have an expired emissions test sticker or
32 certificate on February 1, 2007.

33 The Agency may issue temporary or permanent exemption
34 stickers or certificates for vehicles temporarily or

1 permanently exempt from inspection under this paragraph
2 (6) ~~subsection (f)~~. An exemption sticker or certificate
3 does not need to be displayed.

4 (7) ~~(g)~~ According to criteria that the Agency may
5 adopt, a motor vehicle may be exempted from the inspection
6 requirements of this Section by the Agency on the basis of
7 an Agency determination that the vehicle is located and
8 primarily used outside of the affected counties or in other
9 jurisdictions where vehicle emission inspections are not
10 required. The Agency may issue an annual exemption sticker
11 or certificate without inspection for any vehicle exempted
12 from inspection under this paragraph (7) ~~subsection~~.

13 (8) ~~(h)~~ Any owner or lessee of a fleet of 15 or more
14 motor vehicles that are subject to inspection under this
15 Section may apply to the Agency for a permit to establish
16 and operate a private official inspection station in
17 accordance with rules adopted by the Agency.

18 (9) ~~(i)~~ Pursuant to Title 40, Section 51.371 of the
19 Code of Federal Regulations, the Agency may establish a
20 program of on-road testing of in-use vehicles through the
21 use of remote sensing devices. In any such program, the
22 Agency shall evaluate the emission performance of 0.5% of
23 the subject fleet or 20,000 vehicles, whichever is less.
24 Under no circumstances shall on-road testing include any
25 sort of roadblock or roadside pullover or cause any type of
26 traffic delay. If, during the course of an on-road
27 inspection, a vehicle is found to exceed the on-road
28 emissions standards established for the model year and type
29 of vehicle, the Agency shall send a notice to the vehicle
30 owner. The notice shall document the occurrence and the
31 results of the on-road exceedance. The notice of a second
32 on-road exceedance shall indicate that the vehicle has been
33 reassigned and is subject to an out-of-cycle follow-up
34 inspection at an official inspection station. In no case

1 shall the Agency send a notice of an on-road exceedance to
2 the owner of a vehicle that was found to exceed the on-road
3 emission standards established for the model year and type
4 of vehicle, if the vehicle is registered outside of the
5 affected counties.

6 (b) Registration Denial Inspection and Notification.

7 (1) No later than January 1, 2008, every motor vehicle
8 that is owned by a resident of an affected county, other
9 than a vehicle that is exempt under paragraph (b) (8) or
10 (b) (9), is subject to inspection under the program.

11 The owner of a vehicle subject to inspection shall have
12 the vehicle inspected and obtain proof of compliance from
13 the Agency in order to obtain or renew a vehicle
14 registration for a subject vehicle.

15 The Secretary of State shall notify the owner of a
16 vehicle subject to inspection of the requirement to have
17 the vehicle tested at least 30 days prior to the beginning
18 of the month in which the vehicle's registration is due to
19 expire. Notwithstanding the preceding, vehicles with
20 permanent registration plates shall be notified at least 30
21 days prior to the month corresponding to the date the
22 vehicle was originally registered. This notification shall
23 clearly state the vehicle's test status, based upon the
24 vehicle type, model year and registration address.

25 The owner of each vehicle subject to inspection shall
26 have the vehicle inspected and, upon demonstration of
27 compliance, obtain an emissions compliance certificate for
28 the vehicle. The compliance certificate shall state that
29 the vehicle is in compliance with applicable emissions
30 inspections requirements and shall expire one year from the
31 date of issuance.

32 (2) Except as provided in paragraphs (b) (3), (b) (4),
33 and (b) (5), vehicles shall be inspected every 2 years on a
34 schedule that begins in the fourth calendar year after the

1 vehicle model year. Even model year vehicles shall be
2 inspected and comply in order to renew registrations
3 expiring in even calendar years and odd model year vehicles
4 shall be inspected and comply in order to renew
5 registrations expiring in odd calendar years.

6 (3) A vehicle shall be inspected and comply at a time
7 outside of its normal 2-year inspection schedule if (i) the
8 vehicle was acquired by a new owner and (ii) the vehicle
9 had not been issued a Compliance Certificate within one
10 year of the date of application for the title or
11 registration, or both, for the vehicle.

12 (4) Vehicles with 2-year registrations shall be
13 inspected every 2 years at the time of registration
14 issuance or renewal on a schedule that begins in the fourth
15 year after the vehicle model year.

16 (5) Vehicles with permanent vehicle registration
17 plates shall be inspected every 2 years on a schedule that
18 begins in the fourth calendar year after the vehicle model
19 year in the month corresponding to the date the vehicle was
20 originally registered. Even model year vehicles shall be
21 inspected and comply in even calendar years, and odd model
22 year vehicles shall be inspected and comply in odd calendar
23 years.

24 (6) The Agency and the Secretary of State shall
25 endeavor to ensure a smooth transition from test scheduling
26 from the provisions of subsection (a) to subsection (b).
27 Passing tests and waivers issued prior to the
28 implementation of this subsection (b) may be utilized to
29 establish compliance for a period of one year from the date
30 of the emissions or waiver inspection.

31 (7) For a \$20 fee, to be paid into the Vehicle
32 Inspection Fund, the Agency may inspect:

33 (A) A vehicle registered in and subject to the
34 emission inspections requirements of another state.

1 (B) A vehicle presented for inspection on a
2 voluntary basis.

3 Any fees collected under this paragraph (7) shall not
4 offset Motor Fuel Tax Funds normally appropriated for the
5 program.

6 (8) The following vehicles are not subject to
7 inspection:

8 (A) Vehicles not subject to registration under
9 Article IV of Chapter 3 of this Code, other than
10 vehicles owned by the federal government.

11 (B) Motorcycles, motor driven cycles, and
12 motorized pedalcycles.

13 (C) Farm vehicles and implements of husbandry.

14 (D) Implements of warfare owned by the State or
15 federal government.

16 (E) Antique vehicles, custom vehicles, street
17 rods, and vehicles of model year 1967 or before.

18 (F) Vehicles operated exclusively for parade or
19 ceremonial purposes by any veterans, fraternal, or
20 civic organization, organized on a not-for-profit
21 basis.

22 (G) Vehicles for which the Secretary of State,
23 under Section 3-117 of this Code, has issued a Junking
24 Certificate.

25 (H) Diesel powered vehicles and vehicles that are
26 powered exclusively by electricity.

27 (I) Vehicles operated exclusively in organized
28 amateur or professional sporting activities, as
29 defined in Section 3.310 of the Environmental
30 Protection Act.

31 (J) Vehicles registered in, subject to, and in
32 compliance with the emission inspection requirements
33 of another state.

34 (K) Vehicles participating in an OBD continuous

1 monitoring program operated in accordance with
2 procedures adopted by the Agency.

3 (L) Vehicles of model year 1995 or earlier that do
4 not have an expired emissions test sticker or
5 certificate on February 1, 2007.

6 The Agency may issue temporary or permanent exemption
7 certificates for vehicles temporarily or permanently
8 exempt from inspection under this paragraph (8). An
9 exemption sticker or certificate does not need to be
10 displayed.

11 (9) According to criteria that the Agency may adopt, a
12 motor vehicle may be exempted from the inspection
13 requirements of this Section by the Agency on the basis of
14 an Agency determination that the vehicle is located and
15 primarily used outside of the affected counties or in other
16 jurisdictions where vehicle emission inspections are not
17 required. The Agency may issue an annual exemption
18 certificate without inspection for any vehicle exempted
19 from inspection under this paragraph (9).

20 (10) Any owner or lessee of a fleet of 15 or more motor
21 vehicles that are subject to inspection under this Section
22 may apply to the Agency for a permit to establish and
23 operate a private official inspection station in
24 accordance with rules adopted by the Agency.

25 (11) Pursuant to Title 40, Section 51.371 of the Code
26 of Federal Regulations, the Agency may establish a program
27 of on on-road testing of in-use vehicles through the use of
28 remote sensing devices. In any such program, the Agency
29 shall evaluate the emission performance of 0.5% of the
30 subject fleet or 20,000 vehicles, whichever is less. Under
31 no circumstances shall on-road testing include any sort of
32 roadblock or roadside pullover or cause any type of traffic
33 delay. If, during the course of an on-road inspection, a
34 vehicle is found to exceed the on-road emissions standards

1 established for the model year and type of vehicle, the
2 Agency shall send a notice to the vehicle owner. The notice
3 shall document the occurrence and the results of the
4 on-road exceedance. The notice of a second on-road
5 exceedance shall indicate that the vehicle has been
6 reassigned and is subject to an out-of-cycle follow-up
7 inspection at an official inspection station. In no case
8 shall the Agency send a notice of an on-road exceedance to
9 the owner of a vehicle that was found to exceed the on-road
10 emission standards established for the model year and type
11 of vehicle, if the vehicle is registered outside of the
12 affected counties.

13 (Source: P.A. 94-526, eff. 1-1-06.)

14 (625 ILCS 5/13C-50)

15 Sec. 13C-50. Costs.

16 (a) Except as otherwise provided in paragraph (a)(5) or
17 (b)(7) subsection—(c) of Section 13C-15, no fee shall be
18 charged to motor vehicle owners for obtaining inspections
19 required under this Chapter. The Vehicle Inspection Fund, which
20 is a fund created in the State treasury for the purpose of
21 receiving moneys from the Motor Fuel Tax Fund and other
22 sources, shall be used, subject to appropriation, for the
23 payment of the costs of the program, including reimbursement of
24 those agencies of the State that incur expenses in the
25 administration or enforcement of the program. The Vehicle
26 Inspection Fund shall continue in existence notwithstanding
27 the repeal of Chapter 13B. Any money in the Vehicle Inspection
28 Fund on February 1, 2007, shall be used for the purposes set
29 forth in this Chapter.

30 (b) The Agency may acquire, own, maintain, operate, sell,
31 lease and otherwise transfer real and personal property and
32 interests in real and personal property for the purpose of
33 creating or operating inspection stations and for any other

1 purpose relating to the administration of this Chapter, and may
2 use money from the Vehicle Inspection Fund for these purposes.

3 (Source: P.A. 94-526, eff. 1-1-06.)

4 (625 ILCS 5/13C-55)

5 Sec. 13C-55. Enforcement.

6 (a) Computer-Matched Enforcement.

7 (1) The provisions of this subsection (a) are operative
8 until the implementation of the registration denial
9 enforcement mechanism required by subsection (b). The
10 Agency shall cooperate in the enforcement of this Chapter
11 by (i) identifying probable violations through computer
12 matching of vehicle registration records and inspection
13 records; (ii) sending one notice to each suspected violator
14 identified through such matching, stating that
15 registration and inspection records indicate that the
16 vehicle owner has not complied with this Chapter; (iii)
17 directing the vehicle owner to notify the Agency or the
18 Secretary of State if he or she has ceased to own the
19 vehicle or has changed residence; and (iv) advising the
20 vehicle owner of the consequences of violating this
21 Chapter.

22 The Agency shall cooperate with the Secretary of State
23 in the administration of this Chapter and the related
24 provisions of Chapter 3, and shall provide the Secretary of
25 State with such information as the Secretary of State may
26 deem necessary for these purposes, including regular and
27 timely access to vehicle inspection records.

28 The Secretary of State shall cooperate with the Agency
29 in the administration of this Chapter and shall provide the
30 Agency with such information as the Agency may deem
31 necessary for the purposes of this Chapter, including
32 regular and timely access to vehicle registration records.
33 Section 2-123 of this Code does not apply to the provision

1 of this information.

2 (2) ~~(b)~~ The Secretary of State shall suspend either the
3 driving privileges or the vehicle registration, or both, of
4 any vehicle owner who has not complied with this Chapter,
5 if (i) the vehicle owner has failed to satisfactorily
6 respond to the one notice sent by the Agency under
7 paragraph (a) (1) subsection (a), and (ii) the Secretary of
8 State has mailed the vehicle owner a notice that the
9 suspension will be imposed if the owner does not comply
10 within a stated period, and the Secretary of State has not
11 received satisfactory evidence of compliance within that
12 period. The Secretary of State shall send this notice only
13 after receiving a statement from the Agency that the
14 vehicle owner has failed to comply with this Section.
15 Notice shall be effective as specified in subsection (c) of
16 Section 6-211 of this Code.

17 A suspension under this paragraph (a) (2) subsection
18 shall not be terminated until satisfactory proof of
19 compliance has been submitted to the Secretary of State. No
20 driver's license or permit, or renewal of a license or
21 permit, may be issued to a person whose driving privileges
22 have been suspended under this Section until the suspension
23 has been terminated. No vehicle registration or
24 registration plate that has been suspended under this
25 Section may be reinstated or renewed, or transferred by the
26 owner to any other vehicle, until the suspension has been
27 terminated.

28 (b) Registration Denial Enforcement.

29 (1) No later than January 1, 2008, and consistent with
30 Title 40, Part 51, Section 51.361 of the Code of Federal
31 Regulations, the Agency and the Secretary of State shall
32 design, implement, maintain, and operate a registration
33 denial enforcement mechanism to ensure compliance with the
34 provisions of this Chapter, and cooperate with other State

1 and local governmental entities to effectuate its
2 provisions. Specifically, this enforcement mechanism shall
3 contain, at a minimum, the following elements:

4 (A) An external, readily visible means of
5 determining vehicle compliance with the registration
6 requirement to facilitate enforcement of the program;

7 (B) A biennial schedule of testing that clearly
8 determines when a vehicle shall comply prior to
9 registration;

10 (C) A testing certification mechanism (either
11 paper-based or electronic) that shall be used for
12 registration purposes and clearly states whether the
13 certification is valid for purposes of registration,
14 including:

15 (i) Expiration date of the certificate;

16 (ii) Unambiguous vehicle identification
17 information; and

18 (iii) Whether the vehicle passed or received a
19 waiver;

20 (D) A commitment to routinely issue citations to
21 motorists with expired or missing license plates, with
22 either no registration or an expired registration, and
23 with no license plate decals or expired decals, and
24 provide for enforcement officials other than police to
25 issue citations (e.g., parking meter attendants) to
26 parked vehicles in noncompliance;

27 (E) A commitment to structure the penalty system to
28 deter non-compliance with the registration requirement
29 through the use of mandatory minimum fines (meaning
30 civil, monetary penalties) constituting a meaningful
31 deterrent and through a requirement that compliance be
32 demonstrated before a case can be closed;

33 (F) Ensurance that evidence of testing is
34 available and checked for validity at the time of a new

1 registration of a used vehicle or registration
2 renewal;

3 (G) Prevention of owners or lessors from avoiding
4 testing through manipulation of the title or
5 registration system; title transfers may re-start the
6 clock on the inspection cycle only if proof of current
7 compliance is required at title transfer;

8 (H) Prevention of the fraudulent initial
9 classification or reclassification of a vehicle from
10 subject to non-subject or exempt by requiring proof of
11 address changes prior to registration record
12 modification, and documentation from the testing
13 program (or delegate) certifying based on a physical
14 inspection that the vehicle is exempt;

15 (I) Limiting and tracking of the use of time
16 extensions of the registration requirement to prevent
17 repeated extensions;

18 (J) Providing for meaningful penalties for cases
19 of registration fraud;

20 (K) Limiting and tracking exemptions to prevent
21 abuse of the exemption policy for vehicles claimed to
22 be out-of-state; and

23 (L) Encouraging enforcement of vehicle
24 registration transfer requirements when vehicle owners
25 move into the affected counties by coordinating with
26 local and State enforcement agencies and structuring
27 other activities (e.g., drivers license issuance) to
28 effect registration transfers.

29 (2) The Agency shall cooperate in the enforcement of
30 this Chapter by providing the owner or owners of complying
31 vehicles with a Compliance Certificate stating that the
32 vehicle meets all applicable requirements of this Chapter.

33 The Agency shall cooperate with the Secretary of State
34 in the administration of this Chapter and the related

1 provisions of Chapter 3, and shall provide the Secretary of
2 State with such information as the Secretary of State may
3 deem necessary for these purposes, including regular and
4 timely access to vehicle inspection records.

5 The Secretary of State shall cooperate with the Agency
6 in the administration of this Chapter and shall provide the
7 Agency with such information as the Agency may deem
8 necessary for the purposes of this Chapter, including
9 regular and timely access to vehicle registration records.
10 Section 2-123 of this Code does not apply to the provision
11 of this information.

12 (3) Consistent with the requirements of Section
13 13C-15, the Secretary of State shall not renew any vehicle
14 registration for a subject vehicle that has not complied
15 with this Chapter. Additionally, the Secretary of State
16 shall not allow the issuance of a new registration nor
17 allow the transfer of a registration to a subject vehicle
18 that has not complied with this Chapter.

19 (4) The Secretary of State shall suspend the
20 registration of any vehicle which has permanent vehicle
21 registration plates that has not complied with the
22 requirements of this Chapter. A suspension under this
23 paragraph (4) shall not be terminated until satisfactory
24 proof of compliance has been submitted to the Secretary of
25 State. No permanent vehicle registration plate that has
26 been suspended under this Section may be reinstated or
27 renewed, or transferred by the owner to any other vehicle,
28 until the suspension has been terminated.

29 (Source: P.A. 94-526, eff. 1-1-06.)

30 (625 ILCS 5/13C-60)

31 Sec. 13C-60. Other offenses.

32 (a) Any person who knowingly displays an emission
33 inspection or exemption certificate for ~~sticker or exemption~~

1 ~~sticker on~~ any vehicle other than the one for which the
2 certificate sticker was lawfully issued in accordance with the
3 provisions of this Chapter, or duplicates, alters, uses,
4 possesses, issues, or distributes any emission inspection or
5 exemption sticker, exemption sticker, inspection certificate,
6 or facsimile thereof, except in accordance with the provisions
7 of this Chapter and the rules and regulations adopted
8 hereunder, is guilty of a Class C misdemeanor.

9 (b) A vehicle owner shall pay a monetary fine equivalent to
10 the test fee plus the applicable waiver repair expenditure for
11 the continued operation of a non-complying ~~noncomplying~~
12 vehicle beyond 4 months past the expiration of the vehicle
13 emission inspection certificate. Any fines collected under
14 this Section shall be divided equally between the local
15 jurisdiction issuing the citation and the Vehicle Inspection
16 Fund.

17 (Source: P.A. 94-526, eff. 1-1-06.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.".