

1 AN ACT concerning safety.

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 changing
5 Section 1-101.5 and adding Section 13B-99 and Chapter 13C as
6 follows:

7 (625 ILCS 5/1-101.5)

8 Sec. 1-101.5. Agency. For the purposes of Chapters ~~Chapter~~
9 13B and 13C, "Agency" means the Illinois Environmental
10 Protection Agency.

11 (Source: P.A. 90-89, eff. 1-1-98.)

12 (625 ILCS 5/13B-99 new)

13 (Section scheduled to be repealed on July 1, 2007)

14 Sec. 13B-99. Repeal. This Chapter 13B is repealed on July
15 1, 2007.

16 (625 ILCS 5/Ch. 13C heading new)

17 CHAPTER 13C. EMISSION INSPECTION

18 (625 ILCS 5/13C-1 new)

19 Sec. 13C-1. Short title. This Chapter may be cited as the
20 Vehicle Emissions Inspection Law of 2005.

21 (625 ILCS 5/13C-5 new)

22 Sec. 13C-5. Definitions. For the purposes of this Chapter:

23 "Affected counties" means Cook County; DuPage County; Lake
24 County; those parts of Kane County that are not included within
25 any of the following ZIP code areas, as designated by the U.S.
26 Postal Service on the effective date of this amendatory Act of
27 the 94th General Assembly: 60109, 60119, 60135, 60140, 60142,
28 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545,

1 and 60554; those parts of Kendall County that are not included
2 within any of the following ZIP code areas, as designated by
3 the U.S. Postal Service on the effective date of this
4 amendatory Act of the 94th General Assembly: 60447, 60450,
5 60512, 60536, 60537, 60541, those parts of 60543 that are not
6 within the census defined urbanized area, 60545, 60548, and
7 60560; those parts of McHenry County that are not included
8 within any of the following ZIP code areas, as designated by
9 the U.S. Postal Service on the effective date of this
10 amendatory Act of the 94th General Assembly: 60001, 60033,
11 60034, 60071, 60072, 60097, 60098, 60135, 60142, 60152, and
12 60180; those parts of Will County that are not included within
13 any of the following ZIP code areas, as designated by the U.S.
14 Postal Service on the effective date of this amendatory Act of
15 the 94th General Assembly: 60401, 60407, 60408, 60410, 60416,
16 60418, 60421, 60442, 60447, 60468, 60481, 60935, and 60950;
17 those parts of Madison County that are not included within any
18 of the following ZIP code areas, as designated by the U.S.
19 Postal Service on the effective date of this amendatory Act of
20 the 94th General Assembly: 62001, 62012, 62021, 62026, 62046,
21 62058, 62061, 62067, 62074, 62086, 62088, 62097, 62249, 62275,
22 62281, and 62293; those parts of Monroe County that are not
23 included within any of the following ZIP code areas, as
24 designated by the U.S. Postal Service on the effective date of
25 this amendatory Act of the 94th General Assembly: 62244, 62248,
26 62256, 62261, 62264, 62276, 62277, 62278, 62279, 62295, and
27 62298; and those parts of St. Clair County that are not
28 included within any of the following ZIP code areas, as
29 designated by the U.S. Postal Service on the effective date of
30 this amendatory Act of the 94th General Assembly: 62224, 62243,
31 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265, 62269,
32 62278, 62282, 62285, 62289, 62293, and 62298.

33 "Board" means the Illinois Pollution Control Board.

34 "Claim evaluation center" means an automotive diagnostic
35 facility that meets the standards prescribed by the Agency for
36 performing examinations of vehicle emissions inspection damage

1 claims.

2 "Contractor" means the vehicle emissions test contractor
3 for official inspection stations described in Section 13C-45.

4 "Diagnostic code" means a code stored in a vehicle's
5 on-board diagnostic computer to indicate the occurrence of an
6 emissions-related condition or malfunction.

7 "Inspection area" means Cook County, DuPage County, Lake
8 County, and those portions of Kane, Kendall, Madison, McHenry,
9 Monroe, Will, and St. Clair Counties included in the definition
10 of "affected counties".

11 "Malfunction indicator lamp" means a dashboard lamp
12 designed to illuminate to alert the driver to the occurrence of
13 a problem or condition resulting in excessive emissions.

14 "On-board diagnostic system" or "OBD system" means the
15 computer-based system built into all 1996 and newer light-duty
16 vehicles and trucks, as required by the federal Clean Air Act
17 Amendments of 1990, that is designed to monitor the performance
18 of major engine and emissions controls, to alert the operator
19 to emissions-related malfunctions, and to store diagnostic
20 codes and other vehicle operating information useful in
21 repairing the vehicle.

22 "Official inspection station" means a structure or
23 physical location where the Agency has authorized vehicle
24 emissions testing to be conducted.

25 "Owner" means the registered owner of the vehicle, as
26 indicated on the vehicle's registration. In the case of an
27 unregistered vehicle, "owner" has the meaning set forth in
28 Section 1-155 of this Code.

29 "Program" means the vehicle emission inspection program
30 established under this Chapter.

31 "Readiness status" means an indication of whether a
32 vehicle's on-board diagnostic system has completed a periodic
33 check of the performance of a monitored system or component.

34 "Resident" includes natural persons, foreign and domestic
35 corporations, partnerships, associations, and all other
36 commercial and governmental entities. For the purpose of

1 determining residence, the owner of a vehicle shall be presumed
2 to reside at the address indicated on the vehicle's
3 registration. A governmental entity, including the federal
4 government and its agencies, and any unit of local government
5 or school district, any part of which is located within an
6 affected county, shall be deemed a resident of an affected
7 county for the purpose of any vehicle that is owned by the
8 governmental entity and regularly operated in an affected
9 county.

10 "Registration" of a vehicle means its registration under
11 Article IV of Chapter 3 of this Code.

12 "Vehicle age" means the numerical difference between the
13 current calendar year and the vehicle model year.

14 (625 ILCS 5/13C-10 new)

15 Sec. 13C-10. Program.

16 (a) The Agency shall establish a program to begin February
17 1, 2007, to reduce the emission of pollutants by motor
18 vehicles. This program shall be a replacement for and
19 continuation of the program established under the Vehicle
20 Emissions Inspection Law of 1995, Chapter 13B of this Code.

21 At a minimum, this program shall provide for all of the
22 following:

23 (1) The inspection of certain motor vehicles every 2
24 years, as required under Section 13C-15.

25 (2) The establishment and operation of official
26 inspection stations.

27 (3) The designation of official test equipment and
28 testing procedures.

29 (4) The training and supervision of inspectors and
30 other personnel.

31 (5) Procedures to assure the correct operation,
32 maintenance, and calibration of test equipment.

33 (6) Procedures for certifying test results and for
34 reporting and maintaining relevant data and records.

35 (b) The Agency shall provide for the operation of a

1 sufficient number of official inspection stations to prevent
2 undue difficulty for motorists to obtain the inspections
3 required under this Chapter. In the event that the Agency
4 operates inspection stations or contracts with one or more
5 parties to operate inspection stations on its behalf, the
6 Agency shall endeavor to: (i) locate the stations so that the
7 owners of vehicles subject to inspection reside within 12 miles
8 of an official inspection station; and (ii) have sufficient
9 inspection capacity at the stations so that the usual wait
10 before the start of an inspection does not exceed 15 minutes.

11 (625 ILCS 5/13C-15 new)

12 Sec. 13C-15. Inspections.

13 (a) Beginning with the implementation of the program
14 required by this Chapter, every motor vehicle that is owned by
15 a resident of an affected county, other than a vehicle that is
16 exempt under subsection (f) or (g), is subject to inspection
17 under the program.

18 The Agency shall send notice of the assigned inspection
19 month, at least 15 days before the beginning of the assigned
20 month, to the owner of each vehicle subject to the program. An
21 initial emission inspection sticker or initial inspection
22 certificate, as the case may be, expires on the last day of the
23 third month following the month assigned by the Agency for the
24 first inspection of the vehicle. A renewal inspection sticker
25 or certificate expires on the last day of the third month
26 following the month assigned for inspection in the year in
27 which the vehicle's next inspection is required.

28 The Agency or its agent may issue an interim emission
29 inspection sticker or certificate for any vehicle subject to
30 inspection that does not have a currently valid emission
31 inspection sticker or certificate at the time the Agency is
32 notified by the Secretary of State of its registration by a new
33 owner, and for which an initial emission inspection sticker or
34 certificate has already been issued. An interim emission
35 inspection sticker or certificate expires no later than the

1 last day of the sixth complete calendar month after the date
2 the Agency issued the interim emission inspection sticker or
3 certificate.

4 The owner of each vehicle subject to inspection shall
5 obtain an emission inspection sticker or certificate for the
6 vehicle in accordance with this subsection. Before the
7 expiration of the emission inspection sticker or certificate,
8 the owner shall have the vehicle inspected and, upon
9 demonstration of compliance, obtain a renewal emission
10 inspection sticker or certificate. A renewal emission
11 inspection sticker or certificate shall not be issued more than
12 5 months before the expiration date of the previous inspection
13 sticker or certificate.

14 (b) Except as provided in subsection (c), vehicles shall be
15 inspected every 2 years on a schedule that begins either in the
16 second, fourth, or later calendar year after the vehicle model
17 year. The beginning test schedule shall be set by the Agency
18 and shall be consistent with the State's requirements for
19 emission reductions as determined by the applicable United
20 States Environmental Protection Agency vehicle emissions
21 estimation model and applicable guidance and rules.

22 (c) A vehicle may be inspected at a time outside of its
23 normal 2-year inspection schedule, if (i) the vehicle was
24 acquired by a new owner and (ii) the vehicle was required to be
25 in compliance with this Act at the time the vehicle was
26 acquired by the new owner, but it was not then in compliance.

27 (d) The owner of a vehicle subject to inspection shall have
28 the vehicle inspected and shall obtain and display on the
29 vehicle or carry within the vehicle, in a manner specified by
30 the Agency, a valid unexpired emission inspection sticker or
31 certificate in the manner specified by the Agency. A person who
32 violates this subsection (d) is guilty of a petty offense,
33 except that a third or subsequent violation within one year of
34 the first violation is a Class C misdemeanor. The fine imposed
35 for a violation of this subsection shall be not less than \$50
36 if the violation occurred within 60 days following the date by

1 which a new or renewal emission inspection sticker or
2 certificate was required to be obtained for the vehicle, and
3 not less than \$300 if the violation occurred more than 60 days
4 after that date.

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

7 (1) A vehicle registered in and subject to the emission
8 inspections requirements of another state.

9 (2) A vehicle presented for inspection on a voluntary
10 basis.

11 Any fees collected under this subsection shall not offset
12 Motor Fuel Tax Funds normally appropriated for the program.

13 (f) The following vehicles are not subject to inspection:

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

17 (2) Motorcycles, motor driven cycles, and motorized
18 pedalcycles.

19 (3) Farm vehicles and implements of husbandry.

20 (4) Implements of warfare owned by the State or federal
21 government.

22 (5) Antique vehicles, custom vehicles, street rods,
23 and vehicles of model year 1967 or before.

24 (6) Vehicles operated exclusively for parade or
25 ceremonial purposes by any veterans, fraternal, or civic
26 organization, organized on a not-for-profit basis.

27 (7) Vehicles for which the Secretary of State, under
28 Section 3-117 of this Code, has issued a Junking
29 Certificate.

30 (8) Diesel powered vehicles and vehicles that are
31 powered exclusively by electricity.

32 (9) Vehicles operated exclusively in organized amateur
33 or professional sporting activities, as defined in Section
34 3.310 of the Environmental Protection Act.

35 (10) Vehicles registered in, subject to, and in
36 compliance with the emission inspection requirements of

1 another state.

2 (11) Vehicles participating in an OBD continuous
3 monitoring program operated in accordance with procedures
4 adopted by the Agency.

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

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

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

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

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

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

11 (625 ILCS 5/13C-20 new)

12 Sec. 13C-20. Rules and standards.

13 (a) The rules and emission standards adopted under
14 subsection (a) of Section 13B-20 of this Code shall apply to
15 the program established under this Chapter and continue in
16 effect until amended or repealed by the Board under this
17 subsection.

18 The Agency shall propose any other standards necessary to
19 achieve reductions in the emission of hydrocarbons, carbon
20 monoxide, and oxides of nitrogen from motor vehicles subject to
21 inspection under this Chapter. Within 120 days after the Agency
22 proposes those standards, the Board shall adopt any necessary
23 rules establishing standards for the emission of hydrocarbons,
24 carbon monoxide, and oxides of nitrogen from motor vehicles
25 subject to inspection under this Chapter. The rules may be
26 amended from time to time pursuant to Agency proposals. The
27 Board shall set standards necessary to achieve the reductions
28 in vehicle hydrocarbons, carbon monoxide, and oxides of
29 nitrogen emissions, as determined by the applicable vehicle
30 emission estimation model and rules developed by the United
31 States Environmental Protection Agency, that are required by
32 the federal Clean Air Act. A predetermined rate of failure
33 shall not be used in determining standards necessary to achieve
34 the reductions in vehicle hydrocarbons, carbon monoxide, and
35 oxides of nitrogen emissions. The emission standards

1 established by the Board for vehicles of model year 1981 or
2 later shall be identical in substance, as defined in Section
3 7.2(a) of the Environmental Protection Act, to the emission
4 standards promulgated by the United States Environmental
5 Protection Agency.

6 Except as otherwise provided in this subsection,
7 subsection (b) of Section 27 of the Environmental Protection
8 Act and the rulemaking provisions of the Illinois
9 Administrative Procedure Act do not apply to rules adopted by
10 the Board under this subsection. Challenges to the validity of
11 rules adopted by the Board under this subsection or subsection
12 (a) of Section 13B-20 may be brought only by filing a petition
13 for review in the Appellate Court under Section 29 of the
14 Environmental Protection Act within 35 days after the rule is
15 filed with the Secretary of State.

16 (b) The procedures established by the Agency under
17 subsection (b) of Section 13B-20 of this Code shall apply to
18 the program established under this Chapter and remain in effect
19 until amended or repealed under this subsection. The Agency may
20 at any time amend or repeal those procedures and may establish
21 additional procedures designed to implement this Chapter.

22 (625 ILCS 5/13C-25 new)

23 Sec. 13C-25. Performance of inspections.

24 (a) Except as provided in subsection (b), the inspection of
25 vehicles required under this Chapter shall be performed only:
26 (i) by inspectors who have been certified by the Agency after
27 successfully completing a course of training and successfully
28 passing a written test; (ii) at official inspection stations,
29 including on-road inspection sites established under this
30 Chapter; and (iii) with equipment that has been approved by the
31 Agency for these inspections.

32 (b) The requirements of subdivisions (a) (i) and (a) (ii) of
33 this Section do not preclude the performance of inspections (1)
34 at self-service official inspection stations, (2) using
35 Agency-approved wireless communication interfaces, and (3)

1 using systems designed to perform remote on-board diagnostic
2 inspections.

3 (c) Except as provided in subsection (d), the inspection
4 shall consist of an on-board diagnostic system test. The owner
5 of the vehicle or the owner's agent shall be entitled to an
6 emission inspection certificate issued by the Agency only if
7 all required tests are passed at the time of the inspection.

8 (d) A steady-state idle exhaust gas analysis and the
9 evaporative system integrity test may be substituted for the
10 on-board diagnostic system test in the following cases:

11 (1) On any heavy duty vehicle with a manufacturer gross
12 vehicle weight rating in excess of 8,500 pounds not
13 equipped at the time of manufacture with an on-board
14 diagnostic system meeting federal OBD-II specifications.

15 (2) On any vehicle for which on-board diagnostic
16 testing is not possible due to the vehicle's originally
17 certified design or its design as modified in accordance
18 with federal law and regulations, and on any vehicle with
19 known on-board diagnostic communications or software
20 problems, as determined by the Agency.

21 (e) The exhaust gas analysis shall consist of a test of an
22 exhaust gas sample to determine whether the quantities of
23 exhaust gas pollutants emitted by the vehicle meet the
24 standards set for vehicles of that type under Section 13C-20. A
25 vehicle shall be deemed to have passed this portion of the
26 inspection if the evaluation of the exhaust gas sample
27 indicates that the quantities of exhaust gas pollutants emitted
28 by the vehicle do not exceed the standards set for vehicles of
29 that type under Section 13C-20 or an inspector certifies that
30 the vehicle qualifies for a waiver of the exhaust gas pollutant
31 standards under Section 13C-30.

32 (f) The evaporative system integrity test shall consist of
33 a procedure to determine if leaks exist in all or a portion of
34 the vehicle fuel evaporation emission control system. A vehicle
35 shall be deemed to have passed this test if it meets the
36 criteria that the Board may adopt for an evaporative system

1 integrity test.

2 (g) The on-board diagnostic system test shall consist of
3 accessing the vehicle's on-board computer system, determining
4 the vehicle's readiness status and malfunction indicator lamp
5 status, and retrieving any stored diagnostic codes that may be
6 present. The vehicle shall be deemed to have passed this test
7 if the vehicle readiness status indicates that the vehicle's
8 OBD system has completed all required system and component
9 checks, the malfunction indicator lamp status is appropriate,
10 and the diagnostic codes retrieved do not exceed standards set
11 for vehicles of that type under Section 13C-20.

12 (625 ILCS 5/13C-30 new)

13 Sec. 13C-30. Waivers.

14 (a) The Agency shall certify that a vehicle that has failed
15 a vehicle emission retest qualifies for a waiver of the
16 emission inspection standards if all of the following criteria
17 are met:

18 (1) The vehicle has received all repairs and
19 adjustments for which it is eligible under any emission
20 performance warranty provided under Section 207 of the
21 federal Clean Air Act.

22 (2) The Agency determines by normal inspection
23 procedures that the vehicle's emission control devices are
24 present and appear to be properly connected and operating.

25 (3) Consistent with Title 40, Section 51.360 of the
26 Code of Federal Regulations, for vehicles required to be
27 tested under this Chapter, an expenditure of at least \$450
28 in emission-related repairs (but exclusive of any repairs
29 related to tampering) has been made.

30 (4) For a vehicle of model year 1981 or later, the
31 repairs were performed by a recognized repair technician.

32 (5) Evidence of repair is presented, consisting of
33 either (i) signed and dated receipts identifying the
34 vehicle and describing the work performed and the amount
35 charged for the eligible emission-related repairs or (ii)

1 an affidavit executed by the person performing the eligible
2 emission-related repairs.

3 (b) The Agency may issue an emission inspection certificate
4 to a vehicle failing a retest if a complete documented physical
5 and functional diagnosis and inspection shows that no
6 additional emission-related repairs are needed. This
7 diagnostic inspection must be performed by the Agency or its
8 designated agent and shall be available only to a vehicle owner
9 whose vehicle was repaired by a recognized repair technician.

10 (c) The Agency may extend the emission inspection
11 certificate expiration date by one year upon receipt of a
12 petition by the vehicle owner that needed repairs cannot be
13 made due to economic hardship. Consistent with Title 40,
14 Section 51.360 of the Code of Federal Regulations, this
15 extension may be granted more than once during the life of the
16 vehicle.

17 (d) The Agency may issue an emission inspection certificate
18 for a vehicle subject to inspection under this Chapter that is
19 located and primarily used in an area subject to the vehicle
20 inspection requirements of another state. An emission
21 inspection certificate shall be issued under this subsection
22 only upon receipt by the Agency of evidence that the vehicle
23 has been inspected and is in compliance with the emission
24 inspection requirements and standards applicable in the state
25 or local jurisdiction where the vehicle is being used.

26 (625 ILCS 5/13C-35 new)

27 Sec. 13C-35. Inquiries. The Agency shall develop a means of
28 responding to inquiries from inspectors and members of the
29 public concerning the program, including (i) when inspections
30 are required, (ii) what kind of inspections are required, (iii)
31 whether emission inspection stickers or certificates
32 previously required for a vehicle have been obtained, and (iv)
33 the procedures for resolving disputes concerning inspections.

34 (625 ILCS 5/13C-40 new)

1 Sec. 13C-40. Grievance and damage claim requirements and
2 procedures.

3 (a) Emissions inspection and waiver denial grievance
4 procedures.

5 (1) Any person aggrieved by a decision regarding the
6 failure of an emissions test or the denial of a waiver may
7 file a petition with the Agency within 30 days after the
8 decision was made, and the Agency shall thereupon
9 investigate the matter. Within 45 days after its receipt of
10 the petition, the Agency shall submit to the petitioner and
11 any affected inspector or station its written
12 determination of the correctness or incorrectness of the
13 decision being grieved. The written determination shall
14 include a statement of the facts relied upon and the legal
15 and technical issues decided by the Agency in making its
16 determination, and may also include an order directing the
17 inspector (i) to issue an emission inspection certificate
18 for the vehicle effective on such date as the Agency may
19 specify, (ii) to reinspect the vehicle, (iii) to apply the
20 standards that the Agency has determined to be applicable,
21 or (iv) to take any other action that the Agency deems to
22 be appropriate. In conducting the investigation, the
23 Agency may require the petitioner to present the vehicle
24 for inspection by the Agency or its designated agent.

25 (2) The written determination of the Agency shall be
26 subject to review in circuit court in accordance with the
27 provisions of the Administrative Review Law, except that no
28 challenge to the validity of a rule adopted or continued
29 under subsection (a) of Section 13C-20 shall be heard by
30 the circuit court if the challenge could have been raised
31 in a timely petition for review as provided in Section
32 13C-20.

33 (b) Vehicle damage claim requirements and procedures.

34 (1) The contractor shall make vehicle damage claim
35 forms authorized by the Agency available for vehicle owners
36 in sufficient quantities at all official inspection

1 stations.

2 (2) Notice of the vehicle damage claim procedures and
3 the vehicle owner's rights in relation to a vehicle damage
4 claim shall be conspicuously posted at all official
5 inspection stations.

6 (3) If a vehicle owner believes that his or her vehicle
7 was damaged by an act or omission of the contractor during
8 or as a result of an emissions inspection performed on or
9 after August 1, 2002, the owner may initiate resolution of
10 the damage claim under this subsection by complying with
11 the following:

12 (A) Within 30 days of the date of the vehicle
13 emissions inspection that allegedly caused the vehicle
14 damage, the vehicle owner shall submit a vehicle damage
15 claim to the contractor at the official inspection
16 station at which the vehicle damage allegedly
17 occurred.

18 (B) Within 30 days of filing the claim, the owner
19 shall submit to the contractor any relevant
20 information relating to the owner's claim for vehicle
21 damage, including but not limited to evaluations
22 conducted by a claims evaluation center or automotive
23 repair shop meeting standards prescribed by the
24 Agency.

25 (4) The contractor shall promptly notify the Agency of
26 each vehicle damage claim received by the contractor under
27 subdivision (b)(3) and shall forward to the Agency any
28 additional information provided by the owner.

29 (5) Within 60 days after the filing of a vehicle damage
30 claim, the contractor shall notify the vehicle owner of its
31 proposed resolution of the damage claim.

32 (6) Within 30 days after receiving the contractor's
33 proposed resolution of the damage claim, the owner may
34 petition the Agency for a review of the adequacy and
35 completeness of the contractor's proposed resolution. The
36 petition shall be in a form specified by the Agency.

1 (7) Upon receiving a petition for review, the Agency
2 shall request the contractor to deliver to the Agency a
3 copy of the contractor's proposed resolution of the damage
4 claim, together with all documents, videotapes, and
5 information relevant to the damage claim and the proposed
6 resolution. The contractor shall provide the requested
7 materials to the Agency within 15 days of receiving the
8 Agency's request.

9 (8) Within 30 days after receiving the relevant
10 materials from the contractor, the Agency shall review the
11 materials and determine whether the contractor's proposed
12 resolution of the damage claim is adequate and complete.
13 The Agency may deem the proposed resolution of the damage
14 claim to be adequate and complete. If the Agency does not
15 deem the proposed resolution of the damage claim to be
16 adequate and complete, it may request the contractor to
17 further investigate and evaluate the damage claim and
18 resubmit its proposed resolution of the claim. The
19 contractor shall then have 30 days to respond in writing to
20 the Agency with the results of its further evaluation of
21 the damage claim and its proposed resolution.

22 (9) The Agency shall notify the vehicle owner in
23 writing of the result of its review of the adequacy and
24 completeness of the contractor's proposed resolution of
25 the damage claim. Copies of all correspondence between the
26 Agency and the contractor relating to the damage claim
27 shall also be sent to the vehicle owner.

28 (10) If, after the Agency's review, the vehicle owner
29 still does not agree with all or a portion of the proposed
30 resolution of the damage claim by the contractor, the
31 vehicle owner may further pursue the damage claim through
32 the binding arbitration process established by the
33 contractor and accepted by the Agency, or in circuit court.

34 (11) The Agency's review of the adequacy and
35 completeness of the contractor's proposed resolution of a
36 damage claim is not binding upon the vehicle owner or the

1 contractor and does not affect the rights of the vehicle
2 owner or the contractor under law. The Agency's review of
3 the adequacy and completeness of the contractor's proposed
4 resolution of a damage claim is not a final action subject
5 to administrative review and is not subject to review by
6 the Pollution Control Board or otherwise appealable.

7 (625 ILCS 5/13C-45 new)

8 Sec. 13C-45. Contracts.

9 (a) The Agency may enter into contracts with one or more
10 responsible parties to construct and operate official
11 inspection stations, provide and maintain approved test
12 equipment, administer tests, certify results, issue emission
13 inspection stickers or certificates, maintain records, train
14 personnel, provide information to the public concerning the
15 program, or to otherwise further the goals of this Chapter.

16 (b) In preparing its proposals for bidding by potential
17 contractors, the Agency shall endeavor to include provisions
18 relating to the following factors:

19 (1) The demonstrated financial responsibility of the
20 potential contractor.

21 (2) The specialized experience and technical
22 competence of the potential contractor in connection with
23 the type of services required and the complexity of the
24 project.

25 (3) The potential contractor's past record of
26 performance on contracts with the Agency, with other
27 government agencies or public bodies, and with private
28 industry, including such items as cost, quality of work,
29 and ability to meet schedules.

30 (4) The capacity of the potential contractor to perform
31 the work within the time limitations.

32 (5) The familiarity of the potential contractor with
33 the types of problems applicable to the project.

34 (6) The potential contractor's proposed method to
35 accomplish the work required, including where appropriate

1 any demonstrated capability of exploring and developing
2 innovative or advanced techniques and methods.

3 (7) Avoidance of personal and organizational conflicts
4 of interest prohibited under federal, State, or local law.

5 (8) The potential contractor's present and prior
6 involvement in the community and in the State of Illinois.

7 (625 ILCS 5/13C-50 new)

8 Sec. 13C-50. Costs.

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

22 (b) The Agency may acquire, own, maintain, operate, sell,
23 lease and otherwise transfer real and personal property and
24 interests in real and personal property for the purpose of
25 creating or operating inspection stations and for any other
26 purpose relating to the administration of this Chapter, and may
27 use money from the Vehicle Inspection Fund for these purposes.

28 (625 ILCS 5/13C-55 new)

29 Sec. 13C-55. Enforcement.

30 (a) The Agency shall cooperate in the enforcement of this
31 Chapter by (i) identifying probable violations through
32 computer matching of vehicle registration records and
33 inspection records; (ii) sending one notice to each suspected
34 violator identified through such matching, stating that

1 registration and inspection records indicate that the vehicle
2 owner has not complied with this Chapter; (iii) directing the
3 vehicle owner to notify the Agency or the Secretary of State if
4 he or she has ceased to own the vehicle or has changed
5 residence; and (iv) advising the vehicle owner of the
6 consequences of violating this Chapter.

7 The Agency shall cooperate with the Secretary of State in
8 the administration of this Chapter and the related provisions
9 of Chapter 3, and shall provide the Secretary of State with
10 such information as the Secretary of State may deem necessary
11 for these purposes, including regular and timely access to
12 vehicle inspection records.

13 The Secretary of State shall cooperate with the Agency in
14 the administration of this Chapter and shall provide the Agency
15 with such information as the Agency may deem necessary for the
16 purposes of this Chapter, including regular and timely access
17 to vehicle registration records. Section 2-123 of this Code
18 does not apply to the provision of this information.

19 (b) The Secretary of State shall suspend either the driving
20 privileges or the vehicle registration, or both, of any vehicle
21 owner who has not complied with this Chapter, if (i) the
22 vehicle owner has failed to satisfactorily respond to the one
23 notice sent by the Agency under subsection (a), and (ii) the
24 Secretary of State has mailed the vehicle owner a notice that
25 the suspension will be imposed if the owner does not comply
26 within a stated period, and the Secretary of State has not
27 received satisfactory evidence of compliance within that
28 period. The Secretary of State shall send this notice only
29 after receiving a statement from the Agency that the vehicle
30 owner has failed to comply with this Section. Notice shall be
31 effective as specified in subsection (c) of Section 6-211 of
32 this Code.

33 A suspension under this subsection shall not be terminated
34 until satisfactory proof of compliance has been submitted to
35 the Secretary of State. No driver's license or permit, or
36 renewal of a license or permit, may be issued to a person whose

1 driving privileges have been suspended under this Section until
2 the suspension has been terminated. No vehicle registration or
3 registration plate that has been suspended under this Section
4 may be reinstated or renewed, or transferred by the owner to
5 any other vehicle, until the suspension has been terminated.

6 (625 ILCS 5/13C-60 new)

7 Sec. 13C-60. Other offenses.

8 (a) Any person who knowingly displays an emission
9 inspection sticker or exemption sticker on any vehicle other
10 than the one for which the sticker was lawfully issued in
11 accordance with the provisions of this Chapter, or duplicates,
12 alters, uses, possesses, issues, or distributes any emission
13 inspection sticker, exemption sticker, inspection certificate,
14 or facsimile thereof, except in accordance with the provisions
15 of this Chapter and the rules and regulations adopted
16 hereunder, is guilty of a Class C misdemeanor.

17 (b) A vehicle owner shall pay a monetary fine equivalent to
18 the test fee plus the applicable waiver repair expenditure for
19 the continued operation of a noncomplying vehicle beyond 4
20 months past the expiration of the vehicle emission inspection
21 certificate. Any fines collected under this Section shall be
22 divided equally between the local jurisdiction issuing the
23 citation and the Vehicle Inspection Fund.

24 (625 ILCS 5/13C-75 new)

25 Sec. 13C-75. Home rule. The vehicle emission inspection
26 program created by this Chapter is hereby declared to be the
27 subject of exclusive State jurisdiction. Pursuant to
28 subsection (h) of Section 6 of Article VII of the Illinois
29 Constitution, the exercise by a home rule unit of any power
30 that is inconsistent with this Chapter is hereby specifically
31 denied and preempted.