



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4939

by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/13C-15  
625 ILCS 5/13C-55

Amends the Vehicle Emissions Inspection Law in the Illinois Vehicle Code. Provides that a vehicle shall be inspected, and must be found to be in compliance with the Law, at a time outside of its normal 2-year inspection schedule under the Law, if the vehicle is newly registered in an affected county. Provides that, except in specified circumstances, the Secretary of State may, under the Law, allow the issuance of a new vehicle registration for any vehicle or allow the transfer of an existing vehicle registration to a subject vehicle. Further provides, however, that if the Environmental Protection Agency determines that a vehicle was not in compliance with the Law at the time of the issuance or renewal of its registration, the Secretary shall suspend the registration of the vehicle within 60 days of receiving notice of that noncompliance. Effective immediately.

LRB095 15161 LCT 44761 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 changing  
5 Sections 13C-15 and 13C-55 as follows:

6 (625 ILCS 5/13C-15)

7 Sec. 13C-15. Inspections.

8 (a) Computer-Matched Inspections and Notification.

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

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

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

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

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

26 (2) Except as provided in paragraph (a)(3), vehicles

1 shall be inspected every 2 years on a schedule that begins  
2 either in the second, fourth, or later calendar year after  
3 the vehicle model year. The beginning test schedule shall  
4 be set by the Agency and shall be consistent with the  
5 State's requirements for emission reductions as determined  
6 by the applicable United States Environmental Protection  
7 Agency vehicle emissions estimation model and applicable  
8 guidance and rules.

9 (3) A vehicle may be inspected at a time outside of its  
10 normal 2-year inspection schedule, if (i) the vehicle was  
11 acquired by a new owner and (ii) the vehicle was required  
12 to be in compliance with this Act at the time the vehicle  
13 was acquired by the new owner, but it was not then in  
14 compliance.

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

1 certificate was required to be obtained for the vehicle,  
2 and not less than \$300 if the violation occurred more than  
3 60 days after that date.

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

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

8 (B) A vehicle presented for inspection on a  
9 voluntary basis.

10 Any fees collected under this paragraph (5) shall not  
11 offset Motor Fuel Tax Funds normally appropriated for the  
12 program.

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

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

18 (B) Motorcycles, motor driven cycles, and  
19 motorized pedalcycles.

20 (C) Farm vehicles and implements of husbandry.

21 (D) Implements of warfare owned by the State or  
22 federal government.

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

25 (F) Vehicles operated exclusively for parade or  
26 ceremonial purposes by any veterans, fraternal, or

1 civic organization, organized on a not-for-profit  
2 basis.

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

6 (H) Diesel powered vehicles and vehicles that are  
7 powered exclusively by electricity.

8 (I) Vehicles operated exclusively in organized  
9 amateur or professional sporting activities, as  
10 defined in Section 3.310 of the Environmental  
11 Protection Act.

12 (J) Vehicles registered in, subject to, and in  
13 compliance with the emission inspection requirements  
14 of another state.

15 (K) Vehicles participating in an OBD continuous  
16 monitoring program operated in accordance with  
17 procedures adopted by the Agency.

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

21 The Agency may issue temporary or permanent exemption  
22 stickers or certificates for vehicles temporarily or  
23 permanently exempt from inspection under this paragraph  
24 (6). An exemption sticker or certificate does not need to  
25 be displayed.

26 (7) According to criteria that the Agency may adopt, a

1 motor vehicle may be exempted from the inspection  
2 requirements of this Section by the Agency on the basis of  
3 an Agency determination that the vehicle is located and  
4 primarily used outside of the affected counties or in other  
5 jurisdictions where vehicle emission inspections are not  
6 required. The Agency may issue an annual exemption sticker  
7 or certificate without inspection for any vehicle exempted  
8 from inspection under this paragraph (7).

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

14 (9) Pursuant to Title 40, Section 51.371 of the Code of  
15 Federal Regulations, the Agency may establish a program of  
16 on-road testing of in-use vehicles through the use of  
17 remote sensing devices. In any such program, the Agency  
18 shall evaluate the emission performance of 0.5% of the  
19 subject fleet or 20,000 vehicles, whichever is less. Under  
20 no circumstances shall on-road testing include any sort of  
21 roadblock or roadside pullover or cause any type of traffic  
22 delay. If, during the course of an on-road inspection, a  
23 vehicle is found to exceed the on-road emissions standards  
24 established for the model year and type of vehicle, the  
25 Agency shall send a notice to the vehicle owner. The notice  
26 shall document the occurrence and the results of the

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

10 (b) Registration Denial Inspection and Notification.

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

15 The owner of a vehicle subject to inspection shall have  
16 the vehicle inspected and obtain proof of compliance from  
17 the Agency in order to obtain or renew a vehicle  
18 registration for a subject vehicle.

19 The Secretary of State shall notify the owner of a  
20 vehicle subject to inspection of the requirement to have  
21 the vehicle tested at least 30 days prior to the beginning  
22 of the month in which the vehicle's registration is due to  
23 expire. Notwithstanding the preceding, vehicles with  
24 permanent registration plates shall be notified at least 30  
25 days prior to the month corresponding to the date the  
26 vehicle was originally registered. This notification shall



1 clearly state the vehicle's test status, based upon the  
2 vehicle type, model year and registration address.

3 The owner of each vehicle subject to inspection shall  
4 have the vehicle inspected and, upon demonstration of  
5 compliance, obtain an emissions compliance certificate for  
6 the vehicle.

7 (2) Except as provided in paragraphs (b)(3), (b)(4),  
8 and (b)(5), vehicles shall be inspected every 2 years on a  
9 schedule that begins in the fourth calendar year after the  
10 vehicle model year. Even model year vehicles shall be  
11 inspected and comply in order to renew registrations  
12 expiring in even calendar years and odd model year vehicles  
13 shall be inspected and comply in order to renew  
14 registrations expiring in odd calendar years.

15 (3) A vehicle shall be inspected and comply at a time  
16 outside of its normal 2-year inspection schedule if:

17 (A) the vehicle is newly registered in an affected  
18 county; or

19 (B) ~~(i)~~ the vehicle was acquired by a new owner and  
20 ~~(ii)~~ the vehicle had not been issued a Compliance  
21 Certificate within one year of the date of application  
22 for the title or registration, or both, for the  
23 vehicle.

24 (4) Vehicles with 2-year registrations shall be  
25 inspected every 2 years at the time of registration  
26 issuance or renewal on a schedule that begins in the fourth

1 year after the vehicle model year.

2 (5) Vehicles with permanent vehicle registration  
3 plates shall be inspected every 2 years on a schedule that  
4 begins in the fourth calendar year after the vehicle model  
5 year in the month corresponding to the date the vehicle was  
6 originally registered. Even model year vehicles shall be  
7 inspected and comply in even calendar years, and odd model  
8 year vehicles shall be inspected and comply in odd calendar  
9 years.

10 (6) The Agency and the Secretary of State shall  
11 endeavor to ensure a smooth transition from test scheduling  
12 from the provisions of subsection (a) to subsection (b).  
13 Passing tests and waivers issued prior to the  
14 implementation of this subsection (b) may be utilized to  
15 establish compliance for a period of one year from the date  
16 of the emissions or waiver inspection.

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

19 (A) A vehicle registered in and subject to the  
20 emissions inspections requirements of another state.

21 (B) A vehicle presented for inspection on a  
22 voluntary basis.

23 Any fees collected under this paragraph (7) shall not  
24 offset Motor Fuel Tax Funds normally appropriated for the  
25 program.

26 (8) The following vehicles are not subject to

1 inspection:

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

5 (B) Motorcycles, motor driven cycles, and  
6 motorized pedalcycles.

7 (C) Farm vehicles and implements of husbandry.

8 (D) Implements of warfare owned by the State or  
9 federal government.

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

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

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

19 (H) Diesel powered vehicles and vehicles that are  
20 powered exclusively by electricity.

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

25 (J) Vehicles registered in, subject to, and in  
26 compliance with the emission inspection requirements

1 of another state.

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

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

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

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

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

1           (11) Pursuant to Title 40, Section 51.371 of the Code  
2 of Federal Regulations, the Agency may establish a program  
3 of on-road testing of in-use vehicles through the use of  
4 remote sensing devices. In any such program, the Agency  
5 shall evaluate the emission performance of 0.5% of the  
6 subject fleet or 20,000 vehicles, whichever is less. Under  
7 no circumstances shall on-road testing include any sort of  
8 roadblock or roadside pullover or cause any type of traffic  
9 delay. If, during the course of an on-road inspection, a  
10 vehicle is found to exceed the on-road emissions standards  
11 established for the model year and type of vehicle, the  
12 Agency shall send a notice to the vehicle owner. The notice  
13 shall document the occurrence and the results of the  
14 on-road exceedance. The notice of a second on-road  
15 exceedance shall indicate that the vehicle has been  
16 reassigned and is subject to an out-of-cycle follow-up  
17 inspection at an official inspection station. In no case  
18 shall the Agency send a notice of an on-road exceedance to  
19 the owner of a vehicle that was found to exceed the on-road  
20 emissions standards established for the model year and type  
21 of vehicle, if the vehicle is registered outside of the  
22 affected counties.

23 (Source: P.A. 94-526, eff. 1-1-06; 94-848, eff. 6-9-06.)

24 (625 ILCS 5/13C-55)

25 Sec. 13C-55. Enforcement.

1 (a) Computer-Matched Enforcement.

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

17 The Agency shall cooperate with the Secretary of State  
18 in the administration of this Chapter and the related  
19 provisions of Chapter 3, and shall provide the Secretary of  
20 State with such information as the Secretary of State may  
21 deem necessary for these purposes, including regular and  
22 timely access to vehicle inspection records.

23 The Secretary of State shall cooperate with the Agency  
24 in the administration of this Chapter and shall provide the  
25 Agency with such information as the Agency may deem  
26 necessary for the purposes of this Chapter, including

1 regular and timely access to vehicle registration records.  
2 Section 2-123 of this Code does not apply to the provision  
3 of this information.

4 (2) The Secretary of State shall suspend either the  
5 driving privileges or the vehicle registration, or both, of  
6 any vehicle owner who has not complied with this Chapter,  
7 if (i) the vehicle owner has failed to satisfactorily  
8 respond to the one notice sent by the Agency under  
9 paragraph (a)(1), and (ii) the Secretary of State has  
10 mailed the vehicle owner a notice that the suspension will  
11 be imposed if the owner does not comply within a stated  
12 period, and the Secretary of State has not received  
13 satisfactory evidence of compliance within that period.  
14 The Secretary of State shall send this notice only after  
15 receiving a statement from the Agency that the vehicle  
16 owner has failed to comply with this Section. Notice shall  
17 be effective as specified in subsection (c) of Section  
18 6-211 of this Code.

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

1 or transferred by the owner to any other vehicle, until the  
2 suspension has been terminated.

3 (b) Registration Denial Enforcement.

4 (1) No later than January 1, 2008, and consistent with  
5 Title 40, Part 51, Section 51.361 of the Code of Federal  
6 Regulations, the Agency and the Secretary of State shall  
7 design, implement, maintain, and operate a registration  
8 denial enforcement mechanism to ensure compliance with the  
9 provisions of this Chapter, and cooperate with other State  
10 and local governmental entities to effectuate its  
11 provisions. Specifically, this enforcement mechanism shall  
12 contain, at a minimum, the following elements:

13 (A) An external, readily visible means of  
14 determining vehicle compliance with the registration  
15 requirement to facilitate enforcement of the program;

16 (B) A biennial schedule of testing that clearly  
17 determines when a vehicle shall comply prior to  
18 registration;

19 (C) A testing certification mechanism (either  
20 paper-based or electronic) that shall be used for  
21 registration purposes and clearly states whether the  
22 certification is valid for purposes of registration,  
23 including:

24 (i) Expiration date of the certificate;

25 (ii) Unambiguous vehicle identification  
26 information; and



1 (iii) Whether the vehicle passed or received a  
2 waiver;

3 (D) A commitment to routinely issue citations to  
4 motorists with expired or missing license plates, with  
5 either no registration or an expired registration, and  
6 with no license plate decals or expired decals, and  
7 provide for enforcement officials other than police to  
8 issue citations (e.g., parking meter attendants) to  
9 parked vehicles in noncompliance;

10 (E) A commitment to structure the penalty system to  
11 deter noncompliance with the registration requirement  
12 through the use of mandatory minimum fines (meaning  
13 civil, monetary penalties) constituting a meaningful  
14 deterrent and through a requirement that compliance be  
15 demonstrated before a case can be closed;

16 (F) Ensurance that evidence of testing is  
17 available and checked for validity at the time of a new  
18 registration of a used vehicle or registration  
19 renewal;

20 (G) Prevention of owners or lessors from avoiding  
21 testing through manipulation of the title or  
22 registration system; title transfers may re-start the  
23 clock on the inspection cycle only if proof of current  
24 compliance is required at title transfer;

25 (H) Prevention of the fraudulent initial  
26 classification or reclassification of a vehicle from

1 subject to non-subject or exempt by requiring proof of  
2 address changes prior to registration record  
3 modification, and documentation from the testing  
4 program (or delegate) certifying based on a physical  
5 inspection that the vehicle is exempt;

6 (I) Limiting and tracking of the use of time  
7 extensions of the registration requirement to prevent  
8 repeated extensions;

9 (J) Providing for meaningful penalties for cases  
10 of registration fraud;

11 (K) Limiting and tracking exemptions to prevent  
12 abuse of the exemption policy for vehicles claimed to  
13 be out-of-state; and

14 (L) Encouraging enforcement of vehicle  
15 registration transfer requirements when vehicle owners  
16 move into the affected counties by coordinating with  
17 local and State enforcement agencies and structuring  
18 other activities (e.g., driver's license issuance) to  
19 effect registration transfers.

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

24 The Agency shall cooperate with the Secretary of State  
25 in the administration of this Chapter and the related  
26 provisions of Chapter 3, and shall provide the Secretary of

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

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

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

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

1 until the suspension has been terminated.

2 (5) The Secretary of State may allow the issuance of a  
3 new vehicle registration for any vehicle or allow the  
4 transfer of an existing vehicle registration to a subject  
5 vehicle. If, however, the Agency determines that a vehicle  
6 was not in compliance with this Chapter at the time of the  
7 issuance or renewal of the registration of that vehicle,  
8 the Agency shall notify the Secretary of the noncompliance,  
9 and the Secretary shall suspend the registration of the  
10 vehicle within 60 days of receiving that notification.

11 (6) The Secretary of State may not allow any vehicle  
12 registration plate that has been suspended under this  
13 Section to be reinstated or renewed, or to be transferred  
14 by the owner to any other vehicle, until the suspension has  
15 been terminated.

16 (Source: P.A. 94-526, eff. 1-1-06; 94-848, eff. 6-9-06.)

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