



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0422

Introduced 2/3/2009, by Rep. Karen May

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Clean Car Act. Establishes a new motor vehicle emission standard for nonattainment areas in the State as authorized under Section 177 of the federal Clean Air Act. Incorporates emission standards and other provisions of the California Low Emission Vehicle Program into the Illinois Clean Vehicles Program, as is required by Section 177 of the federal Clean Air Act. Requires that all new passenger cars and light-duty trucks sold, leased, or offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled, or registered in the State beginning with the 2012 model year meet the requirements of the Illinois Clean Vehicles Program. Exempts certain new vehicles from the program. Requires certain types of compliance testing. Requires manufacturers of new motor vehicles subject to the Illinois Clean Vehicles Program to warrant compliance with Illinois Clean Vehicles Program requirements and to comply with certain rules related to the recall of vehicles. Prohibits motor vehicle dealers from selling, offering for sale or lease, or delivering a new motor vehicle subject to these requirements unless the vehicle has received the required certification. Contains other provisions. Requires the Illinois Pollution Control Board to adopt amendments necessary to ensure that the Illinois Clean Vehicle Program is kept identical in substance with the California Low Emission Vehicle Program. Contains other administrative and reporting provisions. Effective immediately.

LRB096 08006 JDS 18110 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the  
5 Illinois Clean Car Act.

6 Section 5. Definitions. As used in this Act:

7 "Agency" means the Illinois Environmental Protection  
8 Agency.

9 "CARB" means the California Air Resources Board.

10 "CCR" means the California Code of Regulations.

11 "Dealer" means a person who is engaged in the sale or  
12 distribution of new motor vehicles or new motor vehicles to the  
13 ultimate purchaser, and who is licensed under Section 5-101 of  
14 the Illinois Vehicle Code.

15 "Fleet average" means, for the purposes of motor vehicles  
16 subject to Illinois' Clean Vehicles Program requirements, a  
17 motor vehicle manufacturer's average vehicle emissions of all  
18 NMOG emissions from vehicles which are produced and delivered  
19 for sale in this State in any model year.

20 "Light-duty truck (LDT)" means a motor vehicle rated at  
21 8,500 pounds gross vehicle weight or less which is designed  
22 primarily for purposes of transportation of property or is a  
23 derivative of such a vehicle, or is available with special

1 features enabling off-street or off-highway operation and use.

2 "Light-duty vehicle (LDV)" means a passenger car or  
3 light-duty truck.

4 "Gross vehicle weight" or "GVW" means the weight of a  
5 vehicle plus the weight the vehicle is designed to carry.

6 "NMOG" means nonmethane organic gases.

7 "Offset vehicle" means a light-duty vehicle which meets the  
8 certification requirements of the State of California as set  
9 forth in Title 13 CCR, Division 3, Chapter 1, Section 1960.5.

10 Section 10. Purpose.

11 (a) This Act establishes a clean vehicles program under  
12 Section 177 of the Clean Air Act (42 U.S.C. 7507) designed  
13 primarily to achieve emission reductions of the precursors of  
14 ozone and other air pollutants from new motor vehicles.

15 (b) This Act adopts and incorporates by reference certain  
16 provisions of the California Low Emission Vehicle Program.

17 (c) This Act also exempts certain new motor vehicles from  
18 the Illinois Clean Vehicles Program.

19 (d) The Agency may not implement or enforce any vehicle  
20 emission standard which is not legally permitted to be  
21 regulated under the Clean Air Act or other applicable federal  
22 or State law or regulation.

23 Section 15. General requirements.

24 (a) The Illinois Clean Vehicles Program requirements apply

1 to all new passenger cars and light-duty trucks sold, leased,  
2 offered for sale or lease, imported, delivered, purchased,  
3 rented, acquired, received, titled, or registered in this State  
4 starting with the 2012 model year and each model year  
5 thereafter.

6 (b) The provisions of the California Low Emission Vehicle  
7 Program (hereafter the Program), Title 13 CCR, Division 3,  
8 Chapters 1 and 2, as now or hereafter amended, and as defined  
9 and implemented by any other applicable California rules and  
10 regulations, are adopted and incorporated herein by reference,  
11 and apply except for the following:

12 (1) The zero emissions vehicle percentage requirement  
13 in Title 13 CCR, Division 3, Chapter 1, Section 1962.

14 (2) The emissions control system warranty statement in  
15 Title 13 CCR, Division 3, Chapter 1, Section 2039.

16 (c) The Program promulgates emissions standards for  
17 individual vehicles sold in the State, as well as averages for  
18 the fleet of vehicles that an automaker desires to sell in the  
19 State. Those standards are as follows:

20 (1) For NMOG, each automaker's fleet of new vehicles  
21 with a GVW of less than 3,750 pounds being sold in the  
22 State must average no more than 0.035 grams emitted per  
23 mile.

24 (2) For NMOG, each automaker's fleet of new vehicles  
25 with a GVW of at least 3,751 pounds, but no more 8,500  
26 pounds, being sold in the State must average no more than

1 0.043 grams emitted per mile.

2 (3) Automakers must certify the vehicles they wish to  
3 sell in the State as meeting Program emission standards  
4 over the full useful life of the vehicle, defined as  
5 120,000 miles. In addition, automakers must certify  
6 vehicles weighing no more than 8,500 lbs. as meeting a  
7 separate set of Program emissions standards at the mid-term  
8 life of the vehicle, defined as 50,000 miles. Vehicles must  
9 be certified in one of 3 categories, each of which has  
10 unique emissions standards for nitrous oxides (NOx), NMOG,  
11 carbon monoxide (CO), formaldehyde (HCHO), and particulate  
12 matter (PM):

13 (A) Super Ultra Low Emission Vehicles (SULEV);

14 (B) Ultra Low Emission Vehicles (ULEV); and

15 (C) Low Emission Vehicles (LEV).

16 (4) These 3 categories are within each of 3 weight  
17 classes:

18 (A) Vehicles with a GVW of less than 8,500 pounds;

19 (B) Vehicles with a GVW of at least 8,501 pounds  
20 but no more than 10,000 pounds; and

21 (C) Vehicles with a GVW of at least 10,001 pounds  
22 but no more than 14,000 pounds.

23 (5) In grams/mile, at the 50,000 mile level, the  
24 standards for vehicles with a GVW of less than 8,500 pounds  
25 are:

1	Category	NOx	MNOG	CO	HCHO	PM
2	SULVEV	0.02	0.010	1.0	0.004	N/A
3	ULEV	0.05	0.040	1.07	0.008	N/A
4	LEV	0.07	0.075	3.4	0.015	N/A

5 (6) In grams/mile, at the 120,000 mile level, the  
 6 standards for vehicles with a GVW of less than 8,500 pounds  
 7 are as follows; up to 4% of an automaker's vehicles  
 8 weighing at least 3,751 pounds and not more than 8,500  
 9 pounds may certify to LEV-A values:

10	Category	NOx	MNOG	CO	HCHO	PM
11	SULVEV	0.02	0.010	1.0	0.004	0.01
12	ULEV	0.07	0.055	2.1	0.011	0.01
13	LEV	0.07	0.090	4.2	0.018	0.01
14	LEV-A	0.10	0.090	4.2	0.018	0.01

15 (7) In grams/mile, the standards for vehicles with a  
 16 GVW of at least 8,501 pounds but no more than 10,000 pounds  
 17 are:

18	Category	NOx	MNOG	CO	HCHO	PM
19	SULVEV	0.1	0.100	3.2	0.008	0.06
20	ULEV	0.2	0.143	6.4	0.016	0.06
21	LEV	0.2	0.195	6.4	0.032	0.12

1 (8) In grams/mile, the standards for vehicles with a  
 2 GVW of at least 10,001 pounds but no more than 14,000  
 3 pounds are:

Category	NOx	MNOG	CO	HCHO	PM
SULVEV	0.2	0.117	3.7	0.010	0.06
ULEV	0.4	0.167	7.3	0.021	0.06
LEV	0.4	0.230	7.3	0.040	0.12

8 (9) The Program requires automakers to certify the  
 9 vehicles they wish to sell in the State according to a  
 10 scale of carbon dioxide grams/mile emission ceilings that  
 11 begins in Model Year 2012, the first year in which the  
 12 Program will be applicable in the State. Those standards  
 13 are as follows:

Year	Vehicles<=3,750 lbs. GVW	Vehicles with GVW between 3,751 lbs. and 8,500 lbs.
2012	233	361
2013	227	355
2014	222	350
2015	213	341
2016	205	332

21 Section 20. Emission requirements.

1 (a) Starting with the model year 2012, a person may not  
2 sell, import, deliver, purchase, lease, rent, acquire,  
3 receive, title or register a new light-duty vehicle, subject to  
4 the Illinois Clean Vehicles Program requirements, in this State  
5 that has not received a CARB Executive Order for all applicable  
6 requirements of Title 13 CCR, incorporated herein by reference.

7 (b) Starting with the model year 2012, compliance with the  
8 NMOG fleetwide average in Title 13 CCR, Division 3, Chapter 1,  
9 Section 1961 shall be demonstrated for each motor vehicle  
10 manufacturer based on the number of new light-duty vehicles  
11 delivered for sale in this State.

12 (c) Credits and debits for calculating the NMOG fleet  
13 average shall be based on the number of light-duty vehicles  
14 delivered for sale in this State and may be accrued and  
15 utilized by each manufacturer according to procedures in Title  
16 13 CCR, Division 3, Chapter 1, Section 1960.1, subsection  
17 (g) (2), FN 7 through 9, and subsection (h) (2), FN 12 and 16.

18 (d) New motor vehicles subject to this Act must possess a  
19 valid emissions control label which meets the requirements of  
20 Title 13 CCR, Division 3, Chapter 1, Section 1965.

21 Section 25. Exemptions.

22 (a) The following new motor vehicles are exempt from the  
23 Illinois Clean Vehicles Program requirements of this Act:

24 (1) Emergency vehicles.

25 (2) A light-duty vehicle transferred by a dealer to



1 another dealer for ultimate sale outside of this State.

2 (3) A light-duty vehicle transferred for use  
3 exclusively off-highway.

4 (4) A light-duty vehicle sold by a dealer to any person  
5 who will legally title the vehicle in a state that has not  
6 adopted the Program, pursuant to Title 13 CCR, Division 3,  
7 Chapters 1 and 2.

8 (5) A light-duty vehicle granted a national security or  
9 testing exemption under Section 203(b)(1) of the Clean Air  
10 Act (42 U.S.C. 7522(b)(1)).

11 (6) A light-duty vehicle held for daily lease or rental  
12 to the general public which is registered and principally  
13 operated outside of this State.

14 (7) A light-duty vehicle engaged in interstate  
15 commerce which is registered and principally operated  
16 outside of this State.

17 (8) A light-duty vehicle acquired by a resident of this  
18 State for the purpose of replacing a vehicle registered to  
19 the resident which was damaged, or became inoperative,  
20 beyond reasonable repair or was stolen while out of this  
21 State if the replacement vehicle is acquired out of this  
22 State at the time the previously owned vehicle was either  
23 damaged or became inoperative or was stolen.

24 (9) A light-duty vehicle transferred by inheritance or  
25 court decree.

26 (10) A light-duty vehicle defined as a military

1 tactical vehicle or engines used in military tactical  
2 vehicles including a vehicle or engine excluded from  
3 regulation under 40 CFR 85.1703 (relating to application of  
4 Section 216(2) of the federal Clean Air Act).

5 (11) A light-duty vehicle titled or registered in this  
6 State of model year 2011 or earlier.

7 (12) A light-duty vehicle having a certificate of  
8 conformity issued under the Clean Air Act and originally  
9 registered in another state by a resident of that state who  
10 subsequently establishes residence in this State and upon  
11 registration of the vehicle provides satisfactory evidence  
12 to the Secretary of State of the previous residence and  
13 registration.

14 (13) A vehicle transferred for the purpose of salvage.

15 (b) To title or register an exempted vehicle, the person  
16 seeking title or registration shall provide satisfactory  
17 evidence, as required by the Secretary of State by  
18 administrative rule, demonstrating that the exemption is  
19 applicable.

20 Section 30. New motor vehicle certification testing.

21 (a) Prior to being offered for sale or lease in this State,  
22 new motor vehicles subject to the Illinois Clean Vehicles  
23 Program requirements must be certified by CARB as meeting the  
24 motor vehicle requirements of Title 13 CCR, Division 3, Chapter  
25 1, Section 1961, as determined by testing in accordance with

1 Title 13 CCR, Division 3, Chapter 2, Section 2062.

2 (b) For purposes of complying with subsection (a), new  
3 vehicle certification testing determinations and findings made  
4 solely by CARB are applicable and shall be provided by motor  
5 vehicle manufacturers to the Agency upon a written request.

6 Section 35. New motor vehicle compliance testing.

7 (a) Prior to being offered for sale or lease in this State,  
8 new motor vehicles subject to the Illinois Clean Vehicles  
9 Program requirements of this Act must be certified by CARB as  
10 meeting the motor vehicle requirements of Title 13 CCR,  
11 Division 3, Chapter 1, Section 1961, as determined by New  
12 Vehicle Compliance Testing, conducted in accordance with Title  
13 13 CCR, Division 3, Chapter 2, Section 2101.

14 (b) For purposes of complying with subsection (a), new  
15 vehicle compliance testing determinations and findings made  
16 solely by CARB are applicable and shall be provided by motor  
17 vehicle manufacturers to the Agency upon a written request.

18 Section 40. Assembly line testing.

19 (a) Each manufacturer of new motor vehicles subject to the  
20 Illinois Clean Vehicles Program requirements of this Act,  
21 certified by CARB and sold or leased in this State, shall  
22 conduct inspection testing and quality audit testing in  
23 accordance with Title 13 CCR, Division 3, Chapter 2, Sections  
24 2106 and 2107.

1 (b) For purposes of complying with subsection (a),  
2 inspection testing and quality audit testing determinations  
3 and findings made by CARB are applicable and shall be provided  
4 by motor vehicle manufacturers to the Agency upon a written  
5 request.

6 (c) If a motor vehicle manufacturing facility that  
7 manufactures vehicles for sale in this State certified by CARB  
8 is not subject to the inspection testing and quality audit  
9 testing requirements of CARB, the Agency may, after  
10 consultation with CARB, require testing in accordance with  
11 Title 13 CCR, Division 3, Chapter 2, Section 2062. Upon a  
12 manufacturer's written request and demonstration of need,  
13 functional testing under the procedures incorporated in Title  
14 13 CCR, Division 3, Chapter 2, Section 2062, of a statistically  
15 significant sample, may substitute for the 100% testing rate  
16 required in Title 13 CCR, Division 3, Chapter 2, Section 2062  
17 with the written consent of the Agency.

18 Section 45. In-use motor vehicle enforcement testing.

19 (a) For purposes of detection and repair of motor vehicles  
20 subject to the Illinois Clean Vehicles Program requirements  
21 which fail to meet the motor vehicle emission requirements of  
22 Title 13 CCR, Division 3, Chapter 1, Section 1961, the Agency  
23 may, after consultation with CARB, conduct in-use vehicle  
24 enforcement testing in accordance with the protocol and testing  
25 procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.3.

1           (b) For purposes of compliance with subsection (a), in-use  
2 vehicle enforcement testing determinations and findings made  
3 by CARB are applicable and shall be provided by motor vehicle  
4 manufacturers to the Agency upon a written request.

5           (c) The results of testing conducted under this Section do  
6 not affect the result of any emission test conducted under any  
7 other provision of Illinois law.

8           Section 50. In-use surveillance testing.

9           (a) For purposes of testing and monitoring the overall  
10 effectiveness of the Illinois Clean Vehicles Program in  
11 controlling emissions, the Agency may conduct in-use  
12 surveillance testing after consultation with CARB.

13           (b) For purposes of program planning and analysis, in-use  
14 surveillance testing determinations and findings made by CARB  
15 are applicable and shall be provided by motor vehicle  
16 manufacturers to the Agency upon a written request.

17           (c) The results of in-use surveillance testing conducted  
18 under this Section will not affect the result of any emission  
19 test conducted under any other provision of Illinois law.

20           Section 55. Warranty and recall.

21           (a) A manufacturer of new motor vehicles subject to the  
22 Illinois Clean Vehicles Program requirements of this Act which  
23 are sold, leased, offered for sale or lease, titled, or  
24 registered in this State, shall warrant to the owner that each

1 vehicle will comply over its period of warranty coverage with  
2 the requirements of Title 13 CCR, Division 3, Chapter 1,  
3 §2035-2038, 2040, and 2041 and this Act.

4 (b) Each motor vehicle manufacturer shall, upon a written  
5 request, submit to the Agency failure of emission-related  
6 components reports, as defined in Title 13 CCR, Division 3,  
7 Chapter 2, Article 2.4 for motor vehicles subject to the  
8 Illinois Clean Vehicles Program in compliance with the  
9 procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.4.  
10 For purposes of compliance with this subsection, a manufacturer  
11 may submit copies of the reports submitted to CARB.

12 (c) For motor vehicles subject to the Illinois Clean  
13 Vehicles Program, any voluntary or influenced emission-related  
14 recall campaign initiated by any motor vehicle manufacturer  
15 under Title 13 CCR, Division 3, Chapter 2, Sections 2148 and  
16 2149 shall extend to all motor vehicles sold, leased, offered  
17 for sale or lease, titled, or registered in this State that  
18 would be subject to the recall campaign if sold, leased,  
19 offered for sale or lease or registered as a new motor vehicle  
20 in California, unless within 30 days of CARB approval of the  
21 recall campaign, the manufacturer demonstrates, in writing, to  
22 the Agency's satisfaction that the recall campaign is not  
23 applicable to vehicles sold, leased, offered for sale or lease,  
24 titled, or registered in this State.

25 (d) For motor vehicles subject to the Illinois Clean  
26 Vehicles Program, any order issued by or enforcement action

1 taken by CARB to correct noncompliance with any provision of  
2 Title 13 CCR, which results in the recall of any vehicle  
3 pursuant to Title 13 CCR, Division 3, Chapter 2, Section 2148  
4 and 2149 shall be deemed to apply to all motor vehicles sold,  
5 leased, offered for sale or lease, titled or registered in this  
6 State that would be subject to the order or enforcement action  
7 if sold, leased, offered for sale or lease or registered as a  
8 new motor vehicle in California, unless within 30 days of  
9 issuance of the CARB action, the manufacturer demonstrates, in  
10 writing, to the Agency's satisfaction that the action is not  
11 applicable to vehicles sold, leased, offered for sale or lease,  
12 titled or registered in this State.

13 Section 60. Reporting requirements.

14 (a) For the purposes of determining compliance with the  
15 Illinois Clean Vehicles Program, commencing with the 2012 model  
16 year, each manufacturer shall submit annually to the Agency,  
17 within 60 days of the end of each model year, a report  
18 documenting the total deliveries for sale of vehicles in each  
19 test group over that model year in this State.

20 (b) For purposes of determining compliance with the  
21 Illinois Clean Vehicles Program, each motor vehicle  
22 manufacturer shall submit annually to the Agency by March 1 of  
23 the calendar year following the close of the completed model  
24 year, a report of the fleet average NMOG emissions of its total  
25 deliveries for sale of light-duty vehicles in each test group

1 for Illinois for that particular model year. The fleet average  
2 report, calculating compliance with the fleetwide NMOG exhaust  
3 emission average, shall be prepared according to the procedures  
4 in Title 13 CCR, Division 3, Chapter 1, Section 1960.1.  
5 subsection (g) (2).

6 (c) Fleet average reports must, at a minimum, identify the  
7 total number of vehicles, including offset vehicles, sold in  
8 each test group delivered for sale in this State, the specific  
9 vehicle models comprising the sales in each state and the  
10 corresponding certification standards, and the percentage of  
11 each model sold in this State in relation to total fleet sales.

12 (d) Compliance with the NMOG fleet average for the 2012,  
13 2013 and 2014 model years must be demonstrated following the  
14 completion of the 2014 model year.

15 Section 65. Responsibilities of motor vehicle dealers. A  
16 dealer may not sell, offer for sale or lease, or deliver a new  
17 motor vehicle subject to this Act unless the vehicle has  
18 received the certification described in Sections 30 and 35 of  
19 this Act (relating to new motor vehicle certification testing  
20 and new motor vehicle compliance testing), and conforms to the  
21 following standards and requirements contained in Title 13 CCR,  
22 Division 3, Chapter 2, Section 2151:

23 (1) Ignition timing is set to manufacturer's  
24 specification with an allowable tolerance of  $\pm 3^\circ$ .

25 (2) Idle speed is set to manufacturer's specification



1 with an allowable tolerance of  $\pm 100$  revolutions per minute.

2 (3) Required exhaust and evaporative emission  
3 controls, including exhaust gas recirculation (EGR)  
4 valves, are operating properly.

5 (4) Vacuum hoses and electrical wiring for emission  
6 controls are correctly routed.

7 (5) Idle mixture is set to manufacturer's  
8 specification or according to manufacturer's recommended  
9 service procedure.

10 Section 70. Incorporating future amendments into the  
11 Illinois Clean Vehicle Program. The Illinois Pollution Control  
12 Board shall adopt amendments, and only those amendments, so  
13 that the Illinois Clean Vehicle Program is kept identical in  
14 substance to the program outlined in Title 13 CCR, Division 3,  
15 Chapters 1 and 2.

16 Section 75. Review and repeal of the Illinois Clean  
17 Vehicles Program.

18 (a) The General Assembly may repeal this Act at any time  
19 and revert to the federal vehicle emissions standards.

20 (b) The Agency shall submit an Annual Illinois Clean  
21 Vehicle Report to the Governor, the Speaker of the House, the  
22 President of the Senate, the House Minority Leader, and the  
23 Senate Minority Leader within 60 days of the submittal of the  
24 final manufacturer reports described in Section 60, which shall

1 include:

2 (1) a statewide summary of the data reported to the  
3 Agency by the manufacturers pursuant to the reporting  
4 requirements in Section 60;

5 (2) a comparison of the number and models of light-duty  
6 vehicles available for sale in the State during the  
7 calendar year that can use either E85 or gasoline for fuel,  
8 compared with the number and models of those same types of  
9 vehicles in states that have not adopted the California Low  
10 Emission Vehicle Program;

11 (3) an estimated calculation of the total hydrocarbon,  
12 carbon monoxide, nitrous oxides, air toxins, and carbon  
13 dioxide emission reductions that are a result of the  
14 Program; and

15 (4) an estimated calculation of the total fuel savings  
16 that are a result of the Program.

17 (c) The Board shall notify the Governor, the Speaker of the  
18 House, the President of the Senate, the House Minority Leader,  
19 and the Senate Minority Leader within 3 days of issuing a first  
20 notice order of proposed amendments to the Illinois Clean  
21 Vehicles Program, pursuant to Section 70. This notification  
22 shall include an analysis of the effects on emissions and fuel  
23 consumption of each of the proposed amendments.

24 (d) The Board shall notify the Governor, the Speaker of the  
25 House, the President of the Senate, the House Minority Leader,  
26 and the Senate Minority Leader within 3 days of issuing a

1 second notice order of proposed amendments to the Illinois  
2 Clean Vehicles Program, pursuant to Section 70. This  
3 notification shall include an analysis of the effects on  
4 emissions and fuel consumption of each of the proposed  
5 amendments.

6 (e) The Board shall adopt the proposed amendments to the  
7 Illinois Clean Vehicle Program no sooner than 90 days after the  
8 second notice order.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.