



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1093

Introduced 02/04/11, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

625 ILCS 5/13C-5
625 ILCS 5/13C-15
625 ILCS 5/13C-25

Amends the Illinois Vehicle Code. Modifies the definitions of "malfunction indicator lamp" and "on-board diagnostic system". Makes changes in the categories of vehicles that are subject to vehicle emissions inspection requirements. Deletes provisions permitting the substitution of a steady-state idle exhaust gas analysis and evaporative system integrity test for the on-board diagnostic system test. Adds a provision permitting the substitution of a visual inspection test for the on-board diagnostic test in certain cases. Effective February 1, 2012.

LRB097 05222 HEP 45272 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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-5, 13C-15, and 13C-25 as follows:

6 (625 ILCS 5/13C-5)

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

8 "Affected counties" means Cook County; DuPage County; Lake
9 County; those parts of Kane County that are not included within
10 any of the following ZIP code areas, as designated by the U.S.
11 Postal Service on the effective date of this amendatory Act of
12 the 94th General Assembly: 60109, 60119, 60135, 60140, 60142,
13 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545,
14 and 60554; those parts of Kendall County that are not included
15 within any of the following ZIP code areas, as designated by
16 the U.S. Postal Service on the effective date of this
17 amendatory Act of the 94th General Assembly: 60447, 60450,
18 60512, 60536, 60537, 60541, those parts of 60543 that are not
19 within the census defined urbanized area, 60545, 60548, and
20 60560; those parts of McHenry County that are not included
21 within any of the following ZIP code areas, as designated by
22 the U.S. Postal Service on the effective date of this
23 amendatory Act of the 94th General Assembly: 60001, 60033,

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

23 "Board" means the Illinois Pollution Control Board.

24 "Claim evaluation center" means an automotive diagnostic
25 facility that meets the standards prescribed by the Agency for
26 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" or "MIL" means a dashboard
12 lamp designed to illuminate to alert the driver to the
13 occurrence of a problem or condition resulting in excessive
14 emissions.

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

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

26 "Owner" means the registered owner of the vehicle, as

1 indicated on the vehicle's registration. In the case of an
2 unregistered vehicle, "owner" has the meaning set forth in
3 Section 1-155 of this Code.

4 "Program" means the vehicle emission inspection program
5 established under this Chapter.

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

9 "Resident" includes natural persons, foreign and domestic
10 corporations, partnerships, associations, and all other
11 commercial and governmental entities. For the purpose of
12 determining residence, the owner of a vehicle shall be presumed
13 to reside at the address indicated on the vehicle's
14 registration. A governmental entity, including the federal
15 government and its agencies, and any unit of local government
16 or school district, any part of which is located within an
17 affected county, shall be deemed a resident of an affected
18 county for the purpose of any vehicle that is owned by the
19 governmental entity and regularly operated in an affected
20 county.

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

23 "Vehicle age" means the numerical difference between the
24 current calendar year and the vehicle model year.

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

1 (625 ILCS 5/13C-15)

2 Sec. 13C-15. Inspections.

3 (a) Computer-Matched Inspections and Notification.

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

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

23 The Agency or its agent may issue an interim emission
24 inspection sticker or certificate for any vehicle subject
25 to inspection that does not have a currently valid emission
26 inspection sticker or certificate at the time the Agency is

1 notified by the Secretary of State of its registration by a
2 new owner, and for which an initial emission inspection
3 sticker or certificate has already been issued. An interim
4 emission inspection sticker or certificate expires no
5 later than the last day of the sixth complete calendar
6 month after the date the Agency issued the interim emission
7 inspection sticker or certificate.

8 The owner of each vehicle subject to inspection shall
9 obtain an emission inspection sticker or certificate for
10 the vehicle in accordance with this paragraph (1). Before
11 the expiration of the emission inspection sticker or
12 certificate, the owner shall have the vehicle inspected
13 and, upon demonstration of compliance, obtain a renewal
14 emission inspection sticker or certificate. A renewal
15 emission inspection sticker or certificate shall not be
16 issued more than 5 months before the expiration date of the
17 previous inspection sticker or certificate.

18 (2) Except as provided in paragraph (a)(3), vehicles
19 shall be inspected every 2 years on a schedule that begins
20 either in the second, fourth, or later calendar year after
21 the vehicle model year. The beginning test schedule shall
22 be set by the Agency and shall be consistent with the
23 State's requirements for emission reductions as determined
24 by the applicable United States Environmental Protection
25 Agency vehicle emissions estimation model and applicable
26 guidance and rules.

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

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

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

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

26 (B) A vehicle presented for inspection on a

1 voluntary basis.

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

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

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

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

12 (C) Farm vehicles and implements of husbandry.

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

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

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

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

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

26 (I) Vehicles operated exclusively in organized

1 amateur or professional sporting activities, as
2 defined in Section 3.310 of the Environmental
3 Protection Act.

4 (J) Vehicles registered in, subject to, and in
5 compliance with the emission inspection requirements
6 of another state.

7 (K) Vehicles participating in an OBD continuous
8 monitoring program operated in accordance with
9 procedures adopted by the Agency.

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

13 The Agency may issue temporary or permanent exemption
14 stickers or certificates for vehicles temporarily or
15 permanently exempt from inspection under this paragraph
16 (6). An exemption sticker or certificate does not need to
17 be displayed.

18 (7) According to criteria that the Agency may adopt, a
19 motor vehicle may be exempted from the inspection
20 requirements of this Section by the Agency on the basis of
21 an Agency determination that the vehicle is located and
22 primarily used outside of the affected counties or in other
23 jurisdictions where vehicle emission inspections are not
24 required. The Agency may issue an annual exemption sticker
25 or certificate without inspection for any vehicle exempted
26 from inspection under this paragraph (7).

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

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

1 affected counties.

2 (b) Registration Denial Inspection and Notification.

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

7 The owner of a vehicle subject to inspection shall have
8 the vehicle inspected and obtain proof of compliance from
9 the Agency in order to obtain or renew a vehicle
10 registration for a subject vehicle.

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

21 The owner of each vehicle subject to inspection shall
22 have the vehicle inspected and, upon demonstration of
23 compliance, obtain an emissions compliance certificate for
24 the vehicle.

25 (2) Except as provided in paragraphs (b)(3), (b)(4),
26 and (b)(5), vehicles shall be inspected every 2 years on a

1 schedule that begins in the fourth calendar year after the
2 vehicle model year. Even model year vehicles shall be
3 inspected and comply in order to renew registrations
4 expiring in even calendar years and odd model year vehicles
5 shall be inspected and comply in order to renew
6 registrations expiring in odd calendar years.

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

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

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

25 (6) The Agency and the Secretary of State shall
26 endeavor to ensure a smooth transition from test scheduling

1 from the provisions of subsection (a) to subsection (b).
2 Passing tests and waivers issued prior to the
3 implementation of this subsection (b) may be utilized to
4 establish compliance for a period of one year from the date
5 of the emissions or waiver inspection.

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

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

10 (B) A vehicle presented for inspection on a
11 voluntary basis.

12 Any fees collected under this paragraph (7) shall not
13 offset Motor Fuel Tax Funds normally appropriated for the
14 program.

15 (8) The following vehicles are not subject to
16 inspection:

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

20 (B) Motorcycles, motor driven cycles, and
21 motorized pedalcycles.

22 (C) Farm vehicles and implements of husbandry.

23 (D) Implements of warfare owned by the State or
24 federal government.

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

1 (F) Vehicles operated exclusively for parade or
2 ceremonial purposes by any veterans, fraternal, or
3 civic organization, organized on a not-for-profit
4 basis.

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

8 (H) Diesel powered vehicles and vehicles that are
9 powered exclusively by electricity.

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

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

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

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

23 (M) Vehicles of model year 2006 or earlier with a
24 manufacturer gross vehicle weight rating between 8,501
25 and 14,000 pounds.

26 (N) Vehicles with a manufacturer gross vehicle

1 weight rating greater than 14,000 pounds.

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

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

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

21 (11) Pursuant to Title 40, Section 51.371 of the Code
22 of Federal Regulations, the Agency may establish a program
23 of on-road testing of in-use vehicles through the use of
24 remote sensing devices. In any such program, the Agency
25 shall evaluate the emission performance of 0.5% of the
26 subject fleet or 20,000 vehicles, whichever is less. Under

1 no circumstances shall on-road testing include any sort of
2 roadblock or roadside pullover or cause any type of traffic
3 delay. If, during the course of an on-road inspection, a
4 vehicle is found to exceed the on-road emissions standards
5 established for the model year and type of vehicle, the
6 Agency shall send a notice to the vehicle owner. The notice
7 shall document the occurrence and the results of the
8 on-road exceedance. The notice of a second on-road
9 exceedance shall indicate that the vehicle has been
10 reassigned and is subject to an out-of-cycle follow-up
11 inspection at an official inspection station. In no case
12 shall the Agency send a notice of an on-road exceedance to
13 the owner of a vehicle that was found to exceed the on-road
14 emissions standards established for the model year and type
15 of vehicle, if the vehicle is registered outside of the
16 affected counties.

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

18 (625 ILCS 5/13C-25)

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

20 (a) Except as provided in subsection (b), the inspection of
21 vehicles required under this Chapter shall be performed only:
22 (i) by inspectors who have been certified by the Agency after
23 successfully completing a course of training and successfully
24 passing a written test; (ii) at official inspection stations,
25 including on-road inspection sites established under this

1 Chapter; and (iii) with equipment that has been approved by the
2 Agency for these inspections.

3 (b) The requirements of subdivisions (a)(i) and (a)(ii) of
4 this Section do not preclude the performance of inspections (1)
5 at self-service official inspection stations, (2) using
6 Agency-approved wireless communication interfaces, and (3)
7 using systems designed to perform remote on-board diagnostic
8 inspections.

9 (c) Except as provided in subsection (h) ~~(d)~~, the
10 inspection shall consist of an on-board diagnostic system test.
11 The owner of the vehicle or the owner's agent shall be entitled
12 to an emission inspection certificate issued by the Agency only
13 if all required tests are passed at the time of the inspection.

14 (d) (Blank). ~~A steady state idle exhaust gas analysis and~~
15 ~~the evaporative system integrity test may be substituted for~~
16 ~~the on board diagnostic system test in the following cases:~~

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

21 ~~(2) On any vehicle for which on-board diagnostic~~
22 ~~testing is not possible due to the vehicle's originally~~
23 ~~certified design or its design as modified in accordance~~
24 ~~with federal law and regulations, and on any vehicle with~~
25 ~~known on-board diagnostic communications or software~~
26 ~~problems, as determined by the Agency.~~

1 (e) (Blank). ~~The exhaust gas analysis shall consist of a~~
2 ~~test of an exhaust gas sample to determine whether the~~
3 ~~quantities of exhaust gas pollutants emitted by the vehicle~~
4 ~~meet the standards set for vehicles of that type under Section~~
5 ~~13C 20. A vehicle shall be deemed to have passed this portion~~
6 ~~of the inspection if the evaluation of the exhaust gas sample~~
7 ~~indicates that the quantities of exhaust gas pollutants emitted~~
8 ~~by the vehicle do not exceed the standards set for vehicles of~~
9 ~~that type under Section 13C 20 or an inspector certifies that~~
10 ~~the vehicle qualifies for a waiver of the exhaust gas pollutant~~
11 ~~standards under Section 13C 30.~~

12 (f) (Blank). ~~The evaporative system integrity test shall~~
13 ~~consist of a procedure to determine if leaks exist in all or a~~
14 ~~portion of the vehicle fuel evaporation emission control~~
15 ~~system. A vehicle shall be deemed to have passed this test if~~
16 ~~it meets the criteria that the Board may adopt for an~~
17 ~~evaporative system integrity test.~~

18 (g) The on-board diagnostic system test shall consist of
19 accessing the vehicle's on-board computer system, determining
20 the vehicle's readiness status and MIL ~~malfunction indicator~~
21 ~~lamp~~ status, and retrieving any stored diagnostic codes that
22 may be present. The vehicle shall be deemed to have passed this
23 test if the vehicle readiness status indicates that the
24 vehicle's OBD system has completed all required system and
25 component checks, the MIL ~~malfunction indicator lamp~~ status is
26 appropriate, and the diagnostic codes retrieved do not exceed

1 standards set for vehicles of that type under Section 13C-20.

2 (h) A visual inspection test of the MIL may be substituted
3 for the on-board diagnostic system test on any vehicle for
4 which on-board diagnostic testing is not possible due to the
5 vehicle's originally certified design or its design as modified
6 in accordance with federal law and regulations, and on any
7 vehicle with known on-board diagnostic communications or
8 software problems, as determined by the Agency. The visual
9 inspection test shall consist of verifying the status of the
10 MIL in the key-on/engine off position and the key-on/engine on
11 position. The vehicle shall be deemed to have passed this test
12 if the MIL illuminates briefly during the key-on/engine off
13 position and does not illuminate during the key-on/engine on
14 position.

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

16 Section 99. Effective date. This Act takes effect February
17 1, 2012.