

1 AN ACT in relation to vehicles.

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  
5 changing Section 13B-40 as follows:

6 (625 ILCS 5/13B-40)

7 Sec. 13B-40. Grievance procedure. Any person aggrieved  
8 by a decision regarding the failure of an emissions test or  
9 the denial of a waiver may file a petition with the Agency  
10 within 30 days after the decision was made, and the Agency  
11 shall thereupon investigate the matter. Within 45 days after  
12 the ~~its~~ receipt of the petition, the Agency shall submit to  
13 the petitioner and any affected inspector or station its  
14 written determination of the correctness or incorrectness of  
15 the decision complained of. The written determination shall  
16 include a statement of the facts relied upon and the legal  
17 and technical issues decided by the Agency in making its  
18 determination, and may also include an order directing the  
19 inspector (i) to issue an emission inspection certificate for  
20 the vehicle effective on such date as the Agency may specify,  
21 (ii) to reinspect the vehicle, (iii) to apply the standards  
22 that the Agency has determined to be applicable, or (iv) to  
23 take any other action that the Agency deems to be  
24 appropriate. In conducting the investigation, the Agency may  
25 require the petitioner to present the vehicle for inspection  
26 by the Agency or its designated agent. The written  
27 determination of the Agency shall be subject to review in  
28 circuit court in accordance with the provisions of the  
29 Administrative Review Law, except that no challenge to the  
30 validity of a rule adopted by the Board under subsection (a)  
31 of Section 13B-20 shall be heard by the circuit court if the

1 challenge could have been raised in a timely petition for  
2 review under Section 13B-20.

3 (Source: P.A. 88-533.)