

1 AMENDMENT TO SENATE BILL 1907

2 AMENDMENT NO. _____. Amend Senate Bill 1907, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 13B-5 and 13B-40 as follows:

7 (625 ILCS 5/13B-5)

8 Sec. 13B-5. Definitions. For the purposes of this
9 Chapter:

10 "Affected counties" means Cook County; DuPage County;
11 Lake County; those parts of Kane County that are not included
12 within any of the following ZIP code areas, as designated by
13 the U.S. Postal Service on the effective date of this
14 amendatory Act of 1994: 60109, 60119, 60135, 60140, 60142,
15 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520,
16 60545, and 60554; those parts of Kendall County that are not
17 included within any of the following ZIP code areas, as
18 designated by the U.S. Postal Service on the effective date
19 of this amendatory Act of 1994: 60447, 60512, 60536, 60537,
20 60541, those parts of 60543 that are not within the census
21 defined urbanized area, 60545, and 60560; those parts of
22 McHenry County that are not included within any of the

1 following ZIP code areas, as designated by the U.S. Postal
2 Service on the effective date of this amendatory Act of 1994:
3 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60142,
4 60152, and 60180; those parts of Will County that are not
5 included within any of the following ZIP code areas, as
6 designated by the U.S. Postal Service on the effective date
7 of this amendatory Act of 1994: 60401, 60407, 60408, 60410,
8 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935 and
9 60950; those parts of Madison County that are not included
10 within any of the following ZIP code areas, as designated by
11 the U.S. Postal Service on the effective date of this
12 amendatory Act of 1994: 62001, 62012, 62021, 62026, 62046,
13 62058, 62061, 62067, 62074, 62088, 62097, 62249, 62275, and
14 62281; those parts of Monroe 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 1994: 62244, 62248, 62256, 62261, 62276,
18 62278, 62279, 62295, and 62298; and those parts of St. Clair
19 County that are not included within any of the following ZIP
20 code areas, as designated by the U.S. Postal Service on the
21 effective date of this amendatory Act of 1994: 62224, 62243,
22 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265,
23 62269, 62278, 62282, 62285, 62289, and 62298.

24 "Board" means the Illinois Pollution Control Board.

25 "Claim evaluation center" means an automotive diagnostic
26 facility that meets the standards prescribed by the Agency
27 for performing examinations of vehicle emissions inspection
28 damage claims.

29 "Contractor" means the vehicle emissions test contractor
30 for Official Inspection Stations described in Section 13B-45.

31 "Inspection area" means Cook County, DuPage County, Lake
32 County and those portions of Kane, Kendall, Madison, McHenry,
33 Monroe, Will, and St. Clair Counties included in the
34 definition of "affected counties".

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

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

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

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

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

22 (625 ILCS 5/13B-40)

23 Sec. 13B-40. Grievance and damage claim requirements and
24 procedures.

25 (a) Emissions inspection and waiver denial grievance
26 procedures procedure. Any person aggrieved by a decision
27 regarding the failure of an emissions test or the denial of a
28 waiver may file a petition with the Agency within 30 days
29 after the decision was made, and the Agency shall thereupon
30 investigate the matter. Within 45 days after its receipt of
31 the petition, the Agency shall submit to the petitioner and
32 any affected inspector or station its written determination
33 of the correctness or incorrectness of the decision

1 complained of. The written determination shall include a
2 statement of the facts relied upon and the legal and
3 technical issues decided by the Agency in making its
4 determination, and may also include an order directing the
5 inspector (i) to issue an emission inspection certificate for
6 the vehicle effective on such date as the Agency may specify,
7 (ii) to reinspect the vehicle, (iii) to apply the standards
8 that the Agency has determined to be applicable, or (iv) to
9 take any other action that the Agency deems to be
10 appropriate. In conducting the investigation, the Agency may
11 require the petitioner to present the vehicle for inspection
12 by the Agency or its designated agent. The written
13 determination of the Agency shall be subject to review in
14 circuit court in accordance with the provisions of the
15 Administrative Review Law, except that no challenge to the
16 validity of a rule adopted by the Board under subsection (a)
17 of Section 13B-20 shall be heard by the circuit court if the
18 challenge could have been raised in a timely petition for
19 review under Section 13B-20.

20 (b) Vehicle damage claim requirements and procedures.

21 (1) The contractor shall make vehicle damage claim
22 forms authorized by the Agency available for vehicle
23 owners in sufficient quantities at all official
24 inspection stations.

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

29 (3) If a vehicle owner believes that his or her
30 vehicle was damaged by an act or omission of the
31 contractor during or as a result of an emissions
32 inspection performed on or after August 1, 2002, the
33 owner may initiate resolution of the damage claim under
34 this subsection by complying with the following:

1 (A) Within 30 days of the date of the vehicle
2 emissions inspection that allegedly caused the
3 vehicle damage, the vehicle owner shall submit a
4 vehicle damage claim to the contractor at the
5 Official Inspection Station at which the vehicle
6 damage allegedly occurred.

7 (B) Within 30 days of filing the claim, the
8 owner shall submit to the contractor any relevant
9 information relating to the owner's claim for
10 vehicle damage, including but not limited to
11 evaluations conducted by a claims evaluation center
12 or automotive repair shop meeting standards
13 prescribed by the Agency.

14 (4) The contractor shall promptly notify the Agency
15 of each vehicle damage claim received by the contractor
16 under subdivision (b)(3) and shall forward to the Agency
17 any additional information provided by the owner.

18 (5) Within 60 days after the filing of a vehicle
19 damage claim, the contractor shall notify the vehicle
20 owner of its proposed resolution of the damage claim.

21 (6) Within 30 days after receiving the contractor's
22 proposed resolution of the damage claim, the owner may
23 petition the Agency for a review of the adequacy and
24 completeness of the contractor's proposed resolution.
25 The petition shall be in a form specified by the Agency.

26 (7) Upon receiving a petition for review, the
27 Agency shall request the contractor to deliver to the
28 Agency a copy of the contractor's proposed resolution of
29 the damage claim, together with all documents,
30 videotapes, and information relevant to the damage claim
31 and the proposed resolution. The contractor shall
32 provide the requested materials to the Agency within 15
33 days of receiving the Agency's request.

34 (8) Within 30 days after receiving the relevant

1 materials from the contractor, the Agency shall review
2 the materials and determine whether the contractor's
3 proposed resolution of the damage claim is adequate and
4 complete. The Agency may deem the proposed resolution of
5 the damage claim to be adequate and complete. If the
6 Agency does not deem the proposed resolution of the
7 damage claim to be adequate and complete, it may request
8 the contractor to further investigate and evaluate the
9 damage claim and resubmit its proposed resolution of the
10 claim. The contractor shall then have 30 days to respond
11 in writing to the Agency with the results of its further
12 evaluation of the damage claim and its proposed
13 resolution.

14 (9) The Agency shall notify the vehicle owner in
15 writing of the result of its review of the adequacy and
16 completeness of the contractor's proposed resolution of
17 the damage claim. Copies of all correspondence between
18 the Agency and the contractor relating to the damage
19 claim shall also be sent to the vehicle owner.

20 (10) If, after the Agency's review, the vehicle
21 owner still does not agree with all or a portion of the
22 proposed resolution of the damage claim by the
23 contractor, the vehicle owner may further pursue the
24 damage claim through the binding arbitration process
25 established by the contractor and accepted by the Agency,
26 or in circuit court.

27 (11) The Agency's review of the adequacy and
28 completeness of the contractor's proposed resolution of a
29 damage claim is not binding upon the vehicle owner or the
30 contractor and does not affect the rights of the vehicle
31 owner or the contractor under law. The Agency's review
32 of the adequacy and completeness of the contractor's
33 proposed resolution of a damage claim is not a final
34 action subject to administrative review and is not

1 subject to review by the Pollution Control Board or
2 otherwise appealable.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."