

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Sections 13-102.1, 13-106, 13-107, 13-108, and 13-109.1 and by adding Sections 13-102.2, 13-103.3 and 13-105.1 as follows:

(625 ILCS 5/13-102.1)

Sec. 13-102.1. Diesel powered vehicle emission inspection report. Beginning July 1, 2000, the Department of Transportation shall conduct an annual study concerned with the results of emission inspections for diesel powered vehicles registered for a gross weight of more than 16,000 pounds or having a gross vehicle weight rating of more than 16,000 pounds. The study shall be reported to the General Assembly by June 30, 2001, and every June 30 thereafter. The study shall also be sent to the Illinois Environmental Protection Agency for its use in environmental matters.

The study shall include, but not be limited to, the following information:

- (a) the number of diesel powered vehicles that were inspected for emission compliance pursuant to this Chapter 13 during the previous year, separating the number of

inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company;

(b) the number of diesel powered vehicles that failed and passed the emission inspections conducted pursuant to this Chapter 13 during the previous year, separating the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company; and

(c) the number of diesel powered vehicles that failed the emission inspections conducted pursuant to this Chapter 13 more than once in the previous year, separating the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company.

(Source: P.A. 100-700, eff. 8-3-18.)

(625 ILCS 5/13-102.2 new)

Sec. 13-102.2. Diesel Emissions Opacity Report.

(a) By March 15, 2023, the Department of Transportation shall make available to the public a report that includes the following:

(1) a summary and disclosure of actual Department diesel emission testing data for at least one year through

December 31, 2022, including an analysis of opacity levels recorded from actual opacity tests conducted, keyed to the model year of the vehicle and mileage;

(2) a census of the opacity limits for other states and Environmental Protection Agency (EPA) non-attainment areas in the United States;

(3) a summary of actual air quality data in Illinois compared to actual air quality data from other states and EPA non-attainment areas in the United States; and

(4) substantive input from trucking or transportation companies and the public, including environmental justice communities, in the affected areas on the impact of stricter opacity limits.

(b) In the report, the Department must include the following items in an effort for the State to better understand the technology, repair, and enforcement elements of diesel emissions standards in Illinois:

(1) an analysis of the feasibility of including an onboard diagnostics (OBD) testing regime for vehicles model year 2010 and newer that are compatible with such testing; and

(2) recommendations for improving the effectiveness of the diesel emissions testing program.

(625 ILCS 5/13-103.3 new)

Sec. 13-103.3. Official portable emissions testing

company; fee; permit; bond. Upon the payment of a fee of \$10 and the filing of an application by the proprietor of any vehicle service company upon forms furnished by the Department, accompanied by proof of experience, training, and ability of the operator of the testing equipment, together with proof of approved testing equipment as defined in Section 13-102 and the giving of a bond conditioned upon faithful observance of this Section and of rules adopted by the Department in the amount of \$1,000 with security approved by the Department, the Department shall issue a permit to the proprietor of the vehicle service company to operate an official portable emissions testing company. An official portable emissions testing company shall only conduct portable emissions inspections for diesel fleets with 5 or more diesel vehicles required to be inspected under subsection (a) of Section 13-109.1, and only at the fleet owner's place of business. A permit issued under this Section shall expire 12 months following its issuance, but may be renewed annually by complying with this Section and upon the payment of a renewal fee of \$10. No person or vehicle service company shall operate as an official portable emissions testing company without having been issued a permit as provided in this Section.

A permittee under this Section may test second division vehicles owned, operated, or controlled by the permittee to conduct emission inspections of such vehicles in accordance with Section 13-109.1. A permittee under this Section may

conduct interstate inspections on interstate carriers in accordance with 49 CFR Part 396.

Each permit issued by the Department shall state on its face the location of the recordkeeping office of the proprietor of the official portable emissions testing company. However, the Department, upon application, may authorize a change in the location of the recordkeeping office. Upon the approval of such an application, the Department shall issue an endorsement to be fixed by the applicant to the permit. Such an endorsement constitutes authority for the applicant to make the change in location.

(625 ILCS 5/13-105.1 new)

Sec. 13-105.1. Inspection of official portable emissions testing company. Employees specifically authorized by the Department shall inspect, at frequent intervals, vehicles, equipment, and the recordkeeping office used by an official portable emissions testing company. Department employees under this Section shall have access to all records, relating to tests and work done or parts sold as a result of such tests, to ascertain whether tests are properly, fairly, and honestly made. Department employees under this Section may examine the owner of an official portable emissions company or any officer or employee thereof under oath. The Department shall conduct periodic nonscheduled inspections of the premises of vehicles owned and operated by a licensed official portable emissions

testing company.

(625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)

Sec. 13-106. Rates and charges by official testing stations and official portable emissions testing companies; schedule ~~stations~~ ~~Schedule~~ to be filed. Every operator of an official testing station or official portable emissions testing company shall file with the Department, in the manner prescribed by the Department, a schedule of all rates and charges made by him for performing the tests provided for in Section 13-101 and Section 13-109.1. Such rate or charge shall include an amount to reimburse the operator of the official testing station or official portable emissions testing company for the purchase from the Department of the certificate of safety required by this chapter, not to exceed that fee paid to the Department by the operator authorized by this chapter. Such rates and charges shall be just and reasonable and the Department upon its own initiative or upon complaint of any person or corporation may require the testing station operator to appear for a hearing and prove that the rates so filed are just and reasonable. A "just and reasonable" rate or charge, for the purposes of this Section, means a rate or charge which is the same, or nearly the same, as the prevailing rate or charge for the same or similar tests made in the community where the station is located. No operator may change this schedule of rates and charges until the proposed changes are

filed with and approved by the Department. No license may be issued to any official testing station or official portable emissions testing company unless the applicant has filed with the Department a proposed schedule of rates and charges and unless such rates and charges have been approved by the Department. No operator of an official testing station or official portable emissions testing company shall charge more or less than the rates so filed with and approved by the Department.

(Source: P.A. 91-254, eff. 7-1-00.)

(625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

Sec. 13-107. Investigation of complaints against official testing stations and official portable emissions testing companies. The Department shall, upon its own motion, or upon charges made in writing verified under oath, investigate complaints that an official testing station or official portable emissions testing company is willfully falsifying records or tests, either for the purpose of selling parts or services not actually required, or for the purpose of issuing a certificate of safety for a vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, second division vehicle, or medical transport vehicle that is not in safe mechanical condition as determined by the standards of this Chapter in violation of the

provisions of this Chapter or of the rules and regulations issued by the Department.

The Secretary of Transportation, for the purpose of more effectively carrying out the provisions of Chapter 13, may appoint such a number of inspectors as he may deem necessary. Such inspectors shall inspect and investigate applicants for official testing station or official portable emissions testing company permits and investigate and report violations. With respect to enforcement of the provisions of this Chapter 13, such inspectors shall have and may exercise throughout the State all the powers of police officers.

The Secretary must authorize to each inspector and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

(Source: P.A. 92-108, eff. 1-1-02; 93-423, eff. 8-5-03.)

(625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

Sec. 13-108. Hearing on complaint against official testing

station or official portable emissions testing company;
suspension ~~station~~ ~~Suspension~~ or revocation of permit. If it appears to the Department, either through its own investigation or upon charges verified under oath, that any of the provisions of this Chapter or the rules and regulations of the Department, are being violated, the Department, shall after notice to the person, firm or corporation charged with such violation, conduct a hearing. At least 10 days prior to the date of such hearing the Department shall cause to be served upon the person, firm or corporation charged with such violation, a copy of such charge or charges by registered mail or by the personal service thereof, together with a notice specifying the time and place of such hearing. At the time and place specified in such notice the person, firm or corporation charged with such violation shall be given an opportunity to appear in person or by counsel and to be heard by the Secretary of Transportation or an officer or employee of the Department designated in writing by him to conduct such hearing. If it appears from the hearing that such person, firm or corporation is guilty of the charge preferred against him or it, the Secretary of Transportation may order the permit suspended or revoked, and the bond forfeited. Any such revocation or suspension shall not be a bar to subsequent arrest and prosecution for violation of this Chapter.

(Source: P.A. 78-255.)

(625 ILCS 5/13-109.1)

Sec. 13-109.1. Annual emission inspection tests; standards; penalties; funds.

(a) For each diesel powered vehicle that (i) is registered for a gross weight of more than 16,000 pounds, (ii) is registered within an affected area, and (iii) is a 2 year or older model year, an annual emission inspection test shall be conducted at an official testing station or by an official portable emissions testing company certified by the Illinois Department of Transportation to perform diesel emission inspections pursuant to the standards set forth in subsection (b) of this Section. This annual emission inspection test may be conducted in conjunction with a semi-annual safety test.

(a-5) (Blank).

(b) Diesel emission inspections conducted under this Chapter 13 shall be conducted in accordance with the Society of Automotive Engineers Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles" and the cutpoint standards set forth in the United States Environmental Protection Agency guidance document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure". Those procedures and standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code.

Notwithstanding the above cutpoint standards, for motor

vehicles that are model years 1973 and older, until December 31, 2002, the level of peak smoke opacity shall not exceed 70 percent. Beginning January 1, 2003, for motor vehicles that are model years 1973 and older, the level of peak smoke opacity shall not exceed 55 percent.

(c) If the annual emission inspection under subsection (a) reveals that the vehicle is not in compliance with the diesel emission standards set forth in subsection (b) of this Section, the operator of the official testing station or official portable emissions testing company shall issue a warning notice requiring correction of the violation. The correction shall be made and the vehicle submitted to an emissions retest at an official testing station or official portable emissions testing company certified by the Department to perform diesel emission inspections within 30 days from the issuance of the warning notice requiring correction of the violation.

If, within 30 days from the issuance of the warning notice, the vehicle is not in compliance with the diesel emission standards set forth in subsection (b) as determined by an emissions retest at an official testing station or through an official portable emissions testing company, the certified emissions testing operator, ~~the operator of the official testing station~~ or the Department shall place the vehicle out-of-service in accordance with the rules promulgated by the Department. Operating a vehicle that has

been placed out-of-service under this subsection (c) is a petty offense punishable by a \$1,000 fine. The vehicle must pass a diesel emission inspection at an official testing station before it is again placed in service. The Secretary of State, Department of State Police, and other law enforcement officers shall enforce this Section. No emergency vehicle, as defined in Section 1-105, may be placed out-of-service pursuant to this Section.

The Department, ~~or~~ an official testing station, or an official portable emissions testing company may issue a certificate of waiver subsequent to a reinspection of a vehicle that failed the emissions inspection. Certificate of waiver shall be issued upon determination that documented proof demonstrates that emissions repair costs for the noncompliant vehicle of at least \$3,000 have been spent in an effort to achieve compliance with the emission standards set forth in subsection (b). The Department of Transportation shall adopt rules for the implementation of this subsection including standards of documented proof as well as the criteria by which a waiver shall be granted.

(c-5) (Blank).

(d) (Blank).

(Source: P.A. 100-700, eff. 8-3-18.)