



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4860

Introduced 2/7/2024, by Rep. Dave Severin

SYNOPSIS AS INTRODUCED:

New Act
625 ILCS 5/13C-20

Creates the Unlawful Restrictions on the Use and Sale of Motor Vehicles Act. Provides that no State agency or unit of local government shall restrict the use or sale of a motor vehicle based on the energy source used to power the motor vehicle, including an energy source used for propulsion or used for powering other functions of the motor vehicle. Limits the concurrent exercise of home rule powers. Amends the Illinois Vehicle Code. Provides that the Environmental Protection Agency shall not propose and the Illinois Pollution Control Board shall not adopt motor vehicle emissions standards that are established by California as a result of California having received a waiver pursuant to the federal Clean Air Act.

LRB103 37846 MXP 67976 b

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 1. Short title. This Act may be cited as the
5 Unlawful Restrictions on the Use and Sale of Motor Vehicles
6 Act.

7 Section 5. Definitions. In this Act:

8 "Motor vehicle" has the meaning given to that term in
9 Section 1-146 of the Illinois Vehicle Code.

10 "State agency" means any branch, department, board,
11 committee, or commission of State government.

12 Section 10. Prohibited restrictions. No State agency or
13 unit of local government shall restrict the use or sale of a
14 motor vehicle based on the energy source used to power the
15 motor vehicle, including an energy source used for propulsion
16 or used for powering other functions of the motor vehicle.

17 Section 15. Home rule. A home rule unit may not regulate
18 the use or sale of motor vehicles in a manner inconsistent with
19 this Section. This subsection is a limitation under subsection
20 (i) of Section 6 of Article VII of the Illinois Constitution on
21 the concurrent exercise by home rule units of powers and

1 functions exercised by the State.

2 Section 95. The Illinois Vehicle Code is amended by adding
3 Section 13C-20 as follows:

4 (625 ILCS 5/13C-20)

5 Sec. 13C-20. Rules and standards.

6 (a) The rules and emission standards adopted under
7 subsection (a) of Section 13B-20 of this Code shall apply to
8 the program established under this Chapter and continue in
9 effect until amended or repealed by the Board under this
10 subsection.

11 The Agency shall propose any other standards necessary to
12 achieve reductions in the emission of hydrocarbons, carbon
13 monoxide, and oxides of nitrogen from motor vehicles subject
14 to inspection under this Chapter. Within 120 days after the
15 Agency proposes those standards, the Board shall adopt any
16 necessary rules establishing standards for the emission of
17 hydrocarbons, carbon monoxide, and oxides of nitrogen from
18 motor vehicles subject to inspection under this Chapter. The
19 rules may be amended from time to time pursuant to Agency
20 proposals. The Board shall set standards necessary to achieve
21 the reductions in vehicle hydrocarbons, carbon monoxide, and
22 oxides of nitrogen emissions, as determined by the applicable
23 vehicle emission estimation model and rules developed by the
24 United States Environmental Protection Agency, that are

1 required by the federal Clean Air Act. A predetermined rate of
2 failure shall not be used in determining standards necessary
3 to achieve the reductions in vehicle hydrocarbons, carbon
4 monoxide, and oxides of nitrogen emissions. The emission
5 standards established by the Board for vehicles of model year
6 1981 or later shall be identical in substance, as defined in
7 Section 7.2(a) of the Environmental Protection Act, to the
8 emission standards promulgated by the United States
9 Environmental Protection Agency.

10 Except as otherwise provided in this subsection,
11 subsection (b) of Section 27 of the Environmental Protection
12 Act and the rulemaking provisions of the Illinois
13 Administrative Procedure Act do not apply to rules adopted by
14 the Board under this subsection. Challenges to the validity of
15 rules adopted by the Board under this subsection or subsection
16 (a) of Section 13B-20 may be brought only by filing a petition
17 for review in the Appellate Court under Section 29 of the
18 Environmental Protection Act within 35 days after the rule is
19 filed with the Secretary of State.

20 (b) The procedures established by the Agency under
21 subsection (b) of Section 13B-20 of this Code shall apply to
22 the program established under this Chapter and remain in
23 effect until amended or repealed under this subsection. The
24 Agency may at any time amend or repeal those procedures and may
25 establish additional procedures designed to implement this
26 Chapter.

1 (c) The Environmental Protection Agency shall not propose
2 and the Board shall not adopt motor vehicle emissions
3 standards that are established by California as a result of
4 California having received a waiver pursuant to section 209(b)
5 of the federal Clean Air Act.

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