

1 AMENDMENT TO SENATE BILL 1907

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

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

1 take any other action that the Agency deems to be
2 appropriate. In conducting the investigation, the Agency may
3 require the petitioner to present the vehicle for inspection
4 by the Agency or its designated agent. The written
5 determination of the Agency shall be subject to review in
6 circuit court in accordance with the provisions of the
7 Administrative Review Law, except that no challenge to the
8 validity of a rule adopted by the Board under subsection (a)
9 of Section 13B-20 shall be heard by the circuit court if the
10 challenge could have been raised in a timely petition for
11 review under Section 13B-20.

12 (Source: P.A. 88-533.)".