



Sen. Mike Porfirio

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10400SB3980sam001

LRB104 18198 JRC 35287 a

1 AMENDMENT TO SENATE BILL 3980

2 AMENDMENT NO. _____. Amend Senate Bill 3980 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be referred to as the
5 Diesel Emissions Accountability and Fleet Data Act.

6 Section 5. The Illinois Vehicle Code is amended by
7 changing Sections 13-102.1 and 13-109.1 and by adding Section
8 18c-1206 as follows:

9 (625 ILCS 5/13-102.1)

10 Sec. 13-102.1. Diesel-powered ~~Diesel-powered~~ vehicle
11 emission inspection report. Beginning July 1, 2000, the
12 Department of Transportation shall conduct an annual study
13 concerned with the results of emission inspections for
14 diesel-powered ~~diesel-powered~~ vehicles registered for a gross
15 weight of more than 16,000 pounds or having a gross vehicle

1 weight rating of more than 16,000 pounds. The study shall be
2 reported to the General Assembly by June 30, 2001, and every
3 June 30 thereafter. The study shall also be sent to the
4 Illinois Environmental Protection Agency for its use in
5 environmental matters. Beginning July 1, 2027, the Department
6 of Transportation must include the results of emission
7 inspections for diesel-powered vehicles registered for a gross
8 weight of more than 10,000 pounds or having a gross vehicle
9 weight rating of more than 10,000 pounds in the annual study
10 required under this Section.

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

13 (a) the number of diesel-powered ~~diesel-powered~~
14 vehicles that were inspected for emission compliance
15 pursuant to this Chapter 13 during the previous year,
16 separating the number of inspections conducted at a
17 brick-and-mortar official testing station and the number
18 of inspections conducted by an official portable emissions
19 testing company;

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

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

8 (Source: P.A. 102-566, eff. 1-1-22.)

9 (625 ILCS 5/13-109.1)

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

12 (a) Until June 30, 2027, for ~~For~~ each diesel powered
13 vehicle that (i) is registered for a gross weight of more than
14 16,000 pounds, (ii) is registered within an affected area, and
15 (iii) is a 2 year or older model year, an annual emission
16 inspection test shall be conducted at an official testing
17 station or by an official portable emissions testing company
18 certified by the Illinois Department of Transportation to
19 perform diesel emission inspections pursuant to the standards
20 set forth in subsection (b) or (b-2) of this Section, as
21 applicable. This annual emission inspection test may be
22 conducted in conjunction with a semi-annual safety test.

23 Beginning July 1, 2027, for each diesel-powered vehicle
24 that is registered for a gross weight of more than 10,000
25 pounds, is registered within an affected area, and is a 2-year

1 or older model year, an annual emission inspection test must
2 be conducted at an official testing station or by an official
3 portable emissions testing company certified by the Department
4 of Transportation to perform diesel emission inspections under
5 the standards set forth in subsection (b-2) of this Section.
6 This annual emission inspection test may be conducted in
7 conjunction with a semiannual safety test. For purposes of
8 subsection (a), beginning July 1, 2027, compliance with
9 emission standards must be determined under subsection (b) or
10 (b-2), as applicable, based on the vehicle's gross weight and
11 model year.

12 (a-5) (Blank).

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

24 ~~Notwithstanding the above cutpoint standards, for motor~~
25 ~~vehicles that are model years 1973 and older, until December~~
26 ~~31, 2002, the level of peak smoke opacity shall not exceed 70~~

1 ~~percent. Beginning January 1, 2003, for motor vehicles that~~
2 ~~are model years 1973 and older, the level of peak smoke opacity~~
3 ~~shall not exceed 55 percent.~~

4 (b-2) Notwithstanding subsection (b), beginning July 1,
5 2027, diesel emission inspections conducted under Chapter 13
6 must be in accordance with the Society of Automotive Engineers
7 Recommended Practice J1667 "Snap-Acceleration Smoke Test
8 Procedure for Heavy-Duty Diesel Powered Vehicles" and must
9 determine compliance using the following standards, as
10 applicable:

11 (1) For diesel-powered vehicles registered for a gross
12 weight of more than 14,000 pounds that do not have onboard
13 diagnostics systems, the level of peak smoke opacity may
14 not exceed:

15 (A) 40% opacity for vehicles that are model years
16 1990 and older;

17 (B) 30% opacity for vehicles that are model years
18 1991 through 1996;

19 (C) 20% opacity for vehicles that are model years
20 1997 through 2006; and

21 (D) 5% opacity for vehicles that are model years
22 2007 through 2012.

23 (2) An onboard diagnostics testing protocol must be
24 used to determine that the emissions control system is in
25 full operation for:

26 (A) diesel-powered vehicles registered for a gross

1 weight of more than 14,000 pounds that are model years
2 2013 or later; and

3 (B) diesel-powered vehicles registered for a gross
4 weight of 10,001 pounds through 14,000 pounds that are
5 model year 2007 or later.

6 The Pollution Control Board must amend its smoke opacity
7 standards and test procedures, and the Department of
8 Transportation must adopt rules defining onboard diagnostic
9 testing protocols, training and equipment needs, fee
10 assessments, and enforcement procedures under this Section.

11 (c) If the annual emission inspection under subsection (a)
12 reveals that the vehicle is not in compliance with the diesel
13 emission standards set forth in subsection (b) or (b-2) of
14 this Section, as applicable, the operator of the official
15 testing station or official portable emissions testing company
16 shall issue a warning notice requiring correction of the
17 violation. The correction shall be made and the vehicle
18 submitted to an emissions retest at an official testing
19 station or official portable emissions testing company
20 certified by the Department to perform diesel emission
21 inspections within 30 days from the issuance of the warning
22 notice requiring correction of the violation.

23 If, within 30 days from the issuance of the warning
24 notice, the vehicle is not in compliance with the diesel
25 emission standards set forth in subsection (b) or (b-2), as
26 applicable, as determined by an emissions retest at an

1 official testing station or through an official portable
2 emissions testing company, the certified emissions testing
3 operator or the Department shall place the vehicle
4 out-of-service in accordance with the rules promulgated by the
5 Department. Operating a vehicle that has been placed
6 out-of-service under this subsection (c) is a petty offense
7 punishable by a \$2,000 ~~\$1,000~~ fine. The vehicle must pass a
8 diesel emission inspection at an official testing station
9 before it is again placed in service. The Secretary of State,
10 Illinois State Police, and other law enforcement officers
11 shall enforce this Section. No emergency vehicle, as defined
12 in Section 1-105, may be placed out-of-service pursuant to
13 this Section.

14 The Department, an official testing station, or an
15 official portable emissions testing company may issue a
16 certificate of waiver subsequent to a reinspection of a
17 vehicle that failed the emissions inspection. Certificate of
18 waiver shall be issued upon determination that documented
19 proof demonstrates that emissions repair costs for the
20 noncompliant vehicle of at least \$6,000 ~~\$3,000~~ have been spent
21 in an effort to achieve compliance with the emission standards
22 set forth in subsection (b) or (b-2) as applicable. The
23 Department of Transportation shall adopt rules for the
24 implementation of this subsection including standards of
25 documented proof as well as the criteria by which a waiver
26 shall be granted.

1 (c-5) (Blank).

2 (d) (Blank).

3 (Source: P.A. 102-538, eff. 8-20-21; 102-566, eff. 1-1-22;
4 102-813, eff. 5-13-22.)

5 (625 ILCS 5/18c-1206 new)

6 Sec. 18c-1206. Large fleet reporting requirement.

7 (a) The purpose of this Section is to establish reporting
8 requirements for motor carriers in the State to gather data on
9 the transition of medium-duty and heavy-duty vehicles to
10 zero-emission vehicles over time. This public data will
11 provide regulators and government agencies with the
12 information necessary to identify the hardest-to-electrify
13 sectors and invest public dollars responsibly.

14 (b) In this Section:

15 "Common ownership or control" means being owned,
16 dispatched, or managed on a day-to-day basis by the same
17 person or entity. Vehicles managed by the same directors,
18 officers, or managers, or by distinct corporations that are
19 controlled by the same majority stockholders are considered to
20 be under common ownership or control, even if their titles are
21 held by different business entities or they have different
22 taxpayer identification numbers. A vehicle is considered to be
23 under an entity's control if that entity operates the vehicle
24 using that entity's State or federal operating authority or
25 other registration. Vehicles owned by different entities but

1 operated by using common or shared resources to manage the
2 day-to-day operations by using the same motor carrier number,
3 displaying the same name or logo, or contractors who represent
4 the same company are considered to be under common ownership
5 or control. Common ownership or control of a federal
6 government vehicle is the primary responsibility of the
7 governmental agency that is directly responsible for the
8 day-to-day operational control of the vehicle. Common
9 ownership or control does not include independent
10 owner-operators or motor carriers that are dispatched by, but
11 are not subject to the day-to-day operational direction and
12 maintenance control of, a broker or third party.

13 "Drayage truck" means any in-use, on-road vehicle with a
14 gross vehicle weight rating greater than 33,000 pounds that is
15 used for transporting cargo, such as containerized, bulk, or
16 break-bulk goods that:

17 (1) operates on or transgresses through an Illinois
18 port, warehouse of 30,000 square feet or larger, or
19 intermodal railyard property to load, unload, or transport
20 cargo, including empty containers and chassis; or

21 (2) operates on off-port or intermodal railyard
22 property transporting cargo or empty containers or chassis
23 that originated from or is destined to a port or
24 intermodal railyard property.

25 "Drayage truck" does not include trucks that are any of
26 the following:

1 (1) Class 6 or smaller;

2 (2) unibody vehicles that do not have separate tractor
3 and trailers, including, but not limited to, dedicated
4 auto transports, dedicated fuel delivery vehicles,
5 concrete mixers, and on-road mobile cranes;

6 (3) emergency vehicles;

7 (4) military tactical support vehicle; and

8 (5) off-road vehicles, such as a yard truck or a
9 mobile crane

10 "Fleet" means one or more medium-duty or heavy-duty
11 vehicles owned by a fleet owner or under common ownership or
12 control of a controlling party. "Fleet" includes rental or
13 leased vehicles that are considered owned by the fleet owner.
14 "Fleet" does not include vehicles held solely for sale, lease,
15 or transfer and not operated on public roadways during the
16 reporting period.

17 "Fleet owner" means the person or entity that owns the
18 vehicles comprising the fleet. The owner is presumed to be
19 either the person registered with the Secretary of State as
20 the owner or lessee of a vehicle or its equivalent in another
21 state, province, or country. Vehicle ownership is based on the
22 vehicle registration document or the vehicle title, except for
23 the following:

24 (1) For vehicles that are owned by the federal
25 government and not registered in any State or local
26 jurisdiction, the owner is the department, agency, branch,

1 or other entity of the United States, including the United
2 States Postal Service, to which the vehicles in the fleet
3 are assigned or that has responsibility for maintenance of
4 the vehicles.

5 (2) For vehicles that are rented or leased from a
6 business that is regularly engaged in the trade or
7 business of renting or leasing motor vehicles without
8 drivers, including truck leases that are part of a bundled
9 service agreement, the owner is presumed to be the rental
10 or leasing entity for purposes of compliance, unless the
11 rental or lease agreement for the vehicle is for a period
12 of one year or longer and the terms of the rental or lease
13 agreement or other equally reliable evidence identifies
14 the renting operator or lessee of the vehicle as the party
15 responsible for compliance with State laws, including for
16 reporting obligations under this Section.

17 "Medium-duty or heavy-duty vehicle" means a vehicle with a
18 gross vehicle weight rating greater than 8,500 pounds.

19 (c) By no later than July 1, 2027, the Illinois Commerce
20 Commission must adopt reporting metrics for the purposes of
21 this Section for large medium-duty and heavy-duty vehicle
22 fleets operating in Illinois. The Commission must establish
23 rules and processes governing the collection, submission, and
24 management of reported vehicle and fuel information to inform
25 the transition to zero-emission vehicles. The rules must also
26 provide for coordination and data sharing, as appropriate and

1 consistent with State and federal law, among State agencies
2 including, but not limited to, the Department of
3 Transportation, the Office of the Secretary of State, and the
4 Environmental Protection Agency, for the purpose of reducing
5 duplicative reporting burdens on regulated entities, improving
6 data accuracy and completeness, and supporting State
7 transportation planning, infrastructure investment, and
8 incentive programs. The rules must include significant public
9 and stakeholder engagement before completion. In adopting
10 rules under this subsection, the Commission must adhere to the
11 following:

12 (1) It must establish reporting metrics that
13 prioritize public health and climate outcomes for
14 disadvantaged communities. The final metrics must provide
15 useful and publicly available information to inform State
16 incentives, utility planning, and infrastructure
17 investments for the zero-emission vehicle transition for
18 communities most burdened by vehicle traffic. At a
19 minimum, required reporting metrics must include:

20 (A) fleet size;

21 (B) vehicle body type;

22 (C) fuel type; and

23 (D) vehicle home base.

24 (2) It must establish eligible entities as a fleet
25 that operated a facility in Illinois in 2025 and met, at a
26 minimum, any of the following criteria:

1 (A) any fleet owner that had gross annual revenues
2 greater than \$20,000,000 in the United States for the
3 2025 tax year, including revenues from all
4 subsidiaries under common ownership and control,
5 subdivisions, or branches, and had one or more
6 medium-duty or heavy-duty vehicles under common
7 ownership or control that were operated in Illinois in
8 2025;

9 (B) any fleet owner in the 2025 calendar year that
10 had 5 or more medium-duty or heavy-duty vehicles under
11 common ownership or control;

12 (C) any broker or entity that dispatched 5 or more
13 medium-duty or heavy-duty vehicles into or throughout
14 Illinois in 2025;

15 (D) any State governmental agency, including all
16 State and local municipalities, that had one or more
17 medium-duty or heavy-duty vehicles that were operated
18 in Illinois in 2025; or

19 (E) any federal governmental agency that had one
20 or more medium-duty or heavy-duty vehicles that were
21 operated in Illinois in 2025.

22 (3) It must establish a reporting frequency of 2 years
23 for all eligible entities. The results of the reporting
24 must be made publicly available in an easy-to-understand
25 and anonymized form, aggregated by geography, sector, or
26 vehicle class, before the subsequent reporting

1 requirement.

2 (4) It must establish a specific program for drayage
3 vehicles in this State with a reporting frequency of one
4 year.

5 (5) It must provide opportunity for public comment and
6 engagement before each reporting period begins.

7 (6) It must establish reasonable penalties for
8 noncompliance.

9 (7) It must provide for the repeal of reporting
10 requirements that is conditioned on the State having
11 reached the goal of having 100% of the vehicles that are
12 medium-duty or heavy-duty vehicles be zero-emission
13 vehicles. The Commission must periodically evaluate
14 whether the conditions for the repeal of those
15 requirements have been met and provide public notice
16 before termination of reporting requirements.

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.50 as follows:

19 (30 ILCS 805/8.50 new)

20 Sec. 8.50. Exempt mandate. Notwithstanding Sections 6 and
21 8 of this Act, no reimbursement by the State is required for
22 the implementation of any mandate created by this amendatory
23 Act of the 104th General Assembly.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."