

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 13-102.1, 13-109.1, 13-114, and 13-116.1 as follows:

6 (625 ILCS 5/13-102.1)

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

18 The study ~~studies~~ shall include, but not be limited to, the
19 following information:

20 (a) the number of diesel powered vehicles that were
21 inspected for emission compliance ~~by the respective~~
22 ~~departments~~ pursuant to this Chapter 13 during the previous
23 year;

1 (b) the number of diesel powered vehicles that failed
2 and passed the emission inspections conducted ~~by the~~
3 ~~respective departments required~~ pursuant to this Chapter
4 13 during the previous year; and

5 (c) the number of diesel powered vehicles that failed
6 the emission inspections conducted ~~by the respective~~
7 ~~departments~~ pursuant to this Chapter 13 more than once in
8 the previous year.

9 (Source: P.A. 91-254, eff. 7-1-00; 91-865, eff. 7-1-00.)

10 (625 ILCS 5/13-109.1)

11 Sec. 13-109.1. Annual ~~and nonscheduled~~ emission inspection
12 tests; standards; penalties; funds.

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

23 (a-5) (Blank). ~~Beginning October 1, 2000, the Department of~~
24 ~~State Police is authorized to perform nonscheduled emission~~
25 ~~inspections for cause, at any place within an affected area, of~~

1 ~~any diesel powered vehicles that are operated on the roadways~~
2 ~~of this State, and are registered for a gross weight of more~~
3 ~~than 16,000 pounds or have a gross vehicle weight rating of~~
4 ~~more than 16,000 pounds. The inspections shall adhere to the~~
5 ~~procedures and standards set forth in subsection (b). These~~
6 ~~nonscheduled emission inspections shall be conducted by the~~
7 ~~Department of State Police at weigh stations, roadside, or~~
8 ~~other safe and reasonable locations within an affected area.~~
9 ~~Before any person may inspect a diesel vehicle under this~~
10 ~~Section, he or she must receive adequate training and~~
11 ~~certification for diesel emission inspections by the~~
12 ~~Department of State Police. The Department of State Police~~
13 ~~shall adopt rules for the training and certification of persons~~
14 ~~who conduct emission inspections under this Section.~~

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

26 Notwithstanding the above cutpoint standards, for motor

1 vehicles that are model years 1973 and older, until December
2 31, 2002, the level of peak smoke opacity shall not exceed 70
3 percent. Beginning January 1, 2003, for motor vehicles that are
4 model years 1973 and older, the level of peak smoke opacity
5 shall not exceed 55 percent.

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

16 If, within 30 days from the issuance of the warning notice,
17 the vehicle is not in compliance with the diesel emission
18 standards set forth in subsection (b) as determined by an
19 emissions retest at an official testing station, the operator
20 of the official testing station or the Department shall place
21 the vehicle out-of-service in accordance with the rules
22 promulgated by the Department. Operating a vehicle that has
23 been placed out-of-service under this subsection (c) is a petty
24 offense punishable by a \$1,000 fine. The vehicle must pass a
25 diesel emission inspection at an official testing station
26 before it is again placed in service. The Secretary of State,

1 Department of State Police, and other law enforcement officers
2 shall enforce this Section. No emergency vehicle, as defined in
3 Section 1-105, may be placed out-of-service pursuant to this
4 Section.

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

16 (c-5) (Blank). ~~If a nonscheduled inspection reveals that~~
17 ~~the vehicle is not in compliance with the diesel emission~~
18 ~~standards set forth in subsection (b), the operator of the~~
19 ~~vehicle is guilty of a petty offense punishable by a \$400 fine,~~
20 ~~and a State Police officer shall issue a citation for a~~
21 ~~violation of the standards. A third or subsequent violation~~
22 ~~within one year of the first violation is a petty offense~~
23 ~~punishable by a \$1,000 fine. An operator who receives a~~
24 ~~citation under this subsection shall not, within 30 days of the~~
25 ~~initial citation, receive a second or subsequent citation for~~
26 ~~operating the same vehicle in violation of the emission~~

1 ~~standards set forth in subsection (b).~~

2 (d) (Blank). ~~There is hereby created within the State~~
3 ~~Treasury a special fund to be known as the Diesel Emissions~~
4 ~~Testing Fund, constituted from the fines collected pursuant to~~
5 ~~subsections (c) and (c 5) of this Section. Subject to~~
6 ~~appropriation, moneys from the Diesel Emissions Testing Fund~~
7 ~~shall be available, as a supplement to moneys appropriated from~~
8 ~~the General Revenue Fund, to the Department of Transportation~~
9 ~~and the Department of State Police for their implementation of~~
10 ~~the diesel emission inspection requirements under this Chapter~~
11 ~~13. All moneys received from fines imposed under this Section~~
12 ~~shall be paid into the Diesel Emissions Testing Fund. All~~
13 ~~citations issued pursuant to this Section shall be considered~~
14 ~~non-moving violations. The Department of Transportation and~~
15 ~~the Department of State Police are authorized to promulgate~~
16 ~~rules to implement their responsibilities under this Section.~~

17 (Source: P.A. 91-254, eff. 7-1-00; 91-865, eff. 7-1-00.)

18 (625 ILCS 5/13-114) (from Ch. 95 1/2, par. 13-114)

19 Sec. 13-114. Interstate carriers of property. Any vehicle
20 registered in Illinois and operated by an interstate carrier of
21 property shall be exempt from the provisions of this Chapter
22 provided such carrier has registered with the Bureau of Motor
23 Carrier Safety of the Federal Highway Administration as an
24 interstate motor carrier of property and has been assigned a
25 federal census number by such Bureau. An interstate carrier of

1 property, however, is not exempt from the provisions of Section
2 13-111(b) of this Chapter.

3 Any vehicle registered in Illinois and operated by a
4 private interstate carrier of property shall be exempt from the
5 provisions of this Chapter, except the provisions of Section
6 13-111(b), provided it:

7 1. is registered with the Bureau of Motor Carrier
8 Safety of the Federal Highway Administration, and

9 2. carries in the motor vehicle documentation issued by
10 the Bureau of Motor Carrier Safety of the Federal Highway
11 Administration displaying the federal census number
12 assigned, and

13 3. displays on the sides of the motor vehicle the
14 census number, which must be no less than 2 inches high,
15 with a brush stroke no less than 1/4 inch wide in a
16 contrasting color.

17 Notwithstanding any other provision of this Section, each
18 diesel powered vehicle that is registered for a gross weight of
19 more than 16,000 pounds or has a gross vehicle weight rating of
20 more than 16,000 pounds and that is operated by an interstate
21 carrier of property or a private interstate carrier of property
22 within the affected area is subject ~~only~~ to the provisions of
23 this Chapter that pertain to ~~nonscheduled~~ diesel emission
24 inspections.

25 (Source: P.A. 91-254, eff. 7-1-00; 91-865, eff. 7-1-00.)

1 (625 ILCS 5/13-116.1)

2 Sec. 13-116.1. Emission inspection funding. The Department
3 of Transportation shall be reimbursed for all expenses related
4 to the training, equipment, recordkeeping, and conducting of
5 diesel powered emission inspections pursuant to this Chapter 13
6 when that testing is conducted within the affected areas,
7 subject to appropriation, from the General Revenue Fund ~~and the~~
8 ~~Diesel Emissions Testing Fund~~. No moneys from any funds other
9 than the General Revenue Fund ~~and the Diesel Emissions Testing~~
10 ~~Fund~~ shall be appropriated for diesel emission inspections
11 under this Chapter 13.

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

13 Section 10. The Unified Code of Corrections is amended by
14 changing Section 3-10-2 as follows:

15 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

16 Sec. 3-10-2. Examination of Persons Committed to the
17 Department of Juvenile Justice.

18 (a) A person committed to the Department of Juvenile
19 Justice shall be examined in regard to his medical,
20 psychological, social, educational and vocational condition
21 and history, including the use of alcohol and other drugs, the
22 circumstances of his offense and any other information as the
23 Department of Juvenile Justice may determine.

24 (a-5) Upon admission of a person committed to the

1 Department of Juvenile Justice, the Department of Juvenile
2 Justice must provide the person with appropriate information
3 concerning HIV and AIDS in writing, verbally, or by video or
4 other electronic means. The Department of Juvenile Justice
5 shall develop the informational materials in consultation with
6 the Department of Public Health. At the same time, the
7 Department of Juvenile Justice also must offer the person the
8 option of being tested, at no charge to the person, for
9 infection with human immunodeficiency virus (HIV). Pre-test
10 information shall be provided to the committed person and
11 informed consent obtained as required in subsection (q) of
12 Section 3 and Section 5 of the AIDS Confidentiality Act. The
13 Department of Juvenile Justice may conduct opt-out HIV testing
14 as defined in Section 4 of the AIDS Confidentiality Act. If the
15 Department conducts opt-out HIV testing, the Department shall
16 place signs in English, Spanish and other languages as needed
17 in multiple, highly visible locations in the area where HIV
18 testing is conducted informing inmates that they will be tested
19 for HIV unless they refuse, and refusal or acceptance of
20 testing shall be documented in the inmate's medical record. The
21 Department shall follow procedures established by the
22 Department of Public Health to conduct HIV testing and testing
23 to confirm positive HIV test results. All testing must be
24 conducted by medical personnel, but pre-test and other
25 information may be provided by committed persons who have
26 received appropriate training. The Department, in conjunction

1 with the Department of Public Health, shall develop a plan that
2 complies with the AIDS Confidentiality Act to deliver
3 confidentially all positive or negative HIV test results to
4 inmates or former inmates. Nothing in this Section shall
5 require the Department to offer HIV testing to an inmate who is
6 known to be infected with HIV, or who has been tested for HIV
7 within the previous 180 days and whose documented HIV test
8 result is available to the Department electronically. The
9 testing provided under this subsection (a-5) shall consist of a
10 test approved by the Illinois Department of Public Health to
11 determine the presence of HIV infection, based upon
12 recommendations of the United States Centers for Disease
13 Control and Prevention. If the test result is positive, a
14 reliable supplemental test based upon recommendations of the
15 United States Centers for Disease Control and Prevention shall
16 be administered.

17 Also upon admission of a person committed to the Department
18 of Juvenile Justice, the Department of Juvenile Justice must
19 inform the person of the Department's obligation to provide the
20 person with medical care.

21 (b) Based on its examination, the Department of Juvenile
22 Justice may exercise the following powers in developing a
23 treatment program of any person committed to the Department of
24 Juvenile Justice:

25 (1) Require participation by him in vocational,
26 physical, educational and corrective training and

1 activities to return him to the community.

2 (2) Place him in any institution or facility of the
3 Department of Juvenile Justice.

4 (3) Order replacement or referral to the Parole and
5 Pardon Board as often as it deems desirable. The Department
6 of Juvenile Justice shall refer the person to the Parole
7 and Pardon Board as required under Section 3-3-4.

8 (4) Enter into agreements with the Secretary of Human
9 Services and the Director of Children and Family Services,
10 with courts having probation officers, and with private
11 agencies or institutions for separate care or special
12 treatment of persons subject to the control of the
13 Department of Juvenile Justice.

14 (c) The Department of Juvenile Justice shall make periodic
15 reexamination of all persons under the control of the
16 Department of Juvenile Justice to determine whether existing
17 orders in individual cases should be modified or continued.
18 This examination shall be made with respect to every person at
19 least once annually.

20 (d) A record of the treatment decision including any
21 modification thereof and the reason therefor, shall be part of
22 the committed person's master record file.

23 (e) The Department of Juvenile Justice shall by regular
24 ~~certified~~ mail and telephone or electronic message notify the
25 parent, guardian or nearest relative of any person committed to
26 the Department of Juvenile Justice of his or her physical

1 location and any change thereof.

2 (Source: P.A. 98-689, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78,
3 eff. 7-20-15.)

4 Section 15. The State Mandates Act is amended by adding
5 Section 8.41 as follows:

6 (30 ILCS 805/8.41 new)

7 Sec. 8.41. Exempt mandate. Notwithstanding Section 6 and 8
8 of this Act, no reimbursement by the State is required for the
9 implementation of any mandate created by this amendatory Act of
10 the 100th General Assembly.

11 (30 ILCS 105/5.508 rep.)

12 Section 20. The State Finance Act is amended by repealing
13 Section 5.508.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.