



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 1008

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1008 by replacing  
3 everything after the enacting clause with the following:

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

7 (625 ILCS 5/13-102.1)

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

1 to the Illinois Environmental Protection Agency for its use in  
2 environmental matters.

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

5 (a) the number of diesel powered vehicles that were  
6 inspected for emission compliance ~~by the respective~~  
7 ~~departments~~ pursuant to this Chapter 13 during the previous  
8 year;

9 (b) the number of diesel powered vehicles that failed  
10 and passed the emission inspections conducted ~~by the~~  
11 ~~respective departments required~~ pursuant to this Chapter  
12 13 during the previous year; and

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

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

18 (625 ILCS 5/13-109.1)

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

21 (a) For each diesel powered vehicle that (i) is registered  
22 for a gross weight of more than 16,000 pounds, (ii) is  
23 registered within an affected area, and (iii) is a 2 year or  
24 older model year, an annual emission inspection test shall be  
25 conducted at an official testing station certified by the

1 Illinois Department of Transportation to perform diesel  
2 emission inspections pursuant to the standards set forth in  
3 subsection (b) of this Section. This annual emission inspection  
4 test may be conducted in conjunction with a semi-annual safety  
5 test.

6 (a-5) (Blank). ~~Beginning October 1, 2000, the Department of~~  
7 ~~State Police is authorized to perform nonscheduled emission~~  
8 ~~inspections for cause, at any place within an affected area, of~~  
9 ~~any diesel powered vehicles that are operated on the roadways~~  
10 ~~of this State, and are registered for a gross weight of more~~  
11 ~~than 16,000 pounds or have a gross vehicle weight rating of~~  
12 ~~more than 16,000 pounds. The inspections shall adhere to the~~  
13 ~~procedures and standards set forth in subsection (b). These~~  
14 ~~nonscheduled emission inspections shall be conducted by the~~  
15 ~~Department of State Police at weigh stations, roadside, or~~  
16 ~~other safe and reasonable locations within an affected area.~~  
17 ~~Before any person may inspect a diesel vehicle under this~~  
18 ~~Section, he or she must receive adequate training and~~  
19 ~~certification for diesel emission inspections by the~~  
20 ~~Department of State Police. The Department of State Police~~  
21 ~~shall adopt rules for the training and certification of persons~~  
22 ~~who conduct emission inspections under this Section.~~

23 (b) Diesel emission inspections conducted under this  
24 Chapter 13 shall be conducted in accordance with the Society of  
25 Automotive Engineers Recommended Practice J1667  
26 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel

1 Powered Vehicles" and the cutpoint standards set forth in the  
2 United States Environmental Protection Agency guidance  
3 document "Guidance to States on Smoke Opacity Cutpoints to be  
4 used with the SAE J1667 In-Use Smoke Test Procedure". Those  
5 procedures and standards, as now in effect, are made a part of  
6 this Code, in the same manner as though they were set out in  
7 full in this Code.

8 Notwithstanding the above cutpoint standards, for motor  
9 vehicles that are model years 1973 and older, until December  
10 31, 2002, the level of peak smoke opacity shall not exceed 70  
11 percent. Beginning January 1, 2003, for motor vehicles that are  
12 model years 1973 and older, the level of peak smoke opacity  
13 shall not exceed 55 percent.

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

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

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

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

24 (c-5) (Blank). ~~If a nonscheduled inspection reveals that~~  
25 ~~the vehicle is not in compliance with the diesel emission~~  
26 ~~standards set forth in subsection (b), the operator of the~~

1 ~~vehicle is guilty of a petty offense punishable by a \$400 fine,~~  
2 ~~and a State Police officer shall issue a citation for a~~  
3 ~~violation of the standards. A third or subsequent violation~~  
4 ~~within one year of the first violation is a petty offense~~  
5 ~~punishable by a \$1,000 fine. An operator who receives a~~  
6 ~~citation under this subsection shall not, within 30 days of the~~  
7 ~~initial citation, receive a second or subsequent citation for~~  
8 ~~operating the same vehicle in violation of the emission~~  
9 ~~standards set forth in subsection (b).~~

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

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

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

2 Sec. 13-114. Interstate carriers of property. Any vehicle  
3 registered in Illinois and operated by an interstate carrier of  
4 property shall be exempt from the provisions of this Chapter  
5 provided such carrier has registered with the Bureau of Motor  
6 Carrier Safety of the Federal Highway Administration as an  
7 interstate motor carrier of property and has been assigned a  
8 federal census number by such Bureau. An interstate carrier of  
9 property, however, is not exempt from the provisions of Section  
10 13-111(b) of this Chapter.

11 Any vehicle registered in Illinois and operated by a  
12 private interstate carrier of property shall be exempt from the  
13 provisions of this Chapter, except the provisions of Section  
14 13-111(b), provided it:

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

17 2. carries in the motor vehicle documentation issued by  
18 the Bureau of Motor Carrier Safety of the Federal Highway  
19 Administration displaying the federal census number  
20 assigned, and

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

25 Notwithstanding any other provision of this Section, each  
26 diesel powered vehicle that is registered for a gross weight of

1 more than 16,000 pounds or has a gross vehicle weight rating of  
2 more than 16,000 pounds and that is operated by an interstate  
3 carrier of property or a private interstate carrier of property  
4 within the affected area is subject ~~only~~ to the provisions of  
5 this Chapter that pertain to ~~nonscheduled~~ diesel emission  
6 inspections.

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

8 (625 ILCS 5/13-116.1)

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

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

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

22 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

23 Sec. 3-10-2. Examination of Persons Committed to the



1 Department of Juvenile Justice.

2 (a) A person committed to the Department of Juvenile  
3 Justice shall be examined in regard to his medical,  
4 psychological, social, educational and vocational condition  
5 and history, including the use of alcohol and other drugs, the  
6 circumstances of his offense and any other information as the  
7 Department of Juvenile Justice may determine.

8 (a-5) Upon admission of a person committed to the  
9 Department of Juvenile Justice, the Department of Juvenile  
10 Justice must provide the person with appropriate information  
11 concerning HIV and AIDS in writing, verbally, or by video or  
12 other electronic means. The Department of Juvenile Justice  
13 shall develop the informational materials in consultation with  
14 the Department of Public Health. At the same time, the  
15 Department of Juvenile Justice also must offer the person the  
16 option of being tested, at no charge to the person, for  
17 infection with human immunodeficiency virus (HIV). Pre-test  
18 information shall be provided to the committed person and  
19 informed consent obtained as required in subsection (q) of  
20 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
21 Department of Juvenile Justice may conduct opt-out HIV testing  
22 as defined in Section 4 of the AIDS Confidentiality Act. If the  
23 Department conducts opt-out HIV testing, the Department shall  
24 place signs in English, Spanish and other languages as needed  
25 in multiple, highly visible locations in the area where HIV  
26 testing is conducted informing inmates that they will be tested

1 for HIV unless they refuse, and refusal or acceptance of  
2 testing shall be documented in the inmate's medical record. The  
3 Department shall follow procedures established by the  
4 Department of Public Health to conduct HIV testing and testing  
5 to confirm positive HIV test results. All testing must be  
6 conducted by medical personnel, but pre-test and other  
7 information may be provided by committed persons who have  
8 received appropriate training. The Department, in conjunction  
9 with the Department of Public Health, shall develop a plan that  
10 complies with the AIDS Confidentiality Act to deliver  
11 confidentially all positive or negative HIV test results to  
12 inmates or former inmates. Nothing in this Section shall  
13 require the Department to offer HIV testing to an inmate who is  
14 known to be infected with HIV, or who has been tested for HIV  
15 within the previous 180 days and whose documented HIV test  
16 result is available to the Department electronically. The  
17 testing provided under this subsection (a-5) shall consist of a  
18 test approved by the Illinois Department of Public Health to  
19 determine the presence of HIV infection, based upon  
20 recommendations of the United States Centers for Disease  
21 Control and Prevention. If the test result is positive, a  
22 reliable supplemental test based upon recommendations of the  
23 United States Centers for Disease Control and Prevention shall  
24 be administered.

25 Also upon admission of a person committed to the Department  
26 of Juvenile Justice, the Department of Juvenile Justice must

1 inform the person of the Department's obligation to provide the  
2 person with medical care.

3 (b) Based on its examination, the Department of Juvenile  
4 Justice may exercise the following powers in developing a  
5 treatment program of any person committed to the Department of  
6 Juvenile Justice:

7 (1) Require participation by him in vocational,  
8 physical, educational and corrective training and  
9 activities to return him to the community.

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

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

16 (4) Enter into agreements with the Secretary of Human  
17 Services and the Director of Children and Family Services,  
18 with courts having probation officers, and with private  
19 agencies or institutions for separate care or special  
20 treatment of persons subject to the control of the  
21 Department of Juvenile Justice.

22 (c) The Department of Juvenile Justice shall make periodic  
23 reexamination of all persons under the control of the  
24 Department of Juvenile Justice to determine whether existing  
25 orders in individual cases should be modified or continued.  
26 This examination shall be made with respect to every person at

1 least once annually.

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

5 (e) The Department of Juvenile Justice shall by regular  
6 ~~certified~~ mail and telephone or electronic message notify the  
7 parent, guardian or nearest relative of any person committed to  
8 the Department of Juvenile Justice of his or her physical  
9 location and any change thereof.

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

12 Section 15. The State Mandates Act is amended by adding  
13 Section 8.41 as follows:

14 (30 ILCS 805/8.41 new)

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

19 (30 ILCS 105/5.508 rep.)

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

22 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".