



Rep. Robert Rita

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10200HB3106ham001

LRB102 15170 RAM 24664 a

1 AMENDMENT TO HOUSE BILL 3106

2 AMENDMENT NO. _____. Amend House Bill 3106 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, 13-106, 13-107, 13-108, and
6 13-109.1 and by adding Sections 13-103.3 and 13-105.1 as
7 follows:

8 (625 ILCS 5/13-102.1)

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

1 study shall also be sent to the Illinois Environmental
2 Protection Agency for its use in environmental matters.

3 The study 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 pursuant to this Chapter
7 13 during the previous year, separating the number of
8 inspections conducted at a brick-and-mortar official
9 testing station and the number of inspections conducted by
10 an official portable emissions testing company;

11 (b) the number of diesel powered vehicles that failed
12 and passed the emission inspections conducted pursuant to
13 this Chapter 13 during the previous year, separating the
14 number of inspections conducted at a brick-and-mortar
15 official testing station and the number of inspections
16 conducted by an official portable emissions testing
17 company; and

18 (c) the number of diesel powered vehicles that failed
19 the emission inspections conducted pursuant to this
20 Chapter 13 more than once in the previous year, separating
21 the number of inspections conducted at a brick-and-mortar
22 official testing station and the number of inspections
23 conducted by an official portable emissions testing
24 company.

25 (Source: P.A. 100-700, eff. 8-3-18.)

1 (625 ILCS 5/13-103.3 new)

2 Sec. 13-103.3. Official portable emissions testing
3 company; fee; permit; bond. Upon the payment of a fee of \$10
4 and the filing of an application by the proprietor of any
5 vehicle service company upon forms furnished by the
6 Department, accompanied by proof of experience, training, and
7 ability of the operator of the testing equipment, together
8 with proof of approved testing equipment as defined in Section
9 13-102 and the giving of a bond conditioned upon faithful
10 observance of this Section and of rules adopted by the
11 Department in the amount of \$1,000 with security approved by
12 the Department, the Department shall issue a permit to the
13 proprietor of the vehicle service company to operate an
14 official portable emissions testing company. An official
15 portable emissions testing company shall only conduct portable
16 emissions inspections for diesel fleets with 5 or more diesel
17 vehicles required to be inspected under subsection (a) of
18 Section 13-109.1, and only at the fleet owner's place of
19 business. A permit issued under this Section shall expire 12
20 months following its issuance, but may be renewed annually by
21 complying with this Section and upon the payment of a renewal
22 fee of \$10. No person or vehicle service company shall operate
23 as an official portable emissions testing company without
24 having been issued a permit as provided in this Section.

25 A permittee under this Section may test second division
26 vehicles owned, operated, or controlled by the permittee to

1 conduct emission inspections of such vehicles in accordance
2 with Section 13-109.1. A permittee under this Section may
3 conduct interstate inspections on interstate carriers in
4 accordance with 49 CFR Part 396.

5 Each permit issued by the Department shall state on its
6 face the location of the recordkeeping office of the
7 proprietor of the official portable emissions testing company.
8 However, the Department, upon application, may authorize a
9 change in the location of the recordkeeping office. Upon the
10 approval of such an application, the Department shall issue an
11 endorsement to be fixed by the applicant to the permit. Such an
12 endorsement constitutes authority for the applicant to make
13 the change in location.

14 (625 ILCS 5/13-105.1 new)

15 Sec. 13-105.1. Inspection of official portable emissions
16 testing company. Employees specifically authorized by the
17 Department shall inspect, at frequent intervals, vehicles,
18 equipment, and the recordkeeping office used by an official
19 portable emissions testing company. Department employees under
20 this Section shall have access to all records, relating to
21 tests and work done or parts sold as a result of such tests, to
22 ascertain whether tests are properly, fairly, and honestly
23 made. Department employees under this Section may examine the
24 owner of an official portable emissions company or any officer
25 or employee thereof under oath. The Department shall conduct

1 periodic nonscheduled inspections of the premises of vehicles
2 owned and operated by a licensed official portable emissions
3 testing company.

4 (625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)

5 Sec. 13-106. Rates and charges by official testing
6 stations and official portable emissions testing companies;
7 schedule ~~stations~~ Schedule to be filed. Every operator of an
8 official testing station or official portable emissions
9 testing company shall file with the Department, in the manner
10 prescribed by the Department, a schedule of all rates and
11 charges made by him for performing the tests provided for in
12 Section 13-101 and Section 13-109.1. Such rate or charge shall
13 include an amount to reimburse the operator of the official
14 testing station or official portable emissions testing company
15 for the purchase from the Department of the certificate of
16 safety required by this chapter, not to exceed that fee paid to
17 the Department by the operator authorized by this chapter.
18 Such rates and charges shall be just and reasonable and the
19 Department upon its own initiative or upon complaint of any
20 person or corporation may require the testing station operator
21 to appear for a hearing and prove that the rates so filed are
22 just and reasonable. A "just and reasonable" rate or charge,
23 for the purposes of this Section, means a rate or charge which
24 is the same, or nearly the same, as the prevailing rate or
25 charge for the same or similar tests made in the community

1 where the station is located. No operator may change this
2 schedule of rates and charges until the proposed changes are
3 filed with and approved by the Department. No license may be
4 issued to any official testing station or official portable
5 emissions testing company unless the applicant has filed with
6 the Department a proposed schedule of rates and charges and
7 unless such rates and charges have been approved by the
8 Department. No operator of an official testing station or
9 official portable emissions testing company shall charge more
10 or less than the rates so filed with and approved by the
11 Department.

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

13 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

14 Sec. 13-107. Investigation of complaints against official
15 testing stations and official portable emissions testing
16 companies. The Department shall, upon its own motion, or upon
17 charges made in writing verified under oath, investigate
18 complaints that an official testing station or official
19 portable emissions testing company is willfully falsifying
20 records or tests, either for the purpose of selling parts or
21 services not actually required, or for the purpose of issuing
22 a certificate of safety for a vehicle designed to carry 15 or
23 fewer passengers operated by a contract carrier transporting
24 employees in the course of their employment on a highway of
25 this State, second division vehicle, or medical transport

1 vehicle that is not in safe mechanical condition as determined
2 by the standards of this Chapter in violation of the
3 provisions of this Chapter or of the rules and regulations
4 issued by the Department.

5 The Secretary of Transportation, for the purpose of more
6 effectively carrying out the provisions of Chapter 13, may
7 appoint such a number of inspectors as he may deem necessary.
8 Such inspectors shall inspect and investigate applicants for
9 official testing station or official portable emissions
10 testing company permits and investigate and report violations.
11 With respect to enforcement of the provisions of this Chapter
12 13, such inspectors shall have and may exercise throughout the
13 State all the powers of police officers.

14 The Secretary must authorize to each inspector and to any
15 other employee of the Department exercising the powers of a
16 peace officer a distinct badge that, on its face, (i) clearly
17 states that the badge is authorized by the Department and (ii)
18 contains a unique identifying number. No other badge shall be
19 authorized by the Department. Nothing in this Section
20 prohibits the Secretary from issuing shields or other
21 distinctive identification to employees not exercising the
22 powers of a peace officer if the Secretary determines that a
23 shield or distinctive identification is needed by the employee
24 to carry out his or her responsibilities.

25 (Source: P.A. 92-108, eff. 1-1-02; 93-423, eff. 8-5-03.)

1 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

2 Sec. 13-108. Hearing on complaint against official testing
3 station or official portable emissions testing company;
4 suspension ~~station~~ ~~Suspension~~ or revocation of permit. If it
5 appears to the Department, either through its own
6 investigation or upon charges verified under oath, that any of
7 the provisions of this Chapter or the rules and regulations of
8 the Department, are being violated, the Department, shall
9 after notice to the person, firm or corporation charged with
10 such violation, conduct a hearing. At least 10 days prior to
11 the date of such hearing the Department shall cause to be
12 served upon the person, firm or corporation charged with such
13 violation, a copy of such charge or charges by registered mail
14 or by the personal service thereof, together with a notice
15 specifying the time and place of such hearing. At the time and
16 place specified in such notice the person, firm or corporation
17 charged with such violation shall be given an opportunity to
18 appear in person or by counsel and to be heard by the Secretary
19 of Transportation or an officer or employee of the Department
20 designated in writing by him to conduct such hearing. If it
21 appears from the hearing that such person, firm or corporation
22 is guilty of the charge preferred against him or it, the
23 Secretary of Transportation may order the permit suspended or
24 revoked, and the bond forfeited. Any such revocation or
25 suspension shall not be a bar to subsequent arrest and
26 prosecution for violation of this Chapter.

1 (Source: P.A. 78-255.)

2 (625 ILCS 5/13-109.1)

3 Sec. 13-109.1. Annual emission inspection tests;
4 standards; penalties; funds.

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

15 (a-5) (Blank).

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

1 full in this Code.

2 Notwithstanding the above cutpoint standards, for motor
3 vehicles that are model years 1973 and older, until December
4 31, 2002, the level of peak smoke opacity shall not exceed 70
5 percent. Beginning January 1, 2003, for motor vehicles that
6 are model years 1973 and older, the level of peak smoke opacity
7 shall not exceed 55 percent. Notwithstanding the above
8 cutpoint standards, for motor vehicles that are model years
9 2007 and newer, the level of peak smoke opacity shall not
10 exceed 5 percent.

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) of this
14 Section, the operator of the official testing station or
15 official portable emissions testing company shall issue a
16 warning notice requiring correction of the violation. The
17 correction shall be made and the vehicle submitted to an
18 emissions retest at an official testing station or official
19 portable emissions testing company certified by the Department
20 to perform diesel emission inspections within 30 days from the
21 issuance of the warning notice requiring correction of the
22 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) as determined
26 by an emissions retest at an official testing station or

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

14 The Department, ~~or~~ 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 \$3,000 have been spent in an
21 effort to achieve compliance with the emission standards set
22 forth in subsection (b). The Department of Transportation
23 shall adopt rules for the implementation of this subsection
24 including standards of documented proof as well as the
25 criteria by which a waiver shall be granted.

26 (c-5) (Blank).

1 (d) (Blank).

2 (Source: P.A. 100-700, eff. 8-3-18.)".