



Sen. Melinda Bush

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10200SB2563sam002

LRB102 15863 RAM 25805 a

1 AMENDMENT TO SENATE BILL 2563

2 AMENDMENT NO. _____. Amend Senate Bill 2563, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 13-102.1, 13-106, 13-107, 13-108, and
7 13-109.1 and by adding Sections 13-102.2, 13-103.3 and
8 13-105.1 as follows:

9 (625 ILCS 5/13-102.1)

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

1 Assembly by June 30, 2001, and every June 30 thereafter. The
2 study shall also be sent to the Illinois Environmental
3 Protection Agency for its use in environmental matters.

4 The study shall include, but not be limited to, the
5 following information:

6 (a) the number of diesel powered vehicles that were
7 inspected for emission compliance pursuant to this Chapter
8 13 during the previous year, separating the number of
9 inspections conducted at a brick-and-mortar official
10 testing station and the number of inspections conducted by
11 an official portable emissions testing company;

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

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

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

1 (625 ILCS 5/13-102.2 new)

2 Sec. 13-102.2. Diesel Emissions Opacity Report.

3 (a) By September 15, 2022, the Department of
4 Transportation shall make available to the public a report
5 that includes the following:

6 (1) a summary and disclosure of actual Department
7 diesel emission testing data for at least one year through
8 June 1, 2022, including an analysis of opacity levels
9 recorded from actual opacity tests conducted, keyed to the
10 model year of the vehicle and mileage;

11 (2) a census of the opacity limits for other states
12 and Environmental Protection Agency (EPA) non-attainment
13 areas in the United States;

14 (3) a summary of actual air quality data in Illinois
15 compared to actual air quality data from other states and
16 EPA non-attainment areas in the United States; and

17 (4) substantive input from trucking or transportation
18 companies and the public, including environmental justice
19 communities, in the affected areas on the impact of
20 stricter opacity limits.

21 (b) In the report, the Department must include the
22 following items in an effort for the State to better
23 understand the technology, repair, and enforcement elements of
24 diesel emissions standards in Illinois:

25 (1) an analysis of the feasibility of including an

1 onboard diagnostics (OBD) testing regime for vehicles
2 model year 2010 and newer that are compatible with such
3 testing; and

4 (2) recommendations for improving the effectiveness of
5 the diesel emissions testing program.

6 (625 ILCS 5/13-103.3 new)

7 Sec. 13-103.3. Official portable emissions testing
8 company; fee; permit; bond. Upon the payment of a fee of \$10
9 and the filing of an application by the proprietor of any
10 vehicle service company upon forms furnished by the
11 Department, accompanied by proof of experience, training, and
12 ability of the operator of the testing equipment, together
13 with proof of approved testing equipment as defined in Section
14 13-102 and the giving of a bond conditioned upon faithful
15 observance of this Section and of rules adopted by the
16 Department in the amount of \$1,000 with security approved by
17 the Department, the Department shall issue a permit to the
18 proprietor of the vehicle service company to operate an
19 official portable emissions testing company. An official
20 portable emissions testing company shall only conduct portable
21 emissions inspections for diesel fleets with 5 or more diesel
22 vehicles required to be inspected under subsection (a) of
23 Section 13-109.1, and only at the fleet owner's place of
24 business. A permit issued under this Section shall expire 12
25 months following its issuance, but may be renewed annually by

1 complying with this Section and upon the payment of a renewal
2 fee of \$10. No person or vehicle service company shall operate
3 as an official portable emissions testing company without
4 having been issued a permit as provided in this Section.

5 A permittee under this Section may test second division
6 vehicles owned, operated, or controlled by the permittee to
7 conduct emission inspections of such vehicles in accordance
8 with Section 13-109.1. A permittee under this Section may
9 conduct interstate inspections on interstate carriers in
10 accordance with 49 CFR Part 396.

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

20 (625 ILCS 5/13-105.1 new)

21 Sec. 13-105.1. Inspection of official portable emissions
22 testing company. Employees specifically authorized by the
23 Department shall inspect, at frequent intervals, vehicles,
24 equipment, and the recordkeeping office used by an official
25 portable emissions testing company. Department employees under

1 this Section shall have access to all records, relating to
2 tests and work done or parts sold as a result of such tests, to
3 ascertain whether tests are properly, fairly, and honestly
4 made. Department employees under this Section may examine the
5 owner of an official portable emissions company or any officer
6 or employee thereof under oath. The Department shall conduct
7 periodic nonscheduled inspections of the premises of vehicles
8 owned and operated by a licensed official portable emissions
9 testing company.

10 (625 ILCS 5/13-106) (from Ch. 95 1/2, par. 13-106)

11 Sec. 13-106. Rates and charges by official testing
12 stations and official portable emissions testing companies;
13 schedule ~~stations~~ ~~Schedule~~ to be filed. Every operator of an
14 official testing station or official portable emissions
15 testing company shall file with the Department, in the manner
16 prescribed by the Department, a schedule of all rates and
17 charges made by him for performing the tests provided for in
18 Section 13-101 and Section 13-109.1. Such rate or charge shall
19 include an amount to reimburse the operator of the official
20 testing station or official portable emissions testing company
21 for the purchase from the Department of the certificate of
22 safety required by this chapter, not to exceed that fee paid to
23 the Department by the operator authorized by this chapter.
24 Such rates and charges shall be just and reasonable and the
25 Department upon its own initiative or upon complaint of any

1 person or corporation may require the testing station operator
2 to appear for a hearing and prove that the rates so filed are
3 just and reasonable. A "just and reasonable" rate or charge,
4 for the purposes of this Section, means a rate or charge which
5 is the same, or nearly the same, as the prevailing rate or
6 charge for the same or similar tests made in the community
7 where the station is located. No operator may change this
8 schedule of rates and charges until the proposed changes are
9 filed with and approved by the Department. No license may be
10 issued to any official testing station or official portable
11 emissions testing company unless the applicant has filed with
12 the Department a proposed schedule of rates and charges and
13 unless such rates and charges have been approved by the
14 Department. No operator of an official testing station or
15 official portable emissions testing company shall charge more
16 or less than the rates so filed with and approved by the
17 Department.

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

19 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

20 Sec. 13-107. Investigation of complaints against official
21 testing stations and official portable emissions testing
22 companies. The Department shall, upon its own motion, or upon
23 charges made in writing verified under oath, investigate
24 complaints that an official testing station or official
25 portable emissions testing company is willfully falsifying

1 records or tests, either for the purpose of selling parts or
2 services not actually required, or for the purpose of issuing
3 a certificate of safety for a vehicle designed to carry 15 or
4 fewer passengers operated by a contract carrier transporting
5 employees in the course of their employment on a highway of
6 this State, second division vehicle, or medical transport
7 vehicle that is not in safe mechanical condition as determined
8 by the standards of this Chapter in violation of the
9 provisions of this Chapter or of the rules and regulations
10 issued by the Department.

11 The Secretary of Transportation, for the purpose of more
12 effectively carrying out the provisions of Chapter 13, may
13 appoint such a number of inspectors as he may deem necessary.
14 Such inspectors shall inspect and investigate applicants for
15 official testing station or official portable emissions
16 testing company permits and investigate and report violations.
17 With respect to enforcement of the provisions of this Chapter
18 13, such inspectors shall have and may exercise throughout the
19 State all the powers of police officers.

20 The Secretary must authorize to each inspector and to any
21 other employee of the Department exercising the powers of a
22 peace officer a distinct badge that, on its face, (i) clearly
23 states that the badge is authorized by the Department and (ii)
24 contains a unique identifying number. No other badge shall be
25 authorized by the Department. Nothing in this Section
26 prohibits the Secretary from issuing shields or other

1 distinctive identification to employees not exercising the
2 powers of a peace officer if the Secretary determines that a
3 shield or distinctive identification is needed by the employee
4 to carry out his or her responsibilities.

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

6 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

7 Sec. 13-108. Hearing on complaint against official testing
8 station or official portable emissions testing company;
9 suspension ~~station-Suspension~~ or revocation of permit. If it
10 appears to the Department, either through its own
11 investigation or upon charges verified under oath, that any of
12 the provisions of this Chapter or the rules and regulations of
13 the Department, are being violated, the Department, shall
14 after notice to the person, firm or corporation charged with
15 such violation, conduct a hearing. At least 10 days prior to
16 the date of such hearing the Department shall cause to be
17 served upon the person, firm or corporation charged with such
18 violation, a copy of such charge or charges by registered mail
19 or by the personal service thereof, together with a notice
20 specifying the time and place of such hearing. At the time and
21 place specified in such notice the person, firm or corporation
22 charged with such violation shall be given an opportunity to
23 appear in person or by counsel and to be heard by the Secretary
24 of Transportation or an officer or employee of the Department
25 designated in writing by him to conduct such hearing. If it

1 appears from the hearing that such person, firm or corporation
2 is guilty of the charge preferred against him or it, the
3 Secretary of Transportation may order the permit suspended or
4 revoked, and the bond forfeited. Any such revocation or
5 suspension shall not be a bar to subsequent arrest and
6 prosecution for violation of this Chapter.

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

8 (625 ILCS 5/13-109.1)

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

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

21 (a-5) (Blank).

22 (b) Diesel emission inspections conducted under this
23 Chapter 13 shall be conducted in accordance with the Society
24 of Automotive Engineers Recommended Practice J1667
25 "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
12 are 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
17 Section, the operator of the official testing station or
18 official portable emissions testing company shall issue a
19 warning notice requiring correction of the violation. The
20 correction shall be made and the vehicle submitted to an
21 emissions retest at an official testing station or official
22 portable emissions testing company certified by the Department
23 to perform diesel emission inspections within 30 days from the
24 issuance of the warning notice requiring correction of the
25 violation.

26 If, within 30 days from the issuance of the warning

1 notice, the vehicle is not in compliance with the diesel
2 emission standards set forth in subsection (b) as determined
3 by an emissions retest at an official testing station or
4 through an official portable emissions testing company, the
5 certified emissions testing operator, ~~the operator of the~~
6 ~~official testing station~~ or the Department shall place the
7 vehicle out-of-service in accordance with the rules
8 promulgated by the Department. Operating a vehicle that has
9 been placed out-of-service under this subsection (c) is a
10 petty offense punishable by a \$1,000 fine. The vehicle must
11 pass a diesel emission inspection at an official testing
12 station before it is again placed in service. The Secretary of
13 State, Department of State Police, and other law enforcement
14 officers shall enforce this Section. No emergency vehicle, as
15 defined in Section 1-105, may be placed out-of-service
16 pursuant to this Section.

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

1 including standards of documented proof as well as the
2 criteria by which a waiver shall be granted.

3 (c-5) (Blank).

4 (d) (Blank).

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