



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2238

Introduced 2/14/2008, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Clean Car Act. Provides that the Environmental Protection Agency shall propose and the Pollution Control Board shall establish by rule a Clean Car Program that is (i) authorized by Section 177 of the federal Clean Car Act, and (ii) applicable to vehicles of the 2012 model year and every subsequent model year. Provides that the Agency shall establish new motor vehicle emission standards and compliance requirements for vehicles under the Program. Provides that the Agency may work in collaboration with other states in developing the Program. Provides that the Secretary of State shall not, with certain exceptions, register or issue a title for a new motor vehicle that is subject to the provisions of this Act if the motor vehicle is not in compliance with the provisions of this Act or rule adopted under this Act. Provides that the Secretary of State, in consultation with the Agency, shall adopt rules to prohibit the transfer of new motor vehicles or new motor vehicle engines that are not in compliance with the provisions of this Act. Effective immediately.

LRB095 17826 HLH 43905 b

1 AN ACT concerning clean cars.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Clean Car Act.

6 Section 5. Definitions. For purposes of this Act:

7 (a) "Agency" means the Environmental Protection Agency.

8 (b) "Board" means the Pollution Control Board.

9 (c) "Transfer" includes the terms acquire, purchase, sell,
10 or lease.

11 Section 10. Adoption of a Program.

12 (a) By July 1, 2009, the Agency shall propose and the Board
13 shall establish by rule a Clean Car Program that is (i)
14 authorized by Section 177 of the federal Clean Air Act, and
15 (ii) applicable to vehicles of the 2012 model year and every
16 subsequent model year.

17 (b) As part of the Program, the Agency shall establish new
18 motor vehicle emission standards and compliance requirements
19 for vehicles of the 2012 model year and every subsequent model
20 year as authorized by Section 177 of the federal Clean Air Act.

21 (c) As part of the compliance requirements established
22 under this Act, the Agency may adopt by rule motor vehicle

1 emission inspection, recall, and warranty requirements.

2 Section 15. Minimization of administrative impact.

3 (a) To minimize the administrative impact of the Program
4 and to minimize the impact of motor vehicle emissions generated
5 in other states on the air quality of this State, the Agency
6 may:

7 (1) adopt by reference the rules, regulations,
8 procedures, and certification data of any of the states
9 that have adopted clean car standards authorized by Section
10 177 of the federal Clean Air Act; and

11 (2) work in cooperation with any of the states that
12 have clean car standards, authorized by Section 177 of the
13 federal Clean Air Act, to administer certification, in-use
14 compliance, inspection, recall, and warranty requirements
15 for the Program.

16 Section 20. Title; registration.

17 (a) Except as otherwise provided in this Section, the
18 Secretary of State shall not register or issue a title for a
19 new motor vehicle that is subject to the provisions of this Act
20 if the motor vehicle is not in compliance with the provisions
21 of this Act or any rule adopted under this Act.

22 (b) Notwithstanding subsection (a) of this Section, the
23 Secretary of State may, in consultation with the Agency, adopt
24 rules to exempt motor vehicles from the Program. These

1 exemptions shall be limited to:

2 (1) motor vehicles sold for registration out of the
3 State;

4 (2) motor vehicles sold from a licensed dealer to
5 another licensed dealer; or

6 (3) any motor vehicles that would be exempted from the
7 Low Emission Vehicle Program established under California
8 law.

9 Any motor vehicle exempted under this subsection (b) is
10 exempt from the requirements of the Program, and the Secretary
11 of State shall note that exemption on the title of the motor
12 vehicle.

13 (c) The Secretary of State, in consultation with the
14 Agency, shall adopt rules to prohibit the transfer of new motor
15 vehicles or new motor vehicle engines that are not in
16 compliance with the provisions of this Act, if those rules are
17 necessary to comply with Section 177 of the federal Clean Air
18 Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.