

SB1680



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1680

Introduced 2/19/2009, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/13C-15

Amends the Illinois Vehicle Code. Adds that a vehicle may be inspected at a time outside of its normal 2-year inspection schedule for emissions, if the owner of the vehicle expects to be out of the State during the vehicle's scheduled inspection. Provides that the owner shall submit an affidavit stating he or she expects to be out of the State during the scheduled inspection. Specifies procedures for the submission of an affidavit. Effective immediately.

LRB096 10734 AJT 20919 b

A BILL FOR

1 AN ACT concerning transportation.

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 Section 13C-15 as follows:

6 (625 ILCS 5/13C-15)

7 Sec. 13C-15. Inspections.

8 (a) Computer-Matched Inspections and Notification.

9 (1) The provisions of this subsection (a) are operative
10 until the implementation of the registration denial
11 inspection and notification mechanisms required by
12 subsection (b). Beginning with the implementation of the
13 program required by this Chapter, every motor vehicle that
14 is owned by a resident of an affected county, other than a
15 vehicle that is exempt under paragraph (a) (6) or (a) (7), is
16 subject to inspection under the program.

17 The Agency shall send notice of the assigned inspection
18 month, at least 15 days before the beginning of the
19 assigned month, to the owner of each vehicle subject to the
20 program. An initial emission inspection sticker or initial
21 inspection certificate, as the case may be, expires on the
22 last day of the third month following the month assigned by
23 the Agency for the first inspection of the vehicle. A

1 renewal inspection sticker or certificate expires on the
2 last day of the third month following the month assigned
3 for inspection in the year in which the vehicle's next
4 inspection is required.

5 The Agency or its agent may issue an interim emission
6 inspection sticker or certificate for any vehicle subject
7 to inspection that does not have a currently valid emission
8 inspection sticker or certificate at the time the Agency is
9 notified by the Secretary of State of its registration by a
10 new owner, and for which an initial emission inspection
11 sticker or certificate has already been issued. An interim
12 emission inspection sticker or certificate expires no
13 later than the last day of the sixth complete calendar
14 month after the date the Agency issued the interim emission
15 inspection sticker or certificate.

16 The owner of each vehicle subject to inspection shall
17 obtain an emission inspection sticker or certificate for
18 the vehicle in accordance with this paragraph (1). Before
19 the expiration of the emission inspection sticker or
20 certificate, the owner shall have the vehicle inspected
21 and, upon demonstration of compliance, obtain a renewal
22 emission inspection sticker or certificate. A renewal
23 emission inspection sticker or certificate shall not be
24 issued more than 5 months before the expiration date of the
25 previous inspection sticker or certificate.

26 (2) Except as provided in paragraph (a)(3), vehicles

1 shall be inspected every 2 years on a schedule that begins
2 either in the second, fourth, or later calendar year after
3 the vehicle model year. The beginning test schedule shall
4 be set by the Agency and shall be consistent with the
5 State's requirements for emission reductions as determined
6 by the applicable United States Environmental Protection
7 Agency vehicle emissions estimation model and applicable
8 guidance and rules.

9 (3) A vehicle may be inspected at a time outside of its
10 normal 2-year inspection schedule, if (i) the vehicle was
11 acquired by a new owner and ~~(ii)~~ the vehicle was required
12 to be in compliance with this Act at the time the vehicle
13 was acquired by the new owner, but it was not then in
14 compliance, or (ii) the owner expects to be out of the
15 State during the vehicle's normal scheduled inspection.
16 The owner shall file a sworn affidavit containing a
17 statement that he or she expects to be out of the State
18 during the vehicle's normal scheduled inspection. The
19 affidavit shall be submitted to the Agency at least 30 days
20 before the vehicle's normal scheduled inspection.

21 (4) The owner of a vehicle subject to inspection shall
22 have the vehicle inspected and shall obtain and display on
23 the vehicle or carry within the vehicle, in a manner
24 specified by the Agency, a valid unexpired emission
25 inspection sticker or certificate in the manner specified
26 by the Agency. A person who violates this paragraph (4) is

1 guilty of a petty offense, except that a third or
2 subsequent violation within one year of the first violation
3 is a Class C misdemeanor. The fine imposed for a violation
4 of this paragraph (4) shall be not less than \$50 if the
5 violation occurred within 60 days following the date by
6 which a new or renewal emission inspection sticker or
7 certificate was required to be obtained for the vehicle,
8 and not less than \$300 if the violation occurred more than
9 60 days after that date.

10 (5) For a \$20 fee, to be paid into the Vehicle
11 Inspection Fund, the Agency may inspect:

12 (A) A vehicle registered in and subject to the
13 emission inspections requirements of another state.

14 (B) A vehicle presented for inspection on a
15 voluntary basis.

16 Any fees collected under this paragraph (5) shall not
17 offset Motor Fuel Tax Funds normally appropriated for the
18 program.

19 (6) The following vehicles are not subject to
20 inspection:

21 (A) Vehicles not subject to registration under
22 Article IV of Chapter 3 of this Code, other than
23 vehicles owned by the federal government.

24 (B) Motorcycles, motor driven cycles, and
25 motorized pedalcycles.

26 (C) Farm vehicles and implements of husbandry.

1 (D) Implements of warfare owned by the State or
2 federal government.

3 (E) Antique vehicles, custom vehicles, street
4 rods, and vehicles of model year 1967 or before.

5 (F) Vehicles operated exclusively for parade or
6 ceremonial purposes by any veterans, fraternal, or
7 civic organization, organized on a not-for-profit
8 basis.

9 (G) Vehicles for which the Secretary of State,
10 under Section 3-117 of this Code, has issued a Junking
11 Certificate.

12 (H) Diesel powered vehicles and vehicles that are
13 powered exclusively by electricity.

14 (I) Vehicles operated exclusively in organized
15 amateur or professional sporting activities, as
16 defined in Section 3.310 of the Environmental
17 Protection Act.

18 (J) Vehicles registered in, subject to, and in
19 compliance with the emission inspection requirements
20 of another state.

21 (K) Vehicles participating in an OBD continuous
22 monitoring program operated in accordance with
23 procedures adopted by the Agency.

24 (L) Vehicles of model year 1995 or earlier that do
25 not have an expired emissions test sticker or
26 certificate on February 1, 2007.

1 The Agency may issue temporary or permanent exemption
2 stickers or certificates for vehicles temporarily or
3 permanently exempt from inspection under this paragraph
4 (6). An exemption sticker or certificate does not need to
5 be displayed.

6 (7) According to criteria that the Agency may adopt, a
7 motor vehicle may be exempted from the inspection
8 requirements of this Section by the Agency on the basis of
9 an Agency determination that the vehicle is located and
10 primarily used outside of the affected counties or in other
11 jurisdictions where vehicle emission inspections are not
12 required. The Agency may issue an annual exemption sticker
13 or certificate without inspection for any vehicle exempted
14 from inspection under this paragraph (7).

15 (8) Any owner or lessee of a fleet of 15 or more motor
16 vehicles that are subject to inspection under this Section
17 may apply to the Agency for a permit to establish and
18 operate a private official inspection station in
19 accordance with rules adopted by the Agency.

20 (9) Pursuant to Title 40, Section 51.371 of the Code of
21 Federal Regulations, the Agency may establish a program of
22 on-road testing of in-use vehicles through the use of
23 remote sensing devices. In any such program, the Agency
24 shall evaluate the emission performance of 0.5% of the
25 subject fleet or 20,000 vehicles, whichever is less. Under
26 no circumstances shall on-road testing include any sort of

1 roadblock or roadside pullover or cause any type of traffic
2 delay. If, during the course of an on-road inspection, a
3 vehicle is found to exceed the on-road emissions standards
4 established for the model year and type of vehicle, the
5 Agency shall send a notice to the vehicle owner. The notice
6 shall document the occurrence and the results of the
7 on-road exceedance. The notice of a second on-road
8 exceedance shall indicate that the vehicle has been
9 reassigned and is subject to an out-of-cycle follow-up
10 inspection at an official inspection station. In no case
11 shall the Agency send a notice of an on-road exceedance to
12 the owner of a vehicle that was found to exceed the on-road
13 emission standards established for the model year and type
14 of vehicle, if the vehicle is registered outside of the
15 affected counties.

16 (b) Registration Denial Inspection and Notification.

17 (1) No later than January 1, 2008, every motor vehicle
18 that is owned by a resident of an affected county, other
19 than a vehicle that is exempt under paragraph (b)(8) or
20 (b)(9), is subject to inspection under the program.

21 The owner of a vehicle subject to inspection shall have
22 the vehicle inspected and obtain proof of compliance from
23 the Agency in order to obtain or renew a vehicle
24 registration for a subject vehicle.

25 The Secretary of State shall notify the owner of a
26 vehicle subject to inspection of the requirement to have

1 the vehicle tested at least 30 days prior to the beginning
2 of the month in which the vehicle's registration is due to
3 expire. Notwithstanding the preceding, vehicles with
4 permanent registration plates shall be notified at least 30
5 days prior to the month corresponding to the date the
6 vehicle was originally registered. This notification shall
7 clearly state the vehicle's test status, based upon the
8 vehicle type, model year and registration address.

9 The owner of each vehicle subject to inspection shall
10 have the vehicle inspected and, upon demonstration of
11 compliance, obtain an emissions compliance certificate for
12 the vehicle.

13 (2) Except as provided in paragraphs (b) (3), (b) (4),
14 and (b) (5), vehicles shall be inspected every 2 years on a
15 schedule that begins in the fourth calendar year after the
16 vehicle model year. Even model year vehicles shall be
17 inspected and comply in order to renew registrations
18 expiring in even calendar years and odd model year vehicles
19 shall be inspected and comply in order to renew
20 registrations expiring in odd calendar years.

21 (3) A vehicle shall be inspected and comply at a time
22 outside of its normal 2-year inspection schedule if (i) the
23 vehicle was acquired by a new owner and ~~(ii)~~ the vehicle
24 had not been issued a Compliance Certificate within one
25 year of the date of application for the title or
26 registration, or both, for the vehicle, or (ii) the owner

1 expects to be out of the State during the vehicle's normal
2 scheduled inspection. The owner shall file a sworn
3 affidavit containing a statement that he or she expects to
4 be out of the State during the vehicle's normal scheduled
5 inspection. The affidavit shall be submitted to the Agency
6 at least 30 days before the vehicle's normal scheduled
7 inspection.

8 (4) Vehicles with 2-year registrations shall be
9 inspected every 2 years at the time of registration
10 issuance or renewal on a schedule that begins in the fourth
11 year after the vehicle model year.

12 (5) Vehicles with permanent vehicle registration
13 plates shall be inspected every 2 years on a schedule that
14 begins in the fourth calendar year after the vehicle model
15 year in the month corresponding to the date the vehicle was
16 originally registered. Even model year vehicles shall be
17 inspected and comply in even calendar years, and odd model
18 year vehicles shall be inspected and comply in odd calendar
19 years.

20 (6) The Agency and the Secretary of State shall
21 endeavor to ensure a smooth transition from test scheduling
22 from the provisions of subsection (a) to subsection (b).
23 Passing tests and waivers issued prior to the
24 implementation of this subsection (b) may be utilized to
25 establish compliance for a period of one year from the date
26 of the emissions or waiver inspection.

1 (7) For a \$20 fee, to be paid into the Vehicle
2 Inspection Fund, the Agency may inspect:

3 (A) A vehicle registered in and subject to the
4 emissions inspections requirements of another state.

5 (B) A vehicle presented for inspection on a
6 voluntary basis.

7 Any fees collected under this paragraph (7) shall not
8 offset Motor Fuel Tax Funds normally appropriated for the
9 program.

10 (8) The following vehicles are not subject to
11 inspection:

12 (A) Vehicles not subject to registration under
13 Article IV of Chapter 3 of this Code, other than
14 vehicles owned by the federal government.

15 (B) Motorcycles, motor driven cycles, and
16 motorized pedalcycles.

17 (C) Farm vehicles and implements of husbandry.

18 (D) Implements of warfare owned by the State or
19 federal government.

20 (E) Antique vehicles, custom vehicles, street
21 rods, and vehicles of model year 1967 or before.

22 (F) Vehicles operated exclusively for parade or
23 ceremonial purposes by any veterans, fraternal, or
24 civic organization, organized on a not-for-profit
25 basis.

26 (G) Vehicles for which the Secretary of State,

1 under Section 3-117 of this Code, has issued a Junking
2 Certificate.

3 (H) Diesel powered vehicles and vehicles that are
4 powered exclusively by electricity.

5 (I) Vehicles operated exclusively in organized
6 amateur or professional sporting activities, as
7 defined in Section 3.310 of the Environmental
8 Protection Act.

9 (J) Vehicles registered in, subject to, and in
10 compliance with the emission inspection requirements
11 of another state.

12 (K) Vehicles participating in an OBD continuous
13 monitoring program operated in accordance with
14 procedures adopted by the Agency.

15 (L) Vehicles of model year 1995 or earlier that do
16 not have an expired emissions test sticker or
17 certificate on February 1, 2007.

18 The Agency may issue temporary or permanent exemption
19 certificates for vehicles temporarily or permanently
20 exempt from inspection under this paragraph (8). An
21 exemption sticker or certificate does not need to be
22 displayed.

23 (9) According to criteria that the Agency may adopt, a
24 motor vehicle may be exempted from the inspection
25 requirements of this Section by the Agency on the basis of
26 an Agency determination that the vehicle is located and

1 primarily used outside of the affected counties or in other
2 jurisdictions where vehicle emissions inspections are not
3 required. The Agency may issue an annual exemption
4 certificate without inspection for any vehicle exempted
5 from inspection under this paragraph (9).

6 (10) Any owner or lessee of a fleet of 15 or more motor
7 vehicles that are subject to inspection under this Section
8 may apply to the Agency for a permit to establish and
9 operate a private official inspection station in
10 accordance with rules adopted by the Agency.

11 (11) Pursuant to Title 40, Section 51.371 of the Code
12 of Federal Regulations, the Agency may establish a program
13 of on-road testing of in-use vehicles through the use of
14 remote sensing devices. In any such program, the Agency
15 shall evaluate the emission performance of 0.5% of the
16 subject fleet or 20,000 vehicles, whichever is less. Under
17 no circumstances shall on-road testing include any sort of
18 roadblock or roadside pullover or cause any type of traffic
19 delay. If, during the course of an on-road inspection, a
20 vehicle is found to exceed the on-road emissions standards
21 established for the model year and type of vehicle, the
22 Agency shall send a notice to the vehicle owner. The notice
23 shall document the occurrence and the results of the
24 on-road exceedance. The notice of a second on-road
25 exceedance shall indicate that the vehicle has been
26 reassigned and is subject to an out-of-cycle follow-up

1 inspection at an official inspection station. In no case
2 shall the Agency send a notice of an on-road exceedance to
3 the owner of a vehicle that was found to exceed the on-road
4 emissions standards established for the model year and type
5 of vehicle, if the vehicle is registered outside of the
6 affected counties.

7 (Source: P.A. 94-526, eff. 1-1-06; 94-848, eff. 6-9-06.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.