

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 Alternate Fuels Act is amended by changing
5 Section 35 as follows:

6 (415 ILCS 120/35)

7 Sec. 35. User fees.

8 (a) The Office of the Secretary of State shall collect
9 annual user fees from any individual, partnership,
10 association, corporation, or agency of the United States
11 government that registers any combination of 10 or more of the
12 following types of motor vehicles in the Covered Area: (1)
13 vehicles of the First Division, as defined in the Illinois
14 Vehicle Code; (2) vehicles of the Second Division registered
15 under the B, D, F, H, MD, MF, MG, MH and MJ plate categories, as
16 defined in the Illinois Vehicle Code; and (3) commuter vans and
17 livery vehicles as defined in the Illinois Vehicle Code. This
18 Section does not apply to vehicles registered under the
19 International Registration Plan under Section 3-402.1 of the
20 Illinois Vehicle Code. The user fee shall be \$20 for each
21 vehicle registered in the Covered Area for each fiscal year.
22 The Office of the Secretary of State shall collect the \$20 when
23 a vehicle's registration fee is paid.

1 (b) Owners of State, county, and local government vehicles,
2 rental vehicles, antique vehicles, expanded-use antique
3 vehicles, electric vehicles, and motorcycles are exempt from
4 paying the user fees on such vehicles.

5 (c) The Office of the Secretary of State shall deposit the
6 user fees collected into the Alternate Fuels Fund.

7 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03.)

8 Section 10. The Illinois Vehicle Code is amended by adding
9 Sections 1-118.1 and 3-804.01 and changing Sections 3-112.1,
10 3-806, 4-209, 12-205, 12-208, 12-301, 12-501, 12-608, 13-101,
11 and 13C-15 as follows:

12 (625 ILCS 5/1-118.1 new)

13 Sec. 1-118.1. Expanded-use antique vehicle.

14 A motor vehicle that is more than 25 years of age or a bona
15 fade replica thereof and which is registered and driven on the
16 highways in accordance with Section 3-804.01.

17 (625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

18 Sec. 3-112.1. Odometer.

19 (a) All titles issued by the Secretary of State beginning
20 January, 1990, shall provide for an odometer certification
21 substantially as follows:

22 "I certify to the best of my knowledge that the odometer
23 reading is and reflects the actual mileage of the vehicle

1 unless one of the following statements is checked.

2
3

4 () 1. The mileage stated is in excess of its mechanical
5 limits.

6 () 2. The odometer reading is not the actual mileage.
7 Warning - Odometer Discrepancy."

8 (b) When executing any transfer of title which contains the
9 odometer certification as described in paragraph (a) above,
10 each transferor of a motor vehicle must supply on the title
11 form the following information:

12 (1) The odometer reading at the time of transfer and an
13 indication if the mileage is in excess of its mechanical
14 limits or if it is not the actual mileage;

15 (2) The date of transfer;

16 (3) The transferor's printed name and signature; and

17 (4) The transferee's printed name and address.

18 (c) The transferee must sign on the title form indicating
19 that he or she is aware of the odometer certification made by
20 the transferor.

21 (d) The transferor will not be required to disclose the
22 current odometer reading and the transferee will not have to
23 acknowledge such disclosure under the following circumstances:

24 (1) A vehicle having a Gross Vehicle Weight Rating of
25 more than 16,000 pounds;

26 (2) A vehicle that is not self-propelled;

(3) A vehicle that is 10 years old or older;

1 (4) A vehicle sold directly by the manufacturer to any
2 agency of the United States; and

3 (5) A vehicle manufactured without an odometer.

4 (e) When the transferor signs the title transfer such
5 transferor acknowledges that he or she is aware that Federal
6 regulations and State law require him or her to state the
7 odometer mileage upon transfer of ownership. An inaccurate or
8 untruthful statement with intent to defraud subjects the
9 transferor to liability for damages to the transferee pursuant
10 to the federal Motor Vehicle Information and Cost Act of 1972,
11 P.L. 92-513 as amended by P.L. 94-364. No transferor shall be
12 liable for damages as provided under this Section who transfers
13 title to a motor vehicle which has an odometer reading that has
14 been altered or tampered with by a previous owner, unless that
15 transferor knew or had reason to know of such alteration or
16 tampering and sold such vehicle with an intent to defraud. A
17 cause of action is hereby created by which any person who, with
18 intent to defraud, violates any requirement imposed under this
19 Section shall be liable in an amount equal to the sum of:

20 (1) three times the amount of actual damages sustained
21 or \$1,500, whichever is the greater; and

22 (2) in the case of any successful action to enforce the
23 foregoing liability, the costs of the action together with
24 reasonable attorney fees as determined by the court.

25 Any recovery based on a cause of action under this Section
26 shall be offset by any recovery made pursuant to the federal

1 Motor Vehicle Information and Cost Savings Act of 1972.

2 (f) The provisions of this Section shall not apply to any
3 motorcycle, motor driven cycle, moped, ~~or~~ antique vehicle, or
4 expanded-use antique vehicle.

5 (g) The Secretary of State may adopt rules and regulations
6 providing for a transition period for all non-conforming
7 titles.

8 (Source: P.A. 91-357, eff. 7-29-99; 92-651, eff. 7-11-02.)

9 (625 ILCS 5/3-804.01 new)

10 Sec. 3-804.01. Expanded-use antique vehicles.

11 (a) The owner of a motor vehicle that is more than 25 years
12 of age or a bona fide replica thereof may register the vehicle
13 as an expanded-use antique vehicle. In addition to the
14 appropriate registration and renewal fees, the fee for
15 expanded-use antique vehicle registration and renewal shall be
16 \$45 per year. The application for registration must be
17 accompanied by an affirmation of the owner that:

18 (1) from January 1 through March 31 and from November 1
19 through December 31, the vehicle will be driven on the
20 highways only for the purpose of going to and returning
21 from an antique auto show or an exhibition, or for
22 servicing or demonstration; and

23 (2) the mechanical condition, physical condition,
24 brakes, lights, glass, and appearance of such vehicle is
25 the same or as safe as originally equipped.

1 From April 1 through October 31, a vehicle registered as an
2 expanded-use antique vehicle may be driven on the highways
3 without being subject to the restrictions set forth in
4 subdivision (1). The Secretary may prescribe, in the
5 Secretary's discretion, that expanded-use antique vehicle
6 plates be issued for a definite or an indefinite term, such
7 term to correspond to the term of registration plates issued
8 generally, as provided in Section 3-414.1. Any person
9 requesting expanded-use antique vehicle plates under this
10 Section may also apply to have vanity or personalized plates as
11 provided under Section 3-405.1.

12 (b) Any person who is the registered owner of an
13 expanded-use antique vehicle may display a historical license
14 plate from or representing the model year of the vehicle,
15 furnished by such person, in lieu of the current and valid
16 Illinois expanded-use antique vehicle plates issued thereto,
17 provided that the valid and current Illinois expanded-use
18 antique vehicle plates and registration card issued to the
19 expanded-use antique vehicle are simultaneously carried within
20 the vehicle and are available for inspection.

21 (c) The Secretary may credit a pro-rated portion of a fee
22 previously paid for an antique vehicle registration under
23 Section 3-804 to an owner who applies to have that vehicle
24 registered as an expanded-use antique vehicle instead of an
25 antique vehicle.

1 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)
 2 Sec. 3-806. Registration Fees; Motor Vehicles of the First
 3 Division. Every owner of any other motor vehicle of the first
 4 division, except as provided in Sections 3-804, 3-804.01,
 5 3-805, 3-806.3, 3-806.7, and 3-808, and every second division
 6 vehicle weighing 8,000 pounds or less, shall pay the Secretary
 7 of State an annual registration fee at the following rates:

8 SCHEDULE OF REGISTRATION FEES

9 REQUIRED BY LAW

10 Beginning with the 2010 registration year

11 Annual

12 Fee

13 Motor vehicles of the first

14 division other than

15 Motorcycles, Motor Driven

16 Cycles and Pedalcycles \$98

17 Motorcycles, Motor Driven

18 Cycles and Pedalcycles 38

19 Beginning with the 2010 registration year a \$1 surcharge
 20 shall be collected in addition to the above fees for motor
 21 vehicles of the first division, motorcycles, motor driven
 22 cycles, and pedalcycles to be deposited into the State Police
 23 Vehicle Fund.

24 All of the proceeds of the additional fees imposed by
 25 Public Act 96-34 shall be deposited into the Capital Projects

1 Fund.

2 (Source: P.A. 95-1009, eff. 12-15-08; 96-34, eff. 7-13-09;
3 96-747, eff. 1-1-10; 96-1000, eff. 7-2-10.)

4 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

5 Sec. 4-209. Disposal of unclaimed vehicles more than 7
6 years of age; disposal of abandoned or unclaimed vehicles
7 without notice.

8 (a) When the identity of the registered owner, lienholder,
9 or other legally entitled persons of an abandoned, lost, or
10 unclaimed vehicle of 7 years of age or newer cannot be
11 determined by any means provided for in this Chapter, the
12 vehicle may be sold as provided in Section 4-208 without notice
13 to any person whose identity cannot be determined.

14 (b) When an abandoned vehicle of more than 7 years of age
15 is impounded as specified by this Chapter, or when any such
16 vehicle is towed at the request or with the consent of the
17 owner or operator and is subsequently abandoned, it will be
18 kept in custody or storage for a minimum of 10 days for the
19 purpose of determining the identity of the registered owner,
20 lienholder, or other legally entitled persons and contacting
21 the registered owner, lienholder, or other legally entitled
22 persons by the U. S. Mail, public service or in person for a
23 determination of disposition; and, an examination of the State
24 Police stolen vehicle files for theft and wanted information.
25 At the expiration of the 10 day period, without the benefit of

1 disposition information being received from the registered
2 owner, lienholder, or other legally entitled persons, the
3 vehicle may be disposed of in either of the following ways:

4 (1) The law enforcement agency having jurisdiction
5 will authorize the disposal of the vehicle as junk or
6 salvage.

7 (2) The towing service may sell the vehicle in the
8 manner provided in Section 4-208 of this Code, provided
9 that this paragraph (2) shall not apply to vehicles towed
10 by order or authorization of a law enforcement agency.

11 (c) A vehicle classified as an antique vehicle,
12 expanded-use antique vehicle, custom vehicle, or street rod may
13 however be sold to a person desiring to restore it.

14 (Source: P.A. 92-668, eff. 1-1-03.)

15 (625 ILCS 5/12-205) (from Ch. 95 1/2, par. 12-205)

16 Sec. 12-205. Lamps on other vehicles and equipment. Every
17 vehicle, including animal drawn vehicles, referred to in
18 paragraph (b) of Section 12-101, not specifically required by
19 the provisions of this Article to be equipped with lamps or
20 other lighting devices, shall at all times specified in Section
21 12-201 of this Act be equipped with at least 2 lamps on the
22 power or towing unit, displaying a white light visible from a
23 distance of not less than 1,000 feet to the front of such
24 vehicle and shall also be equipped with 2 lamps each displaying
25 a red light visible from a distance of not less than 1,000 feet

1 to the rear of such vehicle.

2 Where the towed unit or any load thereon partially or
3 totally obscures the 2 lamps displaying red light to the rear
4 of the towing unit, the rearmost towed unit shall be equipped
5 with 2 lamps displaying red light visible from a distance of
6 not less than 1,000 feet to the rear of such towed unit which
7 are positioned in such a manner as to not obstruct the
8 visibility of the red light to any vehicle operator approaching
9 from the rear of such vehicle or combination of vehicles.

10 Where the 2 lamps displaying red light are not obscured by
11 the towed unit or its load, then either towing unit or towed
12 unit, or both, may be equipped with the 2 lamps displaying red
13 light as required.

14 The preceding paragraph does not apply to antique vehicles,
15 expanded-use antique vehicles, custom vehicles, or street
16 rods. An antique vehicle or expanded-use antique vehicle shall
17 be equipped with lamps of the same type originally installed by
18 the manufacturer as original equipment and in working order.

19 (Source: P.A. 92-668, eff. 1-1-03.)

20 (625 ILCS 5/12-208) (from Ch. 95 1/2, par. 12-208)

21 Sec. 12-208. Signal lamps and signal devices.

22 (a) Every vehicle other than an antique vehicle displaying
23 an antique plate or an expanded-use antique vehicle displaying
24 expanded-use antique vehicle plates operated in this State
25 shall be equipped with a stop lamp or lamps on the rear of the

1 vehicle which shall display a red or amber light visible from a
2 distance of not less than 500 feet to the rear in normal
3 sunlight and which shall be actuated upon application of the
4 service (foot) brake, and which may but need not be
5 incorporated with other rear lamps. During times when lighted
6 lamps are not required, an antique vehicle or an expanded-use
7 antique vehicle may be equipped with a stop lamp or lamps on
8 the rear of such vehicle of the same type originally installed
9 by the manufacturer as original equipment and in working order.
10 However, at all other times, except as provided in subsection
11 (a-1), such antique vehicle or expanded-use antique vehicle
12 must be equipped with stop lamps meeting the requirements of
13 Section 12-208 of this Act.

14 (a-1) An antique vehicle or an expanded-use antique
15 vehicle, including an antique motorcycle, may display a blue
16 light or lights of up to one inch in diameter as part of the
17 vehicle's rear stop lamp or lamps.

18 (b) Every motor vehicle other than an antique vehicle
19 displaying an antique plate or an expanded-use antique vehicle
20 displaying expanded-use antique vehicle plates shall be
21 equipped with an electric turn signal device which shall
22 indicate the intention of the driver to turn to the right or to
23 the left in the form of flashing lights located at and showing
24 to the front and rear of the vehicle on the side of the vehicle
25 toward which the turn is to be made. The lamps showing to the
26 front shall be mounted on the same level and as widely spaced

1 laterally as practicable and, when signaling, shall emit a
2 white or amber light, or any shade of light between white and
3 amber. The lamps showing to the rear shall be mounted on the
4 same level and as widely spaced laterally as practicable and,
5 when signaling, shall emit a red or amber light. An antique
6 vehicle or expanded-use antique vehicle shall be equipped with
7 a turn signal device of the same type originally installed by
8 the manufacturer as original equipment and in working order.

9 (c) Every trailer and semitrailer shall be equipped with an
10 electric turn signal device which indicates the intention of
11 the driver in the power unit to turn to the right or to the left
12 in the form of flashing red or amber lights located at the rear
13 of the vehicle on the side toward which the turn is to be made
14 and mounted on the same level and as widely spaced laterally as
15 practicable.

16 (d) Turn signal lamps must be visible from a distance of
17 not less than 300 feet in normal sunlight.

18 (e) Motorcycles and motor-driven cycles need not be
19 equipped with electric turn signals. Antique vehicles and
20 expanded-use antique vehicles need not be equipped with turn
21 signals unless such were installed by the manufacturer as
22 original equipment.

23 (f) (Blank).

24 (Source: P.A. 96-487, eff. 1-1-10.)

25 (625 ILCS 5/12-301) (from Ch. 95 1/2, par. 12-301)

1 Sec. 12-301. Brakes.

2 (a) Brake equipment required.

3 1. Every motor vehicle, other than a motor-driven
4 cycle, ~~and~~ an antique vehicle displaying an antique plate,
5 and an expanded-use antique vehicle displaying
6 expanded-use antique vehicle plates, when operated upon a
7 highway shall be equipped with brakes adequate to control
8 the movement of and to stop and hold such vehicle,
9 including 2 separate means of applying the brakes, each of
10 which means shall be effective to apply the brakes to at
11 least one wheel on a motorcycle and at least 2 wheels on
12 all other first division and second division vehicles. If
13 these 2 separate means of applying the brakes are connected
14 in any way, they shall be so constructed that failure of
15 any one part of the operating mechanism shall not leave the
16 motor vehicle without brakes.

17 2. Every motor-driven cycle when operated upon a
18 highway shall be equipped with at least one brake which may
19 be operated by hand or foot.

20 3. Every antique vehicle shall be equipped with the
21 brakes of the same type originally installed by the
22 manufacturer as original equipment and in working order.

23 4. Except as provided in paragraph 4.1, every trailer
24 or semitrailer of a gross weight of over 3,000 pounds, when
25 operated upon a highway must be equipped with brakes
26 adequate to control the movement of, to stop and to hold

1 such vehicle, and designed so as to be operable by the
2 driver of the towing vehicle from its cab. Such brakes must
3 be so designed and connected that in case of an accidental
4 breakaway of a towed vehicle over 5,000 pounds, the brakes
5 are automatically applied.

6 4.1. Every boat trailer of a gross weight of over 3,000
7 pounds, when operated upon a highway, must be equipped with
8 brakes adequate to control the movement of, to stop, and to
9 hold that boat trailer. The brakes must be designed to
10 ensure that, in case of an accidental breakaway of a towed
11 boat trailer over 5,000 pounds, the brakes are
12 automatically applied.

13 5. Every motor vehicle, expanded-use antique vehicle,
14 trailer, pole trailer or semitrailer, sold in this State or
15 operated upon the highways shall be equipped with service
16 brakes upon all wheels of every such vehicle, except any
17 motor-driven cycle, and except that any trailer, pole
18 trailer or semitrailer 3,000 pounds gross weight or less
19 need not be equipped with brakes, and except that any
20 trailer or semitrailer with gross weight over 3,000 pounds
21 but under 5,001 pounds need be equipped with brakes on only
22 one wheel on each side of the vehicle. Any motor vehicle
23 and truck tractor having 3 or more axles and manufactured
24 prior to July 25, 1980 need not have brakes on the front
25 wheels, except when such vehicles are equipped with at
26 least 2 steerable axles, the wheels of one such axle need

1 not be equipped with brakes. However, a vehicle that is
2 more than 30 years of age and which is driven on the
3 highways only in going to and returning from an antique
4 auto show or for servicing or for a demonstration need be
5 equipped with 2 wheel brakes only.

6 (b) Performance ability of brakes.

7 1. The service brakes upon any motor vehicle or
8 combination of vehicles operating on a level surface shall
9 be adequate to stop such vehicle or vehicles when traveling
10 20 miles per hour within a distance of 30 feet when upon
11 dry asphalt or concrete pavement surface free from loose
12 material.

13 2. Under the above conditions the hand brake shall be
14 adequate to stop such vehicle or vehicles, except any
15 motorcycle, within a distance of 55 feet and the hand brake
16 shall be adequate to hold such vehicle or vehicles
17 stationary on any grade upon which operated.

18 3. Under the above conditions the service brakes upon
19 an antique vehicle or expanded-use antique vehicle shall be
20 adequate to stop the vehicle within a distance of 40 feet
21 and the hand brake adequate to stop the vehicle within a
22 distance of 55 feet.

23 4. All braking distances specified in this Section
24 apply to all vehicles mentioned, whether such vehicles are
25 unloaded or are loaded to the maximum capacity permitted
26 under this Act.

1 5. All brakes shall be maintained in good working order
2 and shall be so adjusted as to operate as equally as
3 practicable with respect to the wheels on opposite sides of
4 the vehicle.

5 6. Brake assembly requirements for mobile homes shall
6 be the standards required by the United States Department
7 of Housing and Urban Development adopted under Title VI of
8 the Housing and Community Development Act of 1974.

9 (c) (Blank).

10 (Source: P.A. 96-487, eff. 1-1-10.)

11 (625 ILCS 5/12-501) (from Ch. 95 1/2, par. 12-501)

12 Sec. 12-501. Windshields and safety glazing material in
13 motor vehicles.

14 (a) Every motor vehicle operated upon the highways of this
15 State shall be equipped with a front windshield which complies
16 with those standards as established pursuant to this Section
17 and Section 12-503 of this Code. This subsection shall not
18 apply to motor vehicles designed and used exclusively for
19 off-highway use, motorcycles, motor-driven cycles, motorized
20 pedalcycles, nor to motor vehicles registered as antique
21 vehicles, expanded-use antique vehicles, custom vehicles, or
22 street rods when the original design of such vehicles did not
23 include front windshields.

24 (b) No person shall knowingly sell any 1936 or later model
25 motor vehicle unless such vehicle is equipped with safety

1 glazing material conforming to specifications prescribed by
2 the Department wherever glazing material is used in doors,
3 windows and windshields. Regulations promulgated by the
4 Department specifying standards for safety glazing material on
5 windshields shall, as a minimum, conform with those applicable
6 Federal Motor Vehicles Safety Standards (49 CFR 571.205). These
7 provisions apply to all motor vehicles of the first and second
8 division but with respect to trucks, including truck tractors,
9 the requirements as to safety glazing material apply to all
10 glazing material used in doors, windows and windshields in the
11 drivers' compartments of such vehicles.

12 (c) It is unlawful for the owner or any other person
13 knowingly to install or cause to be installed in any motor
14 vehicle any glazing material other than safety glazing material
15 conforming to the specifications prescribed by the Department.

16 (Source: P.A. 92-668, eff. 1-1-03.)

17 (625 ILCS 5/12-608) (from Ch. 95 1/2, par. 12-608)

18 Sec. 12-608. Bumpers.

19 (a) It shall be unlawful to operate any motor vehicle with
20 a gross vehicle weight rating of 9,000 pounds or less or any
21 motor vehicle registered as a recreational vehicle under this
22 Code on any highway of this State unless such motor vehicle is
23 equipped with both a front and rear bumper.

24 Except as indicated below, maximum bumper heights of such
25 motor vehicles shall be determined by weight category of gross

1 vehicle weight rating (GVWR) measured from a level surface to
 2 the highest point of the bottom of the bumper when the vehicle
 3 is unloaded and the tires are inflated to the manufacturer's
 4 recommended pressure.

5 Maximum bumper heights are as follows:

6 Maximum Front	Maximum Rear	
7 Bumper height	Bumper Height	

8 All motor vehicles of the first
 9 division except multipurpose

10 passenger vehicles:	22 inches	22 inches
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11 Multipurpose passenger vehicles

12 and all other motor vehicles:

13 4,500 lbs. and under GVWR	24 inches	26 inches
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14 4,501 lbs. through 7,500		
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15 lbs. GVWR	27 inches	29 inches
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16 7,501 lbs. through 9,000		
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17 lbs. GVWR	28 inches	30 inches
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18 It is unlawful to operate upon any highway of this State
 19 any vehicle with a front bumper height that exceeds 28 inches
 20 or a rear bumper height that exceeds 30 inches, regardless of
 21 the GVWR of the vehicle, except those vehicles covered by
 22 Chapter 18b of this Code.

23 For any vehicle with bumpers or attaching components which
 24 have been modified or altered from the original manufacturer's
 25 design in order to conform with the maximum bumper requirements
 26 of this section, the bumper height shall be measured from a

1 level surface to the bottom of the vehicle frame rail at the
2 most forward and rearward points of the frame rail. The bumper
3 on any vehicle so modified or altered shall be at least 4.5
4 inches in vertical height and extend no less than the width of
5 the respective wheel tracks outermost distance.

6 However, nothing in this Section shall prevent the
7 installation of bumper guards.

8 (b) This Section shall not apply to street rods, custom
9 vehicles, motor vehicles designed or modified primarily for
10 off-highway purposes while such vehicles are in tow or to
11 motorcycles or motor driven cycles, nor to motor vehicles
12 registered as antique vehicles or expanded-use antique
13 vehicles when the original design of such antique vehicles or
14 expanded-use antique vehicles did not include bumpers. The
15 provisions of this Section shall not apply to any motor vehicle
16 driven during the first 1000 recorded miles of that vehicle,
17 when such vehicle is owned or operated by a manufacturer,
18 dealer or transporter displaying a special plate or plates as
19 described in Chapter 3 of this Code while such vehicle is (1)
20 being delivered from the manufacturing or assembly plant
21 directly to the purchasing dealer or distributor, or from one
22 dealership or distributor to another; (2) being moved by the
23 most direct route from one location to another for the purpose
24 of installing special bodies or equipment; or (3) being driven
25 for purposes of demonstration by a prospective buyer with the
26 dealer or his agent present in the cab of the vehicle during

1 the demonstration.

2 The dealer shall, prior to the receipt of any deposit made
3 or any contract signed by the buyer to secure the purchase of a
4 vehicle, inform such buyer, by written statement signed by the
5 purchaser to indicate acknowledgement of the contents thereof,
6 of the legal requirements of this Section regarding front and
7 rear bumpers if such vehicle is not to be equipped with bumpers
8 at the time of delivery.

9 (c) Any violation of this Section is a Class C misdemeanor.
10 A second conviction under this Section shall be punishable with
11 a fine of not less than \$500. An officer making an arrest under
12 this Section shall order the vehicle driver to remove the
13 vehicle from the highway. A person convicted under this Section
14 shall be ordered to bring his vehicle into compliance with this
15 Section.

16 (Source: P.A. 92-668, eff. 1-1-03; 93-702, eff. 7-9-04.)

17 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

18 Sec. 13-101. Submission to safety test; Certificate of
19 safety. To promote the safety of the general public, every
20 owner of a second division vehicle, medical transport vehicle,
21 tow truck, or contract carrier transporting employees in the
22 course of their employment on a highway of this State in a
23 vehicle designed to carry 15 or fewer passengers shall, before
24 operating the vehicle upon the highways of Illinois, submit it
25 to a "safety test" and secure a certificate of safety furnished

1 by the Department as set forth in Section 13-109. Each second
2 division motor vehicle that pulls or draws a trailer,
3 semitrailer or pole trailer, with a gross weight of more than
4 8,000 lbs or is registered for a gross weight of more than
5 8,000 lbs, motor bus, religious organization bus, school bus,
6 senior citizen transportation vehicle, and limousine shall be
7 subject to inspection by the Department and the Department is
8 authorized to establish rules and regulations for the
9 implementation of such inspections.

10 The owners of each salvage vehicle shall submit it to a
11 "safety test" and secure a certificate of safety furnished by
12 the Department prior to its salvage vehicle inspection pursuant
13 to Section 3-308 of this Code. In implementing and enforcing
14 the provisions of this Section, the Department and other
15 authorized State agencies shall do so in a manner that is not
16 inconsistent with any applicable federal law or regulation so
17 that no federal funding or support is jeopardized by the
18 enactment or application of these provisions.

19 However, none of the provisions of Chapter 13 requiring
20 safety tests or a certificate of safety shall apply to:

21 (a) farm tractors, machinery and implements, wagons,
22 wagon-trailers or like farm vehicles used primarily in
23 agricultural pursuits;

24 (b) vehicles other than school buses, tow trucks and
25 medical transport vehicles owned or operated by a municipal
26 corporation or political subdivision having a population

1 of 1,000,000 or more inhabitants and which are subject to
2 safety tests imposed by local ordinance or resolution;

3 (c) a semitrailer or trailer having a gross weight of
4 5,000 pounds or less including vehicle weight and maximum
5 load;

6 (d) recreational vehicles;

7 (e) vehicles registered as and displaying Illinois
8 antique vehicle plates and vehicles registered as
9 expanded-use antique vehicles and displaying expanded-use
10 antique vehicle plates;

11 (f) house trailers equipped and used for living
12 quarters;

13 (g) vehicles registered as and displaying Illinois
14 permanently mounted equipment plates or similar vehicles
15 eligible therefor but registered as governmental vehicles
16 provided that if said vehicle is reclassified from a
17 permanently mounted equipment plate so as to lose the
18 exemption of not requiring a certificate of safety, such
19 vehicle must be safety tested within 30 days of the
20 reclassification;

21 (h) vehicles owned or operated by a manufacturer,
22 dealer or transporter displaying a special plate or plates
23 as described in Chapter 3 of this Code while such vehicle
24 is being delivered from the manufacturing or assembly plant
25 directly to the purchasing dealership or distributor, or
26 being temporarily road driven for quality control testing,

1 or from one dealer or distributor to another, or are being
2 moved by the most direct route from one location to another
3 for the purpose of installing special bodies or equipment,
4 or driven for purposes of demonstration by a prospective
5 buyer with the dealer or his agent present in the cab of
6 the vehicle during the demonstration;

7 (i) pole trailers and auxiliary axles;

8 (j) special mobile equipment;

9 (k) vehicles properly registered in another State
10 pursuant to law and displaying a valid registration plate,
11 except vehicles of contract carriers transporting
12 employees in the course of their employment on a highway of
13 this State in a vehicle designed to carry 15 or fewer
14 passengers are only exempted to the extent that the safety
15 testing requirements applicable to such vehicles in the
16 state of registration are no less stringent than the safety
17 testing requirements applicable to contract carriers that
18 are lawfully registered in Illinois;

19 (l) water-well boring apparatuses or rigs;

20 (m) any vehicle which is owned and operated by the
21 federal government and externally displays evidence of
22 such ownership; and

23 (n) second division vehicles registered for a gross
24 weight of 8,000 pounds or less, except when such second
25 division motor vehicles pull or draw a trailer,
26 semi-trailer or pole trailer having a gross weight of or

1 registered for a gross weight of more than 8,000 pounds;
2 motor buses; religious organization buses; school buses;
3 senior citizen transportation vehicles; medical transport
4 vehicles and tow trucks.

5 The safety test shall include the testing and inspection of
6 brakes, lights, horns, reflectors, rear vision mirrors,
7 mufflers, safety chains, windshields and windshield wipers,
8 warning flags and flares, frame, axle, cab and body, or cab or
9 body, wheels, steering apparatus, and other safety devices and
10 appliances required by this Code and such other safety tests as
11 the Department may by rule or regulation require, for second
12 division vehicles, school buses, medical transport vehicles,
13 tow trucks, vehicles designed to carry 15 or fewer passengers
14 operated by a contract carrier transporting employees in the
15 course of their employment on a highway of this State,
16 trailers, and semitrailers subject to inspection.

17 For tow trucks, the safety test and inspection shall also
18 include the inspection of winch mountings, body panels, body
19 mounts, wheel lift swivel points, and sling straps, and other
20 tests and inspections the Department by rule requires for tow
21 trucks.

22 For trucks, truck tractors, trailers, semi-trailers, and
23 buses, the safety test shall be conducted in accordance with
24 the Minimum Periodic Inspection Standards promulgated by the
25 Federal Highway Administration of the U.S. Department of
26 Transportation and contained in Appendix G to Subchapter B of

1 Chapter III of Title 49 of the Code of Federal Regulations.
2 Those standards, as now in effect, are made a part of this
3 Code, in the same manner as though they were set out in full in
4 this Code.

5 The passing of the safety test shall not be a bar at any
6 time to prosecution for operating a second division vehicle,
7 medical transport vehicle, or vehicle designed to carry 15 or
8 fewer passengers operated by a contract carrier as provided in
9 this Section which is unsafe as determined by the standards
10 prescribed in this Code.

11 (Source: P.A. 92-108, eff. 1-1-02; 93-637, eff. 6-1-04.)

12 (625 ILCS 5/13C-15)

13 Sec. 13C-15. Inspections.

14 (a) Computer-Matched Inspections and Notification.

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

23 The Agency shall send notice of the assigned inspection
24 month, at least 15 days before the beginning of the
25 assigned month, to the owner of each vehicle subject to the

1 program. An initial emission inspection sticker or initial
2 inspection certificate, as the case may be, expires on the
3 last day of the third month following the month assigned by
4 the Agency for the first inspection of the vehicle. A
5 renewal inspection sticker or certificate expires on the
6 last day of the third month following the month assigned
7 for inspection in the year in which the vehicle's next
8 inspection is required.

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

20 The owner of each vehicle subject to inspection shall
21 obtain an emission inspection sticker or certificate for
22 the vehicle in accordance with this paragraph (1). Before
23 the expiration of the emission inspection sticker or
24 certificate, the owner shall have the vehicle inspected
25 and, upon demonstration of compliance, obtain a renewal
26 emission inspection sticker or certificate. A renewal

1 emission inspection sticker or certificate shall not be
2 issued more than 5 months before the expiration date of the
3 previous inspection sticker or certificate.

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

13 (3) A vehicle may be inspected at a time outside of its
14 normal 2-year inspection schedule, if (i) the vehicle was
15 acquired by a new owner and (ii) the vehicle was required
16 to be in compliance with this Act at the time the vehicle
17 was acquired by the new owner, but it was not then in
18 compliance.

19 (4) The owner of a vehicle subject to inspection shall
20 have the vehicle inspected and shall obtain and display on
21 the vehicle or carry within the vehicle, in a manner
22 specified by the Agency, a valid unexpired emission
23 inspection sticker or certificate in the manner specified
24 by the Agency. A person who violates this paragraph (4) is
25 guilty of a petty offense, except that a third or
26 subsequent violation within one year of the first violation

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

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

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

12 (B) A vehicle presented for inspection on a
13 voluntary basis.

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

17 (6) The following vehicles are not subject to
18 inspection:

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

22 (B) Motorcycles, motor driven cycles, and
23 motorized pedalcycles.

24 (C) Farm vehicles and implements of husbandry.

25 (D) Implements of warfare owned by the State or
26 federal government.

1 (E) Antique vehicles, expanded-use antique
2 vehicles, custom vehicles, street rods, and vehicles
3 of model year 1967 or before.

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

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

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

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

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

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

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

26 The Agency may issue temporary or permanent exemption

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

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

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

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

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

15 (b) Registration Denial Inspection and Notification.

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

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

24 The Secretary of State shall notify the owner of a
25 vehicle subject to inspection of the requirement to have
26 the vehicle tested at least 30 days prior to the beginning

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

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

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

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

26 (4) Vehicles with 2-year registrations shall be

1 inspected every 2 years at the time of registration
2 issuance or renewal on a schedule that begins in the fourth
3 year after the vehicle model year.

4 (5) Vehicles with permanent vehicle registration
5 plates shall be inspected every 2 years on a schedule that
6 begins in the fourth calendar year after the vehicle model
7 year in the month corresponding to the date the vehicle was
8 originally registered. Even model year vehicles shall be
9 inspected and comply in even calendar years, and odd model
10 year vehicles shall be inspected and comply in odd calendar
11 years.

12 (6) The Agency and the Secretary of State shall
13 endeavor to ensure a smooth transition from test scheduling
14 from the provisions of subsection (a) to subsection (b).
15 Passing tests and waivers issued prior to the
16 implementation of this subsection (b) may be utilized to
17 establish compliance for a period of one year from the date
18 of the emissions or waiver inspection.

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

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

23 (B) A vehicle presented for inspection on a
24 voluntary basis.

25 Any fees collected under this paragraph (7) shall not
26 offset Motor Fuel Tax Funds normally appropriated for the

1 program.

2 (8) The following vehicles are not subject to
3 inspection:

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

7 (B) Motorcycles, motor driven cycles, and
8 motorized pedalcycles.

9 (C) Farm vehicles and implements of husbandry.

10 (D) Implements of warfare owned by the State or
11 federal government.

12 (E) Antique vehicles, expanded-use antique
13 vehicles, custom vehicles, street rods, and vehicles
14 of model year 1967 or before.

15 (F) Vehicles operated exclusively for parade or
16 ceremonial purposes by any veterans, fraternal, or
17 civic organization, organized on a not-for-profit
18 basis.

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

22 (H) Diesel powered vehicles and vehicles that are
23 powered exclusively by electricity.

24 (I) Vehicles operated exclusively in organized
25 amateur or professional sporting activities, as
26 defined in Section 3.310 of the Environmental

1 Protection Act.

2 (J) Vehicles registered in, subject to, and in
3 compliance with the emission inspection requirements
4 of another state.

5 (K) Vehicles participating in an OBD continuous
6 monitoring program operated in accordance with
7 procedures adopted by the Agency.

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

11 The Agency may issue temporary or permanent exemption
12 certificates for vehicles temporarily or permanently
13 exempt from inspection under this paragraph (8). An
14 exemption sticker or certificate does not need to be
15 displayed.

16 (9) According to criteria that the Agency may adopt, a
17 motor vehicle may be exempted from the inspection
18 requirements of this Section by the Agency on the basis of
19 an Agency determination that the vehicle is located and
20 primarily used outside of the affected counties or in other
21 jurisdictions where vehicle emissions inspections are not
22 required. The Agency may issue an annual exemption
23 certificate without inspection for any vehicle exempted
24 from inspection under this paragraph (9).

25 (10) Any owner or lessee of a fleet of 15 or more motor
26 vehicles that are subject to inspection under this Section

1 may apply to the Agency for a permit to establish and
2 operate a private official inspection station in
3 accordance with rules adopted by the Agency.

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

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2012.