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AUTHORITY: Implementing and authorized by Sections 13-109.1 and 13-114 of the Illinois Vehicle Inspection Law [625 ILCS 5] and Section 3-704(b) of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 9970, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; adopted at 24 Ill. Reg. 18412, effective December 1, 2000; amended at 26 Ill. Reg. 8464, effective May 28, 2002; recodified at 47 Ill. Reg. 15855; amended at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 460.100 Purpose

This Part establishes the requirements and procedures to be followed by an Official Testing Station, Official Portable Emission Testing Company, and Certified Diesel Emission Tester for the inspection of those ~~owner/operator of a~~ diesel-powered vehicles which are required to be inspected pursuant to ~~registered within an affected area in the State of Illinois that is subject to a diesel emission inspection in accordance with~~ Section 13-109.1 of the Illinois Vehicle Inspection Law (the Law) [625 ILCS 5/~~13-109.1~~]. Additionally, inspection, compliance and enforcement procedures are covered by this Part and establish the Diesel Emission Inspection Program.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.110 Definitions

87 As used in this Part:

88

89 *"Affected Areas" means the counties of Cook, DuPage, Lake, Kane, McHenry,*
90 *Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose*
91 *Lake in Grundy County and the township of Oswego in Kendall County. [625*
92 *ILCS 5/13-100.1]*

93

94 "Applicant" means any individual Owner, partners, authorized agent of a
95 corporation, or lessee applying for a Diesel Emissions ~~an~~ Official Testing Station
96 Permit or Official Portable Diesel Emissions Permit.

97

98 "Authorized Diesel Emission Inspection Equipment" means those testing and
99 measuring devices that operate to meet or exceed the Society of Automotive
100 Engineers (SAE) J1667 Snap Acceleration Smoke Test Standards. ~~approved and~~
101 ~~required by the Department's Commercial Vehicle Safety Section for applicable~~
102 ~~Official Testing Stations' diesel emission inspection procedures.~~

103

104 Bureau of Investigation and Compliance" or "BIC" means a bureau within the
105 Illinois Department of Transportation's Office of Finance and Administration.

106

107 ~~"Authorized Representative of the Department" means vehicle compliance~~
108 ~~inspectors and administrative personnel employed by the Illinois Department of~~
109 ~~Transportation.~~

110

111 "Certified Diesel Emission Tester (CDET)" means an individual who is employed
112 at an Official Testing Station, or Official Portable Emission Testing Company,
113 and who has passed a written exam and who has demonstrated proficiency by
114 operating and calibrating the authorized diesel emission inspection equipment and
115 who has been issued a certificate by the Department.

116

117 ~~"Certified Safety Tester (CST)" means an individual who is employed at an~~
118 ~~Official Testing Station and who has passed a written exam and who has~~
119 ~~demonstrated proficiency in the operation of authorized safety test equipment and~~
120 ~~who has been issued a certificate by the Department.~~

121

122 "Code" means the Illinois Vehicle Code [625 ILCS 5].

123

124 ~~"Commercial Vehicle Safety Section (CVSS)" means a section of the Bureau of~~
125 ~~Safety Programs of the Division of Traffic Safety of the Illinois Department of~~
126 ~~Transportation.~~

127

128 "Cutpoint Standards" means criteria established in the United States
129 Environmental Protection Agency document "Guidance to States on Smoke

130 Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure."
131 (See Section 460.140 for cutpoint standards.)

132
133 "*Department*" means the *Department of Transportation of the State of Illinois,*
134 *acting directly or through its authorized agents or officers.* [625 ILCS 5/13-100]

135
136 "Diesel Emission Inspection Certificate of Waiver for Failing Inspection and
137 Reinspection" means a certificate issued in accordance with Section 460.600 of
138 this Part to the owner/operator of a vehicle that has failed a diesel emission
139 inspection and reinspection but who has complied with all applicable waiver
140 requirements in accordance with Section 460.600.

141
142 "Diesel Emission Inspection Certificate of Waiver for an Ungoverned Vehicle"
143 means a certificate issued in accordance with Section 460.605 of this Part to the
144 owner/operator of a vehicle whose motor was manufactured ungoverned but who
145 has complied with all applicable waiver requirements in accordance with Section
146 460.605.

147
148 "Diesel Emission Inspection Report Compliance Card" or "DEIR" means the
149 report (Form BIC 8000)~~document~~ presented to the vehicle owner/operator ~~if~~
150 ~~his/her vehicle passes a diesel emission inspection.~~ If the vehicle passes, the
151 report~~The card~~ is validated by the presence of the Validation Certificate that is
152 attached to the report~~card~~ in the form of an adhesive sticker and is required to be
153 present in the cab of the vehicle.

154
155 "Diesel Emission Inspection 30-Day Warning Notice" means the DEIR~~document~~
156 presented to the vehicle owner/operator if the vehicle fails the diesel emission
157 inspection. The vehicle's owner/operator is required to return to an Official
158 Testing~~the~~ Station or Official Portable Emission Testing Company within 30 days
159 for a reinspection.

160
161 "Diesel Emission Inspection Equipment" means the equipment required to be
162 used by the Certified Diesel Emission Tester to inspect a diesel-powered vehicle
163 and to submit the results of the inspection to the Department. The equipment
164 includes, but is not limited to, the Department-approved smoke opacimeter, a
165 workstation (i.e., laptop computer), and printer tape.

166
167 "Diesel Emission Inspection Official Testing Stations" means those
168 stations~~Stations~~ located within the affected areas that have been issued a permit
169 under this Part~~participate in the Diesel Emission Inspection Program.~~

170
171 "Diesel Emission Inspection Supplies "or"~~(Supplies)~~" means all items issued to
172 an Official Testing Station or Official Portable Emission Testing Company by the

173 ~~Department~~Commercial Vehicle Safety Section in order to conduct a diesel
174 emission inspection. Items include, but are not limited to, Diesel Emission
175 Inspection Reports~~Compliance Cards, Diesel Emission Inspection 30-Day~~
176 ~~Warning Notices~~, and Validation Certificates. All supplies remain the property of
177 the Commercial Vehicle Safety Section.

178
179 "Diesel-Powered Vehicle" or "Diesel Vehicle" means a motor vehicle registered
180 for a gross weight of more than 16,000 pounds, powered by an internal
181 combustion, compression ignition, diesel fueled engine.

182
183 ~~"Diesel Smoke" means particles, including aerosols, suspended in the exhaust~~
184 ~~stream of a diesel engine that absorb, reflect, or refract light.~~

185
186 "Director" means the Director of the Office of Finance and
187 Administration~~Division of Traffic Safety~~ for the Illinois Department of
188 Transportation.

189
190 ~~"Division" means the Division of Traffic Safety for the Illinois Department of~~
191 ~~Transportation.~~

192
193 "Effective Optical Path Length (L)" means the length of the smoke-obscured
194 optical path between the smoke opacimeter light source and detector.

195
196 "Emergency Vehicle" means vehicles of municipal departments or public service
197 corporations that are designated or authorized as such by proper local authorities,
198 including, but not limited to, police vehicles, vehicles of fire departments and
199 ambulances.

200
201 "Emission Control Devices" means those components of a vehicle that were
202 designed and are used to control vehicle exhaust and evaporative system
203 emissions. For purposes of this Part, this term refers to components with which
204 the vehicle was originally equipped or direct replacements.

205
206 "*Gross Weight*" means the weight of a vehicle whether operated singly or in
207 combination without load plus weight of the load thereon. [625 ILCS 5/1-125]

208
209 ~~"Gross Vehicle Weight Rating (GVWR)" means the value specified by the~~
210 ~~manufacturer or manufacturers as the maximum loaded weight of a single~~
211 ~~vehicle. [625 ILCS 5/1-124.5]~~

212
213 "Illinois Vehicle Inspection Law (the Law)" means 625 ILCS 5/Ch. 13.

214
215 "Inspector" means vehicle compliance inspectors and administrative personnel

216 employed by the Illinois Department of Transportation.

217
218 "Intrastate Carrier of Passengers" means any person engaged in the transportation
219 of passengers solely within Illinois.

220
221 "Intrastate Carrier of Property" means any person engaged in the transportation of
222 property solely within Illinois.

223
224 "Interstate Carrier of Passengers" means any person engaged in the transportation
225 of passengers between a place in a state and a place outside of such state or
226 between two places in a state through another state or a place outside the United
227 States.

228
229 "Manufacturer" (unless otherwise indicated at the point of use) means the person
230 or organization whose name follows "MANUFACTURED BY" or "MFD BY" on
231 the federal certification label.

232
233 *"Model Year" means the year of manufacture of a vehicle based upon the annual*
234 *production period of the vehicle as designated by the manufacturer and indicated*
235 *on the title and registration of the vehicle. If the manufacturer does not designate*
236 *a production period for the vehicle, then "model year" means the calendar year of*
237 *manufacture. [625 ILCS 5/1-144.05]*

238
239 ~~"Non-exempt Vehicle" means any vehicle subject to diesel emission inspections~~
240 ~~as required by this Part.~~

241
242 "Official Portable Emissions Testing Company" or "OPETC" means a business
243 that meets the requirements of this Part and has been issued an Official Portable
244 Diesel Emissions Permit by the Department to perform portable diesel emissions
245 tests.

246
247 "Official Testing Station or "OTS" ~~(the Station)~~ means all contiguous real and
248 personal property that houses the equipment and supplies relating to the diesel
249 emission inspection of vehicles. Official Testing Stations are privately-owned
250 businesses that are regulated by the Department. Official Testing Stations are
251 classified as either public or private. Public Stations are open to the public.
252 Private Stations are established by companies for the purpose of inspecting
253 vehicles owned or operated by the company. Private Stations are not open to the
254 public.

255
256 "Official Portable Diesel Emissions Permit" means evidence issued by the
257 Department granting the Owner named thereon the privilege of serving as an
258 agent of the State of Illinois within the limitations set forth in this Part and

259 Section 13-103.3 of the Law.

260
261 "Official Testing Station Permit" ~~-(Permit)~~ means evidence issued by the
262 Department ~~Commercial Vehicle Safety Section~~ granting the Owner named
263 thereon the privilege of serving as an agent of the State of Illinois within the
264 limitations set forth in this Part and Section 13-103 of the Law.

265
266 "Opacity (N)" means the percentage of light transmitted from a source that is
267 prevented from reaching a light detector.

268
269 ~~"Operated within the Affected Area" means any vehicle that is physically within~~
270 ~~the affected area at any time, whether stationary or in motion.~~

271
272 *"Out-of-Service Order" means a temporary prohibition against driving a*
273 *commercial motor vehicle. [625 ILCS 5/1-154.5]*

274
275 "Owner" means any individual, partners, authorized agent of a corporation, lessee,
276 or other person in whose name an Official Testing Station Permit has been issued.
277 Such person(s) is responsible for the lawful operation of the station's ~~Station's~~
278 diesel emission inspection program.

279
280 "Owner/Operator" means the person who presents the diesel-powered vehicle ~~at~~
281 ~~the Station~~ for inspection, commonly referred to as the vehicle's driver.

282
283 "Part" means the regulations contained in this document that are located at 92 Ill.
284 Adm. Code 460.

285
286 *"Person" means every natural person, firm, copartnership, association or*
287 *corporation. [625 ILCS 5/1-159]*

288
289 "Rate or Charge" means the monetary charge ~~(i.e., \$30)~~ authorized by 625 ILCS
290 5/13-106 to any person offering a vehicle for a diesel emission inspection
291 pursuant to 625 ILCS 5/13-109.1.

292
293 "Recognized Repair Technician" means a person professionally engaged in
294 vehicle repair, employed by a company in operation whose purpose is vehicle
295 repair, or possessing nationally recognized certification for emission related
296 diagnosis and repair.

297
298 "Secretary" means the Secretary of the Illinois Department of Transportation.

299
300 "Smoke Density (K)" means a fundamental means of quantifying the ability of a
301 smoke plume or smoke containing gas sample to obscure light.

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"Smoke Opacimeter" means a type of smokemeter designed to measure the opacity of a plume or sample of smoke by means of a light extinction principle.

"Smokemeter Measurement Zone" means the effective length between the smokemeter light source and the light detector through which exhaust gases pass and interact with the smokemeter light beam.

"Snap-Acceleration Inspection" means the method used to test a diesel-powered vehicle to determine the quality of diesel exhaust fumes being released into the atmosphere.

"Station" means the Official Testing Station.

"Transmittance (T)" means the fraction of light transmitted from a source that reaches a light detector.

"Validation Certificate" means the ~~decal~~~~sticker~~ attached by the CDET to the Diesel Emission Inspection ~~Report~~~~Compliance Card~~ after the vehicle passes a diesel emission inspection.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.130 Address for Correspondence

All business and correspondence pertaining to the diesel emission inspection program shall be addressed to:

Illinois Department of Transportation
~~Bureau of Investigation and Compliance~~~~Division of Traffic Safety~~
Commercial Vehicle Safety Section
~~2300 South Dirksen Parkway~~~~3215 Executive Park Drive~~
~~P.O. Box 19212~~
Springfield, Illinois ~~62764~~~~62794-9212~~

(217) ~~785-1181~~~~557-6081~~
DOT.VehicleInspectionUnit@illinois.gov

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.140 Incorporation by Reference and Cutpoint Standards

The following materials are incorporated by reference as of the edition date provided below. No

345 later amendments to or editions of the following documents are incorporated. ~~Copies of these~~
346 ~~materials are available for inspection at the Department's Commercial Vehicle Safety Section at~~
347 ~~the address provided in Section 460.130.~~
348

- 349 a) Society of Automotive Engineers (SAE) Recommended Practice J1667 "Snap-
350 Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles,"
351 revised February 1996.

352
353 The opacity cutpoints recommended by this guidance that will be used as a
354 standard for this program shall not exceed: 40% opacity for vehicles
355 model year 1991 and newer; 55% opacity for vehicles model year 1974 to
356 1990; ~~Until December 31, 2002, 70% for vehicles model year 1973 and~~
357 ~~older; and After January 1, 2003, 55% for vehicles model year 1973~~ and
358 older.

- 359
360 b) United States Environmental Protection Agency (USEPA) "Guidance to States on
361 Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test
362 Procedure," issued ~~February 1999~~ ~~April 1997~~.

363
364 (Source: Amended at 48 Ill. Reg. _____, effective _____)
365

366 SUBPART B: REQUIREMENTS FOR DIESEL EMISSION INSPECTIONS

367 Section 460.200 Official Testing Station Requirements

- 368
369 a) Diesel emission inspections shall be conducted at ~~an OTS~~ ~~Official Testing Stations~~
370 permitted by ~~the Illinois Department of Transportation (the Department). The~~
371 ~~annual diesel emission inspection may be conducted in conjunction with the~~
372 ~~annual or semi-annual safety inspections.~~
373

- 374
375 b) Prospective, or current, Owners of OTSs who wish to perform diesel emissions
376 tests at an Official Testing Station shall submit an application in accordance with
377 92 Il. Adm. Code 451.70. A \$50 application fee shall be paid through the
378 electronic payment system established by the Department (i.e., Illinois Epay)
379 made payable to: Treasurer, State of Illinois. This fee is nonrefundable. To apply
380 for an Official Testing Station Permit, applicants must submit a request, in
381 writing, to the Department. Request shall be submitted to
382 DOT.VehicleInspectionUnit@illinois.gov. Once the written request is received, a
383 survey will be completed by an Inspector at the prospective OTS location for
384 compliance of this Part. ~~This Part establishes the requirements and procedures to~~
385 ~~be followed by an Official Testing Station in order to implement Section 13-109.1~~
386 ~~of the Law [625 ILCS 5/13-109.1].~~
387

- 388 c) Prior to issuance of the Official Testing Station Permit, the applicant shall file a
 389 \$10,000 bond with the Department with security provided by a bonding company
 390 in good standing with the Illinois Department of Insurance. The bond form will
 391 be held by the Department. ~~Any private Official Testing Station permitted under~~
 392 ~~Section 13-103 of the Law to conduct vehicle safety inspections may conduct~~
 393 ~~diesel emission inspections on its own vehicles in accordance with this Part. A~~
 394 ~~new category of Official Testing Station is established for vehicle owners who~~
 395 ~~want to conduct only diesel emission inspections on their own vehicles. The new~~
 396 ~~category of Station will be referred to as a Private Diesel Official Testing Station~~
 397 ~~(PDOTS). Both categories of private Official Testing Stations will be required to~~
 398 ~~purchase their own diesel emission inspection equipment.~~
 399
- 400 ~~d)~~ ~~The Official Testing Station (the Station) or the property the Station is located on~~
 401 ~~must be of sufficient size to accommodate a vehicle as large as a tractor trailer~~
 402 ~~combination unit.~~
 403
- 404 ~~e)~~ ~~Diesel emission inspections may be performed outside the Station on the property~~
 405 ~~where the Station is located.~~
 406
- 407 df) Those Stations performing diesel emission inspections inside the Station must
 408 provide sufficient ventilation to prevent persons from becoming overcome by
 409 exhaust fumes.
 410
- 411 ~~g)~~ ~~A working telephone must be located in the Station to transmit diesel emission~~
 412 ~~inspection data to the Department (1-866-899-6207).~~
 413
- 414 eh) Public Stations located within the affected areas and permitted to conduct diesel
 415 emission inspections must perform a diesel emission inspection for each vehicle
 416 presented for such an inspection.
 417
- 418 fi) Each Station permitted to perform diesel emission inspections must have at least
 419 one Certified Diesel Emission Tester with a current and valid certificate.
 420
- 421 gj) No diesel emission inspection shall be conducted unless the Official Testing
 422 Station's Permit~~permit~~ is valid and designates that the Station provides diesel
 423 emission inspections.
 424
- 425 hk) All diesel emission inspections shall be conducted on the property identified on
 426 the Official Testing Station Permit~~permit~~.
 427

(Source: Amended at 48 Ill. Reg. _____, effective _____)

430 **Section 460.210 Private Diesel Official Testing Stations**

- 431
432 a) Private Diesel Official Testing Stations (PDOTS) may be established by persons
433 or municipalities or other governmental entities that own or lease at least 25
434 diesel-powered vehicles subject to diesel emission inspections.
435
436 b) PDOTS are not open to the public. PDOTS may conduct diesel emission
437 inspections on vehicles which are owned or leased by the PDOTS.
438
439 c) PDOTS shall notify the Department by email~~telephone~~ at least one working day
440 prior to performing five or more diesel emission inspections in one week. An
441 Inspector~~authorized representative of the Department~~ may be present at the time
442 of inspection.
443
444 d) PDOTS shall provide, at their own expense, diesel emission inspection equipment
445 approved by the Department.
446
447 e) The Department shall provide to PDOTS diesel emission inspection supplies
448 necessary to conduct diesel emission inspections. PDOTS must purchase
449 Validation Certificates from the Department for one dollar each.
450
451 f) PDOTS shall transmit DEIRs electronically in a manner prescribed by the
452 Department~~transmit diesel emission inspection data to the Department via the~~
453 Internet.
454
455 g) PDOTS shall conduct all diesel emission inspections on the property of the
456 facility to which the Official Testing Station Permit~~permit~~ is issued.
457
458 h) PDOTS shall conduct all diesel emission inspections in accordance with this Part.
459

460 (Source: Amended at 48 Ill. Reg. _____, effective _____)
461

462 Section 460.215 Official Portable Diesel Emissions Testing Companies 463

464 To apply for an Official Portable Diesel Emissions Permit, applicants must submit a
465 request, in writing, to the Department. Request shall be submitted to
466 DOT.VehicleInspectionUnit@illinois.gov. Once the written request is received, a survey
467 will be completed by an Inspector at the prospective OPETC's recordkeeping office for
468 compliance of this Part. If the survey is approved, the applicant must submit Form BIC
469 1188, Application for Official Portable Diesel Emissions Permit. The application shall
470 include:

- 471
472 1) A list of the year, make, model, and license plate number of each vehicle
473 used to perform diesel emissions tests.

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- 2) A list of diesel emissions equipment which will be used to perform inspections.
 - 3) An affirmation that the testing equipment meets or exceeds the Society of Automotive Engineers (SAE) J1667 Snap Acceleration Smoke Test Standards.
 - 4) The physical address of the applicant's Illinois recordkeeping office.
 - 5) A \$50 application fee shall be paid through the electronic payment system established by the Department., i.e., Illinois EPay made payable to: Treasurer, State of Illinois. This fee is nonrefundable.
- b) Prior to issuance of the Official Portable Diesel Emissions Permit, the applicant shall file a \$10,000 bond with the Department with security provided by a bonding company in good standing with the Illinois Department of Insurance. The bond form will be held by the Department.
- c) Recordkeeping Office
- 1) OPETCs shall maintain a recordkeeping office within this state.
 - 2) Records shall be made available to the Department for inspection at the OPETC's recordkeeping office during normal business hours.
 - 3) If the OPETC's recordkeeping location is not open to the public (i.e., is not a location with normal business hours), records shall be made available to the Department for inspection upon the Department providing the OPETC at least 24 hours' notice of its intent to inspect records.
 - 4) The following records shall be maintained at the recordkeeping office:
 - A) An inventory of validation certificates issued by the Department.
 - B) Copies of CDET certificates.
 - C) Records required to be kept under Section 460.330.
 - 5) The Department shall be notified in writing within 7 days of any change in the location of the recordkeeping office.

- 516 d) Diesel emission tests shall only occur at a vehicle owner/operator's place of
517 business.
- 518
- 519 e) OPETCs shall not perform diesel emissions inspections on fleets with less than 5
520 vehicles.
- 521
- 522 f) The Owner shall annually provide the Department with an updated list of vehicles
523 it uses to perform diesel emissions tests, or sooner if requested by the Department.
- 524
- 525 g) Each OPETC permitted to perform diesel emission inspections must have at least
526 one CDET with a current and valid certificate.
- 527
- 528 h) Every vehicle used by the OPETC to perform emissions testing shall have a folder
529 containing copies of the Official Portable Diesel Emissions Permit and all CDET
530 certificates.
- 531
- 532 i) At the request of the Department, OPETCs must submit information on where
533 inspections are scheduled. The information must be submitted at least 48 hours
534 prior to the date of inspection and include the following:
- 535
- 536 1) Carrier/business name;
- 537
- 538 2) Date of inspection;
- 539
- 540 3) Time of inspection;
- 541
- 542 4) Physical address of carrier/business; and
- 543
- 544 5) Number of vehicles to be inspected.
- 545

546 (Source: Added at 48 Ill. Reg. _____, effective _____)

547

548 **Section 460.220 Owner's Responsibilities of Official Testing Station Owner (Public and**
549 **Private)**

550

- 551 a) The Owner shall require all Certified Diesel Emission Testers (CDET) to comply
552 with this Part.
- 553
- 554 b) The Owner ~~of an Official Testing Station~~ shall submit Form BIC 1300,
555 Application for Certified Diesel Emissions Tester, to the Department when
556 making application for the Owner or an employee to become a CDET. The
557 application shall include the prospective CDET's ~~notify the CVSS in writing when~~
558 ~~he/she or his/her employees wish(es) to make application to become a CDET. The~~

559 ~~letter of request must include the Station's phone number and address as well as~~
 560 ~~the applicant's:~~

- 561
- 562 1) Full name;
 - 563
 - 564 2) Date of birth;
 - 565
 - 566 3) Photocopy of a State or U.S. Government issued photo-identification
 567 card~~Driver's license number~~; and
 - 568
 - 569 4) A current photo of the applicant. The photo must be a digital JPEG color
 570 photo with a white or off-white background. Photo must be at least 54KB,
 571 and no larger than 10 MG~~Photo which measures at least two inches by two~~
 572 ~~inches but no more than three inches by three inches.~~
 - 573
 - 574 c) The Owner is responsible for the training of employees on the equipment and
 575 inspection procedures before the employee is tested by an Inspector~~authorized~~
 576 ~~representative of the Department~~ to become a CDET.
 - 577
 - 578 d) The Owner shall notify the Department~~CVSS~~ as soon as he/she is aware that
 579 neither he/she nor any of his/her employees are eligible to conduct diesel emission
 580 inspections, e.g., when a CDET is no longer employed at the OTS or
 581 OPETC~~Station~~. Failure to have at least one employee who is certified to conduct
 582 diesel emission inspections automatically suspends the ~~Official Testing Station's~~
 583 diesel emission inspection permit until such time as the Owner or an employee
 584 becomes certified to conduct diesel emission inspections.
 - 585
 - 586 e) The Owner shall notify the Department~~CVSS~~ as soon as he/she is aware that
 587 his/her OTS or OPETC~~Official Testing Station~~ is not eligible to conduct diesel
 588 emission inspections, e.g., the OTS or OPETC~~Station~~ is closed for vacation. If
 589 the OTS or OPETC~~Official Testing Station~~ is not eligible to conduct diesel
 590 emission inspections for more than 30 days, an Inspector~~authorized representative~~
 591 ~~of the Department~~ must approve resumption of the diesel emission inspection
 592 program.
 - 593
 - 594 f) The Owner is responsible for maintaining the equipment in proper calibration and,
 595 if applicable, for maintaining the Station in proper condition as required by 92 Ill.
 596 Adm. Code 451. ~~After the diesel emission inspection equipment's manufacturer's~~
 597 ~~warranty and maintenance program expires, the Owner is responsible for~~
 598 ~~maintaining the diesel emission inspection equipment in proper working order.~~
 - 599
 - 600 g) It shall be the Owner's responsibility to cease conducting diesel emission
 601 inspections when any piece of that equipment malfunctions.

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- 1) Equipment malfunctions and subsequent closure shall be reported to the Department CVSS as soon as the Owner is aware of the malfunction.
 - 2) Diesel emission inspections shall not be resumed until repairs are completed and approval is secured from an Inspector authorized representative of the Department. An Inspector authorized representative of the Department will confirm that the diesel emission inspection equipment is working in accordance with the manufacturer's specifications.
- h) It shall be the Owner's responsibility to maintain a quantity of diesel emission inspection supplies to accommodate vehicles presented for original inspection or returned for reinspection. If an OTS or OPETC a-Station does not have a quantity of diesel emission inspection supplies to issue to a vehicle returning for a reinspection, the inspection fee shall be refunded to the vehicle owner/operator.
 - i) The Owner shall be responsible for the proper security and handling of the diesel emission inspection supplies.
 - j) It shall be the Owner's responsibility to immediately notify the Department CVSS of any change in diesel emission inspection equipment.
 - k) It shall be the Owner's responsibility to provide funds to the Department to cover the cost of Validation Certificates to perform diesel emission inspections (i.e., one dollar per Certificate), ~~either through~~ the electronic payment system established by the Department, i.e. Illinois EPAY ~~transmittal of appropriate funds or through use of a previously established credit balance. These procedures are currently in operation according to 92 Ill. Adm. Code 451.140.~~
 - l) ~~Validation Certificate fees shall be paid to: TREASURER, STATE OF ILLINOIS, by the Station for each Certificate issued.~~ The OTS or OPETC Station shall only charge the authorized fee when issuing a Certificate (i.e., one dollar). The authorized fee for the Validation Certificate is included in the rates or charges established in Section 460.400.
 - m) If an Official Testing Station Permit or Official Portable Diesel Emissions Permit is suspended or revoked pursuant to Section 460.240(p), performance of any and all diesel emission inspection activities shall be prohibited for the duration of the suspension or revocation. It shall be the Owner's responsibility to surrender the ~~Station permit,~~ validation certificates, ~~and~~ diesel emission inspection equipment (if applicable), and supplies as requested by an Inspector authorized representative of the Department on the date the suspension begins. The Owner shall be

645 responsible for making certain all employees honor the terms of the suspension or
646 revocation.

647
648 n) The CDET's certificate remains the property of the Department and shall be
649 immediately returned to the Department by the Owner if the CDET ceases
650 inspecting vehicles or ceases to be employed by the OTS or OPETC; or if the
651 certificate is suspended, canceled, or revoked; or if the CDET fails to maintain his
652 certification.

653
654 o) It shall be the Owner's responsibility to see that all diesel emission inspections are
655 conducted in accordance with this Part.

656
657 (Source: Amended at 48 Ill. Reg. _____, effective _____)
658

659 **Section 460.230 Responsibilities of Certified Diesel Emission Tester**

660
661 a) Persons interested in becoming a Certified Diesel Emission Tester (CDET) must
662 meet the following requirements:

- 663
664 1) Be a least eighteen years of age; and
665
666 2) Possess a valid State or U.S. Government issued photo-identification
667 card~~driver's license~~.

668
669 b) Every applicant must accomplish the following before certification as a CDET to
670 conduct diesel emission inspections is awarded:

- 671
672 1) Pass an open-book~~a~~ written test based on this Part with a passing score of
673 at least 88~~70~~%.
674
675 2) Demonstrate proficiency by properly operating and calibrating the diesel
676 emission inspection equipment ~~at the Station~~ where employed.

677
678 c) ~~An~~The Station Owner may request retesting of a CDET applicant who failed the
679 initial examination. A retest fee of \$25 shall apply.

- 680
681 1) A person who failed any part of the initial examination shall wait a period
682 of 15 days before reapplying.
683
684 2) A person who fails a second time shall wait a period of 30 days before
685 reapplying.
686
687 3) After three failures within one 12 month period, a person is not eligible to

- 688 take the examination for a period of one year from the date of the last
 689 failure.
 690
- 691 d) A CDET shall conduct a minimum of ~~10% ten percent~~ of the OTS's or OPETC
 692 Station~~Station's~~ diesel emission inspections during any calendar year or may be
 693 required to successfully pass the written and proficiency examinations to maintain
 694 certification. (See subsection (b)~~-of this Section~~ for examination standards.)
 695
- 696 e) If the OTS or OPETC~~Official Testing Station~~ where a CDET is employed
 697 changes diesel emission inspection equipment, the CDET shall be required to
 698 demonstrate proficiency by operating and calibrating the new inspection
 699 equipment.
 700
- 701 f) If a CDET leaves the employ of one OTS or OPETC~~Official Testing Station~~ and
 702 is subsequently hired by another, the latter employer shall request in writing to the
 703 Department a transfer of the CDET's certification.
 704
- 705 1) The Department~~CVSS~~ may require the CDET to pass the written and
 706 proficiency examinations before the certificate is transferred. (See
 707 subsection (b)~~-of this Section~~ for examination standards.)
 708
- 709 2) Both tests shall be administered if the lapse in employment ~~at Official~~
 710 ~~Testing Stations~~ exceeds 30 days.
 711
- 712 g) The CDET's certificate remains the property of the Department~~CVSS~~ and shall be
 713 immediately returned to the Department by the Owner~~CVSS or authorized~~
 714 ~~personnel of the Department~~ if the CDET ceases inspecting vehicles or ceases to
 715 be employed by the OTS or OPETC~~Official Testing Station~~; or if the certificate
 716 is suspended, canceled or revoked; or if the CDET fails to maintain his
 717 certification;~~or if the CDET's driver's license is expired, canceled, suspended or~~
 718 ~~revoked.~~
 719
- 720 h) The diesel emission inspection privileges granted by the CDET's certificate shall
 721 be subject to cancellation, suspension or revocation by the Department for any
 722 violation of this Part. (See 625 ILCS 5/13-108 and 92 Ill. Adm. Code 450
 723 regarding administrative hearings.)
 724
- 725 i) If a CDET's certificate has been suspended for 90 days or more or canceled, the
 726 Department~~CVSS~~ will require that the CDET pass the written and proficiency
 727 examinations prior to recertification.
 728
- 729 j) If an OTS or OPETC~~Official Testing Station~~ is inoperative for a period of six
 730 months or more, all CDET certificates shall be canceled. Any former CDET shall

- 731 be required to be reexamined before a certificate is issued.
 732
- 733 k) Failure of a CDET to pass either the proficiency or written portion of any retest
 734 shall automatically cancel his/her certification.
 735
- 736 l) Refusal of a CDET to submit to retesting shall automatically cancel his/her
 737 certification and his/her certificate shall be immediately surrendered to an
 738 Inspector~~authorized representative of the Department~~.
 739
- 740 m) No person shall perform a diesel emission inspection unless that person has been
 741 certified as a CDET by the Department~~CVSS~~ and that person has been issued a
 742 valid certificate ~~by the CVSS~~. The certificate shall be displayed at the
 743 OTS~~Official Testing Station~~ where the CDET is employed. If employed by an
 744 OPETC, the original certificate shall be kept at the OPETC's recordkeeping office
 745 and a copy shall be kept in the vehicle used to perform the diesel inspection.
 746
- 747 n) The CDET shall perform the diesel emission inspection according to procedures
 748 established in this Part.
 749
- 750 o) The CDET shall have sole physical control of the vehicle being tested during the
 751 entire diesel emission inspection.
 752
- 753 p) The CDET shall be responsible for documenting all diesel emission inspection
 754 results in the manner prescribed in Section 460.330.
 755
- 756 q) The CDET who performed the original diesel emission inspection or reinspection
 757 shall affix the Validation Certificate to the Diesel Emission Inspection
 758 Report~~Compliance Card~~ as prescribed in Section 460.330. The Validation
 759 Certificate shall be affixed only if the vehicle inspected equals or exceeds all of
 760 the requirements of this Part.
 761
- 762 r) The CDET shall not accept any gratuity from any person for or in connection with
 763 an official diesel emission inspection or for the issuance or giving of proof of a
 764 diesel emission inspection.
 765
- 766 s) CDET certificates shall expire 12 months following the date of issue but may be
 767 renewed annually by complying with this Part. The Department will annually
 768 recertify CDETs who have met the requirements of this Part. CDETs are not
 769 required to be recertified until they have been a CDET for one year.
 770
- 771 t) The annual recertification of CDETs may include an open-book examination,
 772 physically performing a diesel emissions test, or demonstrating the proficiency in
 773 the operation of diesel emissions testing equipment utilized by the OTS or

774 OPETC where employed.

- 775
- 776 u) Failure to pass any part of the recertification exam cancels the CDET's certificate.
- 777 CDETs who fail to pass the recertification exam are prohibited from testing
- 778 vehicles until they successfully pass the initial CDET proficiency and written
- 779 examinations.

780

781 (Source: Amended at 48 Ill. Reg. _____, effective _____)

782

783 **Section 460.240 Supervision ~~of Official Testing Station~~ and Enforcement ~~of Department~~**

784 **~~Policies~~**

785

786 ~~Inspectors~~ During both announced and unannounced visits, authorized representatives of the

787 ~~Department~~ (as defined in Section 460.110) have the responsibility:

788

- 789 a) To monitor OTS and OPETCs ~~Official Testing Stations~~ and to enforce this Part.
- 790
- 791 b) To ~~review and~~ approve or deny applications for Official Testing Station Permits,
- 792 Official Portable Diesel Emissions Permits, ~~permits~~ and ~~Certified Diesel Emission~~
- 793 ~~Tester (CDET)~~ certificates.
- 794
- 795 c) To conduct written and proficiency tests for persons applying to become a CDET.
- 796 (See Section 460.230 for testing standards and procedures.) To conduct tests for
- 797 persons who have been requested by the Department to be retested, e.g., not
- 798 performing a minimum of 10% of diesel emission inspections annually.
- 799
- 800 d) To complete surveys at business locations applying for an Official Testing Station
- 801 Permit or Official Portable Diesel Emissions Permit. ~~inspect building, equipment~~
- 802 ~~and adjacent roadway or alleys for compliance with Official Testing Station~~
- 803 ~~requirements or any conditions that affect the entrance and exit of vehicles. (See~~
- 804 ~~92 Ill. Adm. Code 451.110(b) for Official Testing Station classification~~
- 805 ~~requirements.)~~
- 806
- 807 e) To inspect diesel emission inspection equipment for cleanliness, operability and
- 808 accuracy.
- 809
- 810 f) To require the Owner to cease performing diesel emission inspections when diesel
- 811 emission inspection equipment is totally or partially inoperative or inaccurate. An
- 812 Inspector of the Department will approve the condition of the equipment (i.e.,
- 813 operating as intended by the manufacturer) before the OTS or OPETC may
- 814 reopen for diesel emission inspections.
- 815
- 816 1) ~~All diesel emission inspection supplies at the Official Testing Station will~~

- 817 ~~be removed and held by an authorized representative of the Department or~~
818 ~~the Commercial Vehicle Safety Section until the diesel emission~~
819 ~~inspection equipment has been cleaned, adjusted or repaired so as to~~
820 ~~render accurate results.~~
- 821
- 822 2) ~~An authorized representative of the Department will approve the condition~~
823 ~~of the equipment (i.e., operating efficiently and effectively) before the~~
824 ~~Station may reopen for diesel emission inspections.~~
- 825
- 826 g) To instruct ~~Official Testing Station~~ Owners and CDET in the proper method of
827 completing forms and reports used in diesel emission inspection procedures.
828
- 829 h) To inspect forms required to be posted, completed and filed for cleanliness,
830 legibility, and accuracy.
831
- 832 i) To determine whether diesel emission inspections are performed in accordance
833 with this Part.
834
- 835 j) To have access to all records and supplies that are the property of and furnished
836 by the Department.
837
- 838 k) To inspect the OTS's or OPETC's~~Station's~~ copy of this Part for completeness and
839 availability.
840
- 841 l) To audit all inspection forms and~~inspect~~ printer tapes (if applicable) generated
842 during diesel emission inspections for accuracy, completeness, legibility and
843 proper filing order.
844
- 845 m) To inspect Validation Certificates at the OTS or OPETC~~Station~~ for numerical
846 sequence and storage security. To check the ~~Station~~ Owner's method of
847 accountability for all diesel emission inspection supplies issued by the
848 Department~~to the Station~~.
849
- 850 n) *To investigate all complaints ~~lodged~~ against an OTS, OPETC, Official Testing*
851 *Station or a CDET. [625 ILCS 5/13-107]*
852
- 853 o) To monitor OTS and OPETC~~Official Testing Station~~ procedures used in
854 conducting diesel emission inspections through the use of both official marked
855 and unmarked vehicles. Monitoring conducted in marked State vehicles includes
856 unannounced routine inspections~~visits~~ by an Inspector~~area inspectors~~ to check
857 records for proper filing and completion and diesel emission inspection equipment
858 for proper calibration and operation, and to administer tests to prospective CDETs
859 or those CDETs required to be retested as authorized by Section 13-105 of the

860 Law [625 ILCS 5/13-105]. Monitoring conducted in unmarked vehicles includes
 861 unannounced investigations by Department personnel to determine if an OTS or
 862 OPETC is~~Official Testing Stations are~~ performing diesel emission inspections in
 863 accordance with this Part as authorized by Section 13-107 of the Law [625 ILCS
 864 5/13-107].

- 865
- 866 p) To ensure compliance with goals for this program by issuing warning tickets or
 867 citations/complaints to Official Testing Station Permit or Official Portable Diesel
 868 Emissions Permit ~~permit~~-holders and their employees for alleged infractions of
 869 625 ILCS 5/Ch. 13 and this Part. The charges as outlined in the citation(s) will be
 870 adjudicated at an administrative hearing (see 625 ILCS 5/13-108 and 92 Ill. Adm.
 871 Code 450). The Secretary will determine whether the OTS, OPETC, or CDET
 872 Station has committed a violation after careful evaluation of the evidence
 873 presented at such hearing. If a determination of a violation is made, the Secretary
 874 will assess penalties for violations alleged on the citation/complaints. (See 92 Ill.
 875 Adm. Code 451.70(j) for penalty guidelines.)
- 876
- 877 q) To require that the Owner cease diesel emission inspections and reinspections
 878 upon suspension or revocation of diesel emission inspection testing privileges, as
 879 outlined in subsection (p) ~~of this Section~~. Permit(s) and diesel emission
 880 inspection supplies will be removed from the facility for the period of suspension
 881 or permanently upon revocation.

882

883 (Source: Amended at 48 Ill. Reg. _____, effective _____)

884

885 **Section 460.250 ~~Diesel Emission Inspection Official Testing Station~~ Equipment, Supplies**
 886 **and Forms**

- 887
- 888 a) All required diesel emission inspection equipment furnished to an OTS~~public~~
 889 ~~Official Testing Stations~~ by the Department (if applicable) will remain the
 890 property of the Department.
- 891
- 892 ~~b) The Owner of a public Official Testing Station furnished with diesel emission~~
 893 ~~inspection equipment by the Department shall sign a "Diesel Emission Inspection~~
 894 ~~Equipment Bailment Agreement" that includes, but is not limited to, a statement~~
 895 ~~that the Station is responsible for damage or loss of the equipment due to theft,~~
 896 ~~vandalism, fire or other occurrences, including negligent operation of the~~
 897 ~~equipment or failure to perform routine maintenance on the equipment. The~~
 898 ~~Station will also pay for insurance, if any, for the equipment. The Bailment~~
 899 ~~Agreement will also serve as a receipt for the equipment when it is delivered to~~
 900 ~~the Station by an authorized representative of the Department.~~
- 901
- 902 be) All required forms and supplies will remain the property of the Department.

- 903
904 ~~cd)~~ All completed forms and, supplies ~~and completed printer tapes (see Section~~
905 ~~460.330(e))~~ shall be kept in a secure place within the OTS or at the OPETC's
906 recordkeeping office~~Official Testing Station~~.
907
908 ~~de)~~ Diesel emission inspection supplies, as defined in Section 460.110, shall be
909 available for inspection by an Inspector~~authorized representative of the~~
910 ~~Department~~ any time during the business hours listed on the permit application~~in~~
911 ~~92 Ill. Adm. Code 451.70(1)(1)(B)~~.
912
913 ~~ef)~~ Validation Certificates, as defined in Section 460.110, shall be stored in a locked
914 safe or other locked place within the OTS or at the OPETC's recordkeeping
915 office~~Station~~.
916
917 ~~fg)~~ Upon request by the Department, all diesel emission inspection equipment and
918 supplies, as defined in Section 460.110, furnished by the Department, will be
919 surrendered immediately to an Inspector~~authorized representative of the~~
920 ~~Department~~ when the OTS or OPETC~~Station~~ is either temporarily or permanently
921 closed.
922
923 ~~gh)~~ It shall be the Owner's responsibility to maintain a sufficient amount of supplies,
924 as defined in Section 460.110, needed in the operation of the diesel emission
925 inspection program. These supplies may be obtained from the Department~~CVSS~~
926 by submitting the diesel emission inspection requisition form. It shall be the
927 Owner's responsibility to make sure his/her employees utilize the proper supplies.
928

929 (Source: Amended at 48 Ill. Reg. _____, effective _____)
930

931 SUBPART C: PROCEDURES FOR PERFORMING
932 THE SNAP-ACCELERATION INSPECTION
933

934 **Section 460.310 Equipment ~~Set-Up~~**
935

- 936 ~~a) OTSs and OPETCs shall~~ OTSS and OPETCs shall ~~Diesel emission inspection Official Testing Stations must~~ be equipped
937 with Authorized Diesel Emission Inspection Equipment as defined in Section 460.110 in order to
938 perform diesel emission ~~diesel emission inspection equipment approved by the Department. The~~
939 ~~Department has approved the Smoke Check 1667 Partial Flow Opacity Meter manufactured by~~
940 ~~Red Mountain Engineering and the Opax 200 manufactured by Protech.~~
941
942 ~~b) The Department will only approve other equipment that is capable of performing the snap-~~
943 ~~acceleration inspection as described in Section 460.320, of reporting the inspection results as~~
944 ~~described in Section 460.330, and of interfacing with the Department's electronic information~~
945 ~~processing system.~~

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(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.330 Reporting of Inspection Results

- a) The owner/operator of each vehicle presented for a diesel emission inspection shall provide a registration card, title or bill of sale that displays the vehicle identification number (VIN) and the owner/operator's name and address.
- b) The CDET shall compare the VIN displayed on the registration card, title or bill of sale to the actual VIN on the vehicle being presented for a diesel emission inspection to determine that the document provided accurately identifies the vehicle presented.
- c) The following procedures apply only to vehicles that pass the diesel emission inspection by meeting minimum cutpoint standards:
 - 1) Complete the DEIR. The CDET performing the inspection shall check the "pass" box, attach a validation certificate, and sign the DEIR.~~The following information shall be written on the back of the Diesel Emission Inspection Compliance Card (DEICC) in the space provided:~~
 - A) ~~Date of inspection~~
 - B) ~~Official Testing Station number~~
 - C) ~~Vehicle Identification Number (VIN)~~
 - D) ~~License plate number~~
 - i) ~~If license plate is applied for, write: "applied for."~~
 - ii) ~~If no license plate or registration has been applied for, write: "none."~~
 - E) ~~Write the average opacity reading indicated on the printer tape generated during the inspection.~~
 - F) ~~The CDET who performs the diesel emission inspection shall sign the DEICC.~~
 - G) ~~A Validation Certificate shall be attached in the space provided. The DEICC is not valid as proof of compliance unless the~~

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~~Validation Certificate is attached.~~

- 2) The ~~DEIR~~~~DEICC~~ shall be presented to the vehicle owner/operator with the explanation that the ~~DEIR~~~~DEICC~~ must be kept in the vehicle as proof of diesel emission inspection compliance.

- d) The following procedures apply only to vehicles that fail to meet minimum cutpoint standards.
 - 1) Complete the DEIR. The CDET performing the inspection shall check the "fail" box and sign the form.~~The following information shall be written on the back of the 30-Day Warning Notice Card in the space provided:~~
 - A) ~~Date of inspection~~

 - B) ~~Official Testing Station number~~

 - C) ~~Vehicle Identification Number (VIN)~~

 - D) ~~License plate number~~
 - i) ~~If license plate is applied for, write: "applied for."~~

 - ii) ~~If no license plate or registration has been applied for, write: "none."~~

 - E) ~~Write the average opacity reading indicated on the printer tape generated during the inspection.~~

 - F) ~~The CDET that performs the diesel emission inspection shall sign the 30-Day Warning Notice Card.~~

 - 2) A copy of the DEIR~~The 30-Day Warning Notice Card~~ shall be presented to the vehicle owner/operator with the explanation that the vehicle has failed to meet minimum opacity standards. The vehicle must be repaired and pass a diesel emission reinspection at an OTS or OPETC~~the same Official Testing Station~~ within 30 days after receipt of the DEIR~~30-Day Warning Notice Card~~ or the Department will render the vehicle out-of-service.

- e) The following procedures are the responsibility of the Owner and apply to all vehicles for which a diesel emission inspection was completed.

- 1032 1) ~~The printer tapes generated during the diesel emission inspection shall be~~
1033 ~~bundled together at the end of each day. 2) The top printer tape in each~~
1034 ~~bundle shall be clearly marked in ink with the appropriate date. 3) Each~~
1035 ~~daily printer tape bundle shall be placed in a file marked with each~~
1036 ~~appropriate month. 4) DEIRs and diesel~~Diesel emission inspection printer
1037 tapes (if applicable) shall be retained electronically at the OTS, or OPETC
1038 recordkeeping office, Official Testing Station in monthly files for a period
1039 of two years, after which they may be ~~deleted~~destroyed.
1040
1041 25) DEIRs and dieselDiesel emission inspection printer tapes remain the
1042 property of the Department and must be accessible upon demand.
1043
1044 36) DEIRs shall~~Diesel emission inspection results will~~ be transmitted
1045 electronically in a manner prescribed by ~~to~~ the Department ~~via the~~
1046 Internet.
1047
1048 f) All records received by the Department under this section will be maintained
1049 according to the records retention schedule as approved by the State Records
1050 Commission.
1051

1052 (Source: Amended at 48 Ill. Reg. _____, effective _____)
1053

1054 SUBPART D: LEVEL OF RATES AND CHARGES

1055 Section 460.400 Rates and Charges

- 1056
1057
1058 a) It shall be the applicant's responsibility to file with the Department a proposed
1059 schedule of rates to be charged for performing a diesel emission inspection. The
1060 proposed schedule will be approved by the Department before a permit is issued.
1061 ~~All~~Any and all rates or charges ~~made by the Owner of an Official Testing Station~~
1062 for performing a diesel emission inspection shall be filed with, and approved by
1063 the Department and shall be just and reasonable.
1064
1065 b) *A rate or charge is "just and reasonable" if it is the same, or nearly the same, as*
1066 *the prevailing rate or charge for the same or similar test made in the community*
1067 *where the OTS or OPETC's recordkeeping office*~~Official Testing Station~~ *is*
1068 *located. [625 ILCS 5/13-106]*
1069
1070 c) The following rates or charges for an annual diesel emission inspection or
1071 reinspection have been determined by the Department to be prima facie just and
1072 reasonable rates or charges and are the maximum amounts allowed to be charged
1073 for a diesel emission inspection. ~~These rates were established by the Department~~
1074 ~~based on the shop rate, journeyman mechanic's hourly wage and the CDET hourly~~

~~wage at Official Testing Stations in the affected areas.~~

1) Annual Diesel Emission Inspection – Initial Inspection: \$~~50~~³⁰

2) Annual Diesel Emission Inspection – Reinspection(s): \$~~50~~²⁵

d) No Owner ~~of a Station~~ shall charge more or less than the rates filed with, and approved by the Department~~any rate or charge or schedule of rates or charges unless that charge has been made in accordance with this Part.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.410 Rate Change Procedure

a) An Owner may change its rates or charges by filing with the Department a proposed schedule of rates and charges.

1) The Department will approve any rates or charges which are less than or equal to the amounts set in Section 460.400.

2) Any rates or charges greater than the amounts set in Section 460.400 will be denied.

b) ~~The rates established by the Department in Section 460.400 are deemed to be filed by the Station with the Department, and may be changed upon application of the Owner of a Station or complaint of any person.~~ An application for a change of rate will be approved or disapproved within ~~15~~^{five} business days by the ~~Department Commercial Vehicle Safety Section, and the Owner will be notified in writing within 10 days after the application.~~ If an application for a rate is approved, the rate shall become effective upon posting at the ~~OTS Station~~ by the ~~Department Commercial Vehicle Safety Section.~~ Department, or in the case of an OPETC, upon receipt of the approval by the Department Commercial Vehicle Safety Section. If an application for a proposed rate is disapproved by the Department and the proposed rate is not greater than the amounts set in Section 460.400, an applicant may appeal the disapproval to the Director under 92 Ill. Adm. Code 454.260. The procedure in Part 454 will be used to determine if a disapproved rate or a rate contested by any person is just and reasonable. For purposes of this procedure, any reference to "rate" or "charge" in Part 454 is deemed to refer to a "rate" or "charge" for a diesel emission test at an OTS or OPETC a Station in an affected area. As the Department has determined a just and reasonable initial rate in Section 460.400, the procedure in 92 Ill. Adm. Code 454.210 for initial rates will not be followed.

b) ~~The following criteria will be used to evaluate rates to determine if a rate is just~~

1118 ~~and reasonable:~~

- 1119
- 1120 1) ~~The Official Testing Station's labor (or shop) rate in comparison to those~~
- 1121 ~~in the community of the Station;~~
- 1122
- 1123 2) ~~Its journeyman mechanic's hourly wages in comparison to those in the~~
- 1124 ~~community of the Station; and~~
- 1125
- 1126 3) ~~CDET hourly rates at the Station in comparison to those in the community~~
- 1127 ~~of the Station.~~
- 1128

1129 (Source: Amended at 48 Ill. Reg. _____, effective _____)

1130

1131 SUBPART E: WARNING NOTICES, OUT-OF-SERVICE

1132 ORDER AND ENFORCEMENT

1133

1134 **Section 460.500 Diesel Emission Inspection 30-Day Warning Notice**

1135

- 1136 a) *If an annual diesel emission inspection reveals that a vehicle is not in compliance*
- 1137 *with this Part, the Owner ~~of the Station or the CDET~~ shall issue a warning notice*
- 1138 *requiring correction of the violation. [625 ILCS 5/13-109.1] The warning notice*
- 1139 *shall be in the form of a Diesel Emission Inspection 30-Day Warning Notice, as*
- 1140 *defined in Section 460.110. The DEIR presented to the owner/operator of the*
- 1141 *vehicle by the OTS or OPETC with the "fail" field completed will serve as the 30-*
- 1142 *day warning.*
- 1143
- 1144 b) *Corrections shall be made and the vehicle submitted to an emission reinspection*
- 1145 *~~at the same Station that previously issued the warning notice~~ within 30 days from*
- 1146 *the issuance of the warning notice requiring correction of the violation. [625*
- 1147 *ILCS 5/13-109.1]*
- 1148
- 1149 e) ~~Examples of basic corrections that will improve diesel emission smoke include,~~
- 1150 ~~but are not limited to, the following:~~
- 1151
- 1152 1) ~~Replace air filter element, if needed;~~
- 1153
- 1154 2) ~~Check and adjust emission control equipment;~~
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- 1156 3) ~~Check oil level and ensure correct type recommended for your engine;~~
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- 1158 4) ~~Tune-up, adjust timing, set valve clearance, rack travel, etc.;~~
- 1159
- 1160 5) ~~Ensure correct operation of cooling system;~~

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- 6) ~~Repair restricted/dented exhaust system; and/or~~
- 7) ~~Ensure good grade of fuel.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.510 Diesel Emission Inspection Out-of-Service Order

- a) If a vehicle has not passed a diesel emission reinspection within 30 days from the receipt of a 30-Day Warning Notice or has not obtained a waiver as prescribed in Section 460.600, the Department shall issue an Out-of-Service Order via certified mail to the person(s) or company owning or operating the vehicle in violation of this Part.
- b) The Out-of-Service Order contains information identifying the owner/operator of the vehicle, information identifying the specific vehicle being placed out-of-service, the reason for the Order, the punishable fine of \$1,000 for operating a vehicle that has been declared out-of-service, and a requirement that the vehicle pass a diesel emission reinspection before it may be returned to service.
- c) The vehicle will remain out-of-service until the vehicle passes a diesel emission reinspection or the vehicle's owner/operator obtains a waiver as prescribed in Section 460.600.
- d) The Department, without further notice to the owner/operator of a vehicle placed out-of-service, will also notify the Illinois Secretary of State, within three business days after receiving notice that a vehicle has been placed out-of-service, in writing or by electronic communication, that the vehicle is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code. ~~The Illinois Secretary of State may then suspend or revoke the registration of that vehicle [625 ILCS 5/3-704(b)] (see P.A. 92-0437, effective August 17, 2001) until such time as it is notified by the Department that the vehicle has either passed a diesel emission inspection or reinspection or has obtained a waiver as prescribed in Section 460.600.~~ The Department will notify the Secretary of State within three business days after being notified that the vehicle passed or was waived by an OTS or OPETC Official Testing Station.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 460.520 Diesel Emission Inspection Enforcement

- a) *Operating a vehicle in violation of an Out-of-Service Order is a petty offense*

1204 *punishable by a \$1,000 fine.*

- 1205
- 1206 b) *No emergency vehicle may be placed out-of-service.*
- 1207
- 1208 c) *The Secretary of State, Department of State Police and other law enforcement*
- 1209 *officers shall enforce this Section. [625 ILCS 5/13-109.1] ~~Within 10 business~~*
- 1210 *days after the Department has been notified by the Department of State Police that*
- 1211 *a nonscheduled inspection conducted by a State Police officer has revealed that a*
- 1212 *vehicle is not in compliance with diesel emission standards set forth in Section*
- 1213 *460.140, the Department will issue a Noncomplying Vehicle Notice, as prescribed*
- 1214 *in subsection (d) of this Section, to the owner/operator of the noncomplying*
- 1215 *vehicle, that the vehicle must obtain and pass a diesel emission inspection*
- 1216 *conducted at an Official Testing Station or obtain a waiver as prescribed in*
- 1217 *Section 460.600.*
- 1218
- 1219 d) *The Noncomplying Vehicle Notice shall be served by regular U.S. mail to the*
- 1220 *owner/operator at his/her address obtained by the State Police, and contain*
- 1221 *information identifying the owner/operator of the noncomplying vehicle, the*
- 1222 *reason for the Noncomplying Vehicle Notice, and a warning substantially in the*
- 1223 *form of subsection (e) of this Section.*
- 1224
- 1225 e) *If the noncomplying vehicle has not been inspected at an Official Testing Station*
- 1226 *within 30 days after service of the Noncomplying Vehicle Notice, the Department*
- 1227 *will, within three business days after the end of that period, notify the Illinois*
- 1228 *Secretary of State, in writing or by electronic communication, that the*
- 1229 *noncomplying vehicle is not in compliance with the provisions of Section 13-*
- 1230 *109.1 of the Illinois Vehicle Code. The Illinois Secretary of State may then*
- 1231 *suspend or revoke the registration of the noncomplying vehicle [625 ILCS 5/3-*
- 1232 *704(b)] (see P.A. 92-0437, effective August 17, 2001) until such time as it is*
- 1233 *notified by the Department that the vehicle has either passed a diesel emission*
- 1234 *inspection or reinspection or has obtained a waiver as prescribed in Section*
- 1235 *460.600. The Department will notify the Secretary of State within three business*
- 1236 *days after being notified that the vehicle passed a diesel emission inspection*
- 1237 *conducted at an Official Testing Station or obtained a waiver as prescribed in*
- 1238 *Section 460.600.*

1239 (Source: Amended at 48 Ill. Reg. _____, effective _____)

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1242 SUBPART F: WAIVER REQUIREMENTS, GRIEVANCE

1243 AND REPLACEMENT PROCEDURES

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1245 **Section 460.620 Replacement of Diesel Emission Inspection Report ~~Compliance Card~~**

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- 1247 a) A replacement Diesel Emission Inspection Report~~Compliance Card~~ may be
1248 obtained by submitting a written request for a replacement card along with a
1249 check or money order in the amount of \$5 made payable to: Treasurer, State of
1250 Illinois. No cash will be accepted.
1251
- 1252 b) The written request must contain general information about the vehicle (i.e., VIN,
1253 make, model and year), as well as a contact person's name, address, and telephone
1254 number. The replacement Diesel Emission Inspection Report~~Compliance Card~~
1255 will expire on the same date the original report~~card~~ was scheduled to expire.
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- 1257 c) All replacement requests shall be submitted to:
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1259 Illinois Department of Transportation
1260 Bureau of Investigation and Compliance
1261 2300 South Dirksen Parkway~~Diesel Emission Inspections~~
1262 P.O. Box 19212
1263 Springfield, Illinois 62764~~62794-9212~~
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(Source: Amended at 48 Ill. Reg. _____, effective _____)