

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 13C-15, 13C-50, 13C-55, and 13C-60 as follows:

6 (625 ILCS 5/13C-15)

7 Sec. 13C-15. Inspections.

8 (a) Computer-Matched Inspections and Notification.

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

18 The Agency shall send notice of the assigned inspection
19 month, at least 15 days before the beginning of the
20 assigned month, to the owner of each vehicle subject to the
21 program. An initial emission inspection sticker or initial
22 inspection certificate, as the case may be, expires on the
23 last day of the third month following the month assigned by
24 the Agency for the first inspection of the vehicle. A
25 renewal inspection sticker or certificate expires on the
26 last day of the third month following the month assigned
27 for inspection in the year in which the vehicle's next
28 inspection is required.

29 The Agency or its agent may issue an interim emission
30 inspection sticker or certificate for any vehicle subject
31 to inspection that does not have a currently valid emission
32 inspection sticker or certificate at the time the Agency is

1 notified by the Secretary of State of its registration by a
2 new owner, and for which an initial emission inspection
3 sticker or certificate has already been issued. An interim
4 emission inspection sticker or certificate expires no
5 later than the last day of the sixth complete calendar
6 month after the date the Agency issued the interim emission
7 inspection sticker or certificate.

8 The owner of each vehicle subject to inspection shall
9 obtain an emission inspection sticker or certificate for
10 the vehicle in accordance with this paragraph (1)
11 ~~subsection~~. Before the expiration of the emission
12 inspection sticker or certificate, the owner shall have the
13 vehicle inspected and, upon demonstration of compliance,
14 obtain a renewal emission inspection sticker or
15 certificate. A renewal emission inspection sticker or
16 certificate shall not be issued more than 5 months before
17 the expiration date of the previous inspection sticker or
18 certificate.

19 (2) ~~(b)~~ Except as provided in paragraph (a)(3)
20 ~~subsection (c)~~, vehicles shall be inspected every 2 years
21 on a schedule that begins either in the second, fourth, or
22 later calendar year after the vehicle model year. The
23 beginning test schedule shall be set by the Agency and
24 shall be consistent with the State's requirements for
25 emission reductions as determined by the applicable United
26 States Environmental Protection Agency vehicle emissions
27 estimation model and applicable guidance and rules.

28 (3) ~~(c)~~ A vehicle may be inspected at a time outside of
29 its normal 2-year inspection schedule, if (i) the vehicle
30 was acquired by a new owner and (ii) the vehicle was
31 required to be in compliance with this Act at the time the
32 vehicle was acquired by the new owner, but it was not then
33 in compliance.

34 (4) ~~(d)~~ The owner of a vehicle subject to inspection
35 shall have the vehicle inspected and shall obtain and
36 display on the vehicle or carry within the vehicle, in a

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

13 (5) ~~(e)~~ For a \$20 fee, to be paid into the Vehicle
14 Inspection Fund, the Agency may inspect:

15 (A) ~~(1)~~ A vehicle registered in and subject to the
16 emission inspections requirements of another state.

17 (B) ~~(2)~~ A vehicle presented for inspection on a
18 voluntary basis.

19 Any fees collected under this paragraph (5) ~~subsection~~
20 shall not offset Motor Fuel Tax Funds normally appropriated
21 for the program.

22 (6) ~~(f)~~ The following vehicles are not subject to
23 inspection:

24 (A) ~~(1)~~ Vehicles not subject to registration under
25 Article IV of Chapter 3 of this Code, other than
26 vehicles owned by the federal government.

27 (B) ~~(2)~~ Motorcycles, motor driven cycles, and
28 motorized pedalcycles.

29 (C) ~~(3)~~ Farm vehicles and implements of husbandry.

30 (D) ~~(4)~~ Implements of warfare owned by the State or
31 federal government.

32 (E) ~~(5)~~ Antique vehicles, custom vehicles, street
33 rods, and vehicles of model year 1967 or before.

34 (F) ~~(6)~~ Vehicles operated exclusively for parade
35 or ceremonial purposes by any veterans, fraternal, or
36 civic organization, organized on a not-for-profit

1 basis.

2 (G) ~~(7)~~ Vehicles for which the Secretary of State,
3 under Section 3-117 of this Code, has issued a Junking
4 Certificate.

5 (H) ~~(8)~~ Diesel powered vehicles and vehicles that
6 are powered exclusively by electricity.

7 (I) ~~(9)~~ Vehicles operated exclusively in organized
8 amateur or professional sporting activities, as
9 defined in Section 3.310 of the Environmental
10 Protection Act.

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

14 (K) ~~(11)~~ Vehicles participating in an OBD
15 continuous monitoring program operated in accordance
16 with procedures adopted by the Agency.

17 (L) ~~(12)~~ Vehicles of model year 1995 or earlier
18 that do not have an expired emissions test sticker or
19 certificate on February 1, 2007.

20 The Agency may issue temporary or permanent exemption
21 stickers or certificates for vehicles temporarily or
22 permanently exempt from inspection under this paragraph
23 (6) ~~subsection (f)~~. An exemption sticker or certificate
24 does not need to be displayed.

25 (7) ~~(g)~~ According to criteria that the Agency may
26 adopt, a motor vehicle may be exempted from the inspection
27 requirements of this Section by the Agency on the basis of
28 an Agency determination that the vehicle is located and
29 primarily used outside of the affected counties or in other
30 jurisdictions where vehicle emission inspections are not
31 required. The Agency may issue an annual exemption sticker
32 or certificate without inspection for any vehicle exempted
33 from inspection under this paragraph (7) ~~subsection~~.

34 (8) ~~(h)~~ Any owner or lessee of a fleet of 15 or more
35 motor vehicles that are subject to inspection under this
36 Section may apply to the Agency for a permit to establish

1 and operate a private official inspection station in
2 accordance with rules adopted by the Agency.

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

25 (b) Registration Denial Inspection and Notification.

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

30 The owner of a vehicle subject to inspection shall have
31 the vehicle inspected and obtain proof of compliance from
32 the Agency in order to obtain or renew a vehicle
33 registration for a subject vehicle.

34 The Secretary of State shall notify the owner of a
35 vehicle subject to inspection of the requirement to have
36 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
27 inspected every 2 years at the time of registration
28 issuance or renewal on a schedule that begins in the fourth
29 year after the vehicle model year.

30 (5) Vehicles with permanent vehicle registration
31 plates shall be inspected every 2 years on a schedule that
32 begins in the fourth calendar year after the vehicle model
33 year in the month corresponding to the date the vehicle was
34 originally registered. Even model year vehicles shall be
35 inspected and comply in even calendar years, and odd model
36 year vehicles shall be inspected and comply in odd calendar

1 years.

2 (6) The Agency and the Secretary of State shall
3 endeavor to ensure a smooth transition from test scheduling
4 from the provisions of subsection (a) to subsection (b).
5 Passing tests and waivers issued prior to the
6 implementation of this subsection (b) may be utilized to
7 establish compliance for a period of one year from the date
8 of the emissions or waiver inspection.

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

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

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

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

18 (8) The following vehicles are not subject to
19 inspection:

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

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

25 (C) Farm vehicles and implements of husbandry.

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

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

30 (F) Vehicles operated exclusively for parade or
31 ceremonial purposes by any veterans, fraternal, or
32 civic organization, organized on a not-for-profit
33 basis.

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

1 (H) Diesel powered vehicles and vehicles that are
2 powered exclusively by electricity.

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

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

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

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

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

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

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

35 (11) Pursuant to Title 40, Section 51.371 of the Code
36 of Federal Regulations, the Agency may establish a program

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

21 (Source: P.A. 94-526, eff. 1-1-06.)

22 (625 ILCS 5/13C-50)

23 Sec. 13C-50. Costs.

24 (a) Except as otherwise provided in paragraph (a)(5) or
25 (b)(7) subsection (c) of Section 13C-15, no fee shall be
26 charged to motor vehicle owners for obtaining inspections
27 required under this Chapter. The Vehicle Inspection Fund, which
28 is a fund created in the State treasury for the purpose of
29 receiving moneys from the Motor Fuel Tax Fund and other
30 sources, shall be used, subject to appropriation, for the
31 payment of the costs of the program, including reimbursement of
32 those agencies of the State that incur expenses in the
33 administration or enforcement of the program. The Vehicle
34 Inspection Fund shall continue in existence notwithstanding
35 the repeal of Chapter 13B. Any money in the Vehicle Inspection

1 Fund on February 1, 2007, shall be used for the purposes set
2 forth in this Chapter.

3 (b) The Agency may acquire, own, maintain, operate, sell,
4 lease and otherwise transfer real and personal property and
5 interests in real and personal property for the purpose of
6 creating or operating inspection stations and for any other
7 purpose relating to the administration of this Chapter, and may
8 use money from the Vehicle Inspection Fund for these purposes.

9 (Source: P.A. 94-526, eff. 1-1-06.)

10 (625 ILCS 5/13C-55)

11 Sec. 13C-55. Enforcement.

12 (a) Computer-Matched Enforcement.

13 (1) The provisions of this subsection (a) are operative
14 until the implementation of the registration denial
15 enforcement mechanism required by subsection (b). The
16 Agency shall cooperate in the enforcement of this Chapter
17 by (i) identifying probable violations through computer
18 matching of vehicle registration records and inspection
19 records; (ii) sending one notice to each suspected violator
20 identified through such matching, stating that
21 registration and inspection records indicate that the
22 vehicle owner has not complied with this Chapter; (iii)
23 directing the vehicle owner to notify the Agency or the
24 Secretary of State if he or she has ceased to own the
25 vehicle or has changed residence; and (iv) advising the
26 vehicle owner of the consequences of violating this
27 Chapter.

28 The Agency shall cooperate with the Secretary of State
29 in the administration of this Chapter and the related
30 provisions of Chapter 3, and shall provide the Secretary of
31 State with such information as the Secretary of State may
32 deem necessary for these purposes, including regular and
33 timely access to vehicle inspection records.

34 The Secretary of State shall cooperate with the Agency
35 in the administration of this Chapter and shall provide the

1 Agency with such information as the Agency may deem
2 necessary for the purposes of this Chapter, including
3 regular and timely access to vehicle registration records.
4 Section 2-123 of this Code does not apply to the provision
5 of this information.

6 (2) ~~(b)~~ The Secretary of State shall suspend either the
7 driving privileges or the vehicle registration, or both, of
8 any vehicle owner who has not complied with this Chapter,
9 if (i) the vehicle owner has failed to satisfactorily
10 respond to the one notice sent by the Agency under
11 paragraph (a) (1) subsection (a), and (ii) the Secretary of
12 State has mailed the vehicle owner a notice that the
13 suspension will be imposed if the owner does not comply
14 within a stated period, and the Secretary of State has not
15 received satisfactory evidence of compliance within that
16 period. The Secretary of State shall send this notice only
17 after receiving a statement from the Agency that the
18 vehicle owner has failed to comply with this Section.
19 Notice shall be effective as specified in subsection (c) of
20 Section 6-211 of this Code.

21 A suspension under this paragraph (a) (2) subsection
22 shall not be terminated until satisfactory proof of
23 compliance has been submitted to the Secretary of State. No
24 driver's license or permit, or renewal of a license or
25 permit, may be issued to a person whose driving privileges
26 have been suspended under this Section until the suspension
27 has been terminated. No vehicle registration or
28 registration plate that has been suspended under this
29 Section may be reinstated or renewed, or transferred by the
30 owner to any other vehicle, until the suspension has been
31 terminated.

32 (b) Registration Denial Enforcement.

33 (1) No later than January 1, 2008, and consistent with
34 Title 40, Part 51, Section 51.361 of the Code of Federal
35 Regulations, the Agency and the Secretary of State shall
36 design, implement, maintain, and operate a registration

1 denial enforcement mechanism to ensure compliance with the
2 provisions of this Chapter, and cooperate with other State
3 and local governmental entities to effectuate its
4 provisions. Specifically, this enforcement mechanism shall
5 contain, at a minimum, the following elements:

6 (A) An external, readily visible means of
7 determining vehicle compliance with the registration
8 requirement to facilitate enforcement of the program;

9 (B) A biennial schedule of testing that clearly
10 determines when a vehicle shall comply prior to
11 registration;

12 (C) A testing certification mechanism (either
13 paper-based or electronic) that shall be used for
14 registration purposes and clearly states whether the
15 certification is valid for purposes of registration,
16 including:

17 (i) Expiration date of the certificate;

18 (ii) Unambiguous vehicle identification
19 information; and

20 (iii) Whether the vehicle passed or received a
21 waiver;

22 (D) A commitment to routinely issue citations to
23 motorists with expired or missing license plates, with
24 either no registration or an expired registration, and
25 with no license plate decals or expired decals, and
26 provide for enforcement officials other than police to
27 issue citations (e.g., parking meter attendants) to
28 parked vehicles in noncompliance;

29 (E) A commitment to structure the penalty system to
30 deter non-compliance with the registration requirement
31 through the use of mandatory minimum fines (meaning
32 civil, monetary penalties) constituting a meaningful
33 deterrent and through a requirement that compliance be
34 demonstrated before a case can be closed;

35 (F) Ensurance that evidence of testing is
36 available and checked for validity at the time of a new

1 registration of a used vehicle or registration
2 renewal;

3 (G) Prevention of owners or lessors from avoiding
4 testing through manipulation of the title or
5 registration system; title transfers may re-start the
6 clock on the inspection cycle only if proof of current
7 compliance is required at title transfer;

8 (H) Prevention of the fraudulent initial
9 classification or reclassification of a vehicle from
10 subject to non-subject or exempt by requiring proof of
11 address changes prior to registration record
12 modification, and documentation from the testing
13 program (or delegate) certifying based on a physical
14 inspection that the vehicle is exempt;

15 (I) Limiting and tracking of the use of time
16 extensions of the registration requirement to prevent
17 repeated extensions;

18 (J) Providing for meaningful penalties for cases
19 of registration fraud;

20 (K) Limiting and tracking exemptions to prevent
21 abuse of the exemption policy for vehicles claimed to
22 be out-of-state; and

23 (L) Encouraging enforcement of vehicle
24 registration transfer requirements when vehicle owners
25 move into the affected counties by coordinating with
26 local and State enforcement agencies and structuring
27 other activities (e.g., drivers license issuance) to
28 effect registration transfers.

29 (2) The Agency shall cooperate in the enforcement of
30 this Chapter by providing the owner or owners of complying
31 vehicles with a Compliance Certificate stating that the
32 vehicle meets all applicable requirements of this Chapter.

33 The Agency shall cooperate with the Secretary of State
34 in the administration of this Chapter and the related
35 provisions of Chapter 3, and shall provide the Secretary of
36 State with such information as the Secretary of State may

1 deem necessary for these purposes, including regular and
2 timely access to vehicle inspection records.

3 The Secretary of State shall cooperate with the Agency
4 in the administration of this Chapter and shall provide the
5 Agency with such information as the Agency may deem
6 necessary for the purposes of this Chapter, including
7 regular and timely access to vehicle registration records.
8 Section 2-123 of this Code does not apply to the provision
9 of this information.

10 (3) Consistent with the requirements of Section
11 13C-15, the Secretary of State shall not renew any vehicle
12 registration for a subject vehicle that has not complied
13 with this Chapter. Additionally, the Secretary of State
14 shall not allow the issuance of a new registration nor
15 allow the transfer of a registration to a subject vehicle
16 that has not complied with this Chapter.

17 (4) The Secretary of State shall suspend the
18 registration of any vehicle which has permanent vehicle
19 registration plates that has not complied with the
20 requirements of this Chapter. A suspension under this
21 paragraph (4) shall not be terminated until satisfactory
22 proof of compliance has been submitted to the Secretary of
23 State. No permanent vehicle registration plate that has
24 been suspended under this Section may be reinstated or
25 renewed, or transferred by the owner to any other vehicle,
26 until the suspension has been terminated.

27 (Source: P.A. 94-526, eff. 1-1-06.)

28 (625 ILCS 5/13C-60)

29 Sec. 13C-60. Other offenses.

30 (a) Any person who knowingly displays an emission
31 inspection or exemption certificate for ~~sticker or exemption~~
32 ~~sticker on~~ any vehicle other than the one for which the
33 certificate ~~sticker~~ was lawfully issued in accordance with the
34 provisions of this Chapter, or duplicates, alters, uses,
35 possesses, issues, or distributes any emission inspection or

1 ~~exemption sticker, exemption sticker, inspection~~ certificate,
2 or facsimile thereof, except in accordance with the provisions
3 of this Chapter and the rules and regulations adopted
4 hereunder, is guilty of a Class C misdemeanor.

5 (b) A vehicle owner shall pay a monetary fine equivalent to
6 the test fee plus the applicable waiver repair expenditure for
7 the continued operation of a non-complying ~~noncomplying~~
8 vehicle beyond 4 months past the expiration of the vehicle
9 emission inspection certificate. Any fines collected under
10 this Section shall be divided equally between the local
11 jurisdiction issuing the citation and the Vehicle Inspection
12 Fund.

13 (Source: P.A. 94-526, eff. 1-1-06.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.