



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0190

Introduced 1/19/2007, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/13C-15

Amends the Vehicle Emissions Inspection Law of 2005 in the Illinois Vehicle Code. Provides that vehicles owned by persons 65 years of age or older are exempt from emissions inspection if each owner is or will be 65 years of age or older on the scheduled date of the next inspection and the vehicle is being driven 5,000 miles or less annually. Provides that the exemption applies only if the exemption is not otherwise prohibited by federal law. Provides that, to qualify for the exemption, each owner of the vehicle must certify the vehicle's odometer reading at the time of certification, that each owner is or will be 65 years of age or older on the scheduled date of the next mandatory inspection, and that the vehicle is being driven 5,000 miles or less annually. Provides that the Illinois Environmental Protection Agency shall adopt rules for implementing the new provisions.

LRB095 03654 DRH 23680 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 13C-15 as follows:

6 (625 ILCS 5/13C-15)

7 Sec. 13C-15. Inspections.

8 (a) Computer-Matched Inspections and Notification.

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

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

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

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

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

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

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

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

15 (4) The owner of a vehicle subject to inspection shall
16 have the vehicle inspected and shall obtain and display on
17 the vehicle or carry within the vehicle, in a manner
18 specified by the Agency, a valid unexpired emission
19 inspection sticker or certificate in the manner specified
20 by the Agency. A person who violates this paragraph (4) is
21 guilty of a petty offense, except that a third or
22 subsequent violation within one year of the first violation
23 is a Class C misdemeanor. The fine imposed for a violation
24 of this paragraph (4) shall be not less than \$50 if the
25 violation occurred within 60 days following the date by
26 which a new or renewal emission inspection sticker or

1 certificate was required to be obtained for the vehicle,
2 and not less than \$300 if the violation occurred more than
3 60 days after that date.

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

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

8 (B) A vehicle presented for inspection on a
9 voluntary basis.

10 Any fees collected under this paragraph (5) shall not
11 offset Motor Fuel Tax Funds normally appropriated for the
12 program.

13 (6) The following vehicles are not subject to
14 inspection:

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

18 (B) Motorcycles, motor driven cycles, and
19 motorized pedalcycles.

20 (C) Farm vehicles and implements of husbandry.

21 (D) Implements of warfare owned by the State or
22 federal government.

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

25 (F) Vehicles operated exclusively for parade or
26 ceremonial purposes by any veterans, fraternal, or

1 civic organization, organized on a not-for-profit
2 basis.

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

6 (H) Diesel powered vehicles and vehicles that are
7 powered exclusively by electricity.

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

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

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

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

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

26 (7) According to criteria that the Agency may adopt, a

1 motor vehicle may be exempted from the inspection
2 requirements of this Section by the Agency on the basis of
3 an Agency determination that the vehicle is located and
4 primarily used outside of the affected counties or in other
5 jurisdictions where vehicle emission inspections are not
6 required. The Agency may issue an annual exemption sticker
7 or certificate without inspection for any vehicle exempted
8 from inspection under this paragraph (7).

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

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

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

10 (b) Registration Denial Inspection and Notification.

11 (1) No later than January 1, 2008, every motor vehicle
12 that is owned by a resident of an affected county, other
13 than a vehicle that is exempt under paragraph (b)(8) or
14 (b)(9) or subsection (c), is subject to inspection under
15 the program.

16 The owner of a vehicle subject to inspection shall have
17 the vehicle inspected and obtain proof of compliance from
18 the Agency in order to obtain or renew a vehicle
19 registration for a subject vehicle.

20 The Secretary of State shall notify the owner of a
21 vehicle subject to inspection of the requirement to have
22 the vehicle tested at least 30 days prior to the beginning
23 of the month in which the vehicle's registration is due to
24 expire. Notwithstanding the preceding, vehicles with
25 permanent registration plates shall be notified at least 30
26 days prior to the month corresponding to the date the

1 vehicle was originally registered. This notification shall
2 clearly state the vehicle's test status, based upon the
3 vehicle type, model year and registration address.

4 The owner of each vehicle subject to inspection shall
5 have the vehicle inspected and, upon demonstration of
6 compliance, obtain an emissions compliance certificate for
7 the vehicle.

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

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

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

26 (5) Vehicles with permanent vehicle registration

1 plates shall be inspected every 2 years on a schedule that
2 begins in the fourth calendar year after the vehicle model
3 year in the month corresponding to the date the vehicle was
4 originally registered. Even model year vehicles shall be
5 inspected and comply in even calendar years, and odd model
6 year vehicles shall be inspected and comply in odd calendar
7 years.

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

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

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

19 (B) A vehicle presented for inspection on a
20 voluntary basis.

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

24 (8) The following vehicles are not subject to
25 inspection:

26 (A) Vehicles not subject to registration under

1 Article IV of Chapter 3 of this Code, other than
2 vehicles owned by the federal government.

3 (B) Motorcycles, motor driven cycles, and
4 motorized pedalcycles.

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6 (D) Implements of warfare owned by the State or
7 federal government.

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

10 (F) Vehicles operated exclusively for parade or
11 ceremonial purposes by any veterans, fraternal, or
12 civic organization, organized on a not-for-profit
13 basis.

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15 under Section 3-117 of this Code, has issued a Junking
16 Certificate.

17 (H) Diesel powered vehicles and vehicles that are
18 powered exclusively by electricity.

19 (I) Vehicles operated exclusively in organized
20 amateur or professional sporting activities, as
21 defined in Section 3.310 of the Environmental
22 Protection Act.

23 (J) Vehicles registered in, subject to, and in
24 compliance with the emission inspection requirements
25 of another state.

26 (K) Vehicles participating in an OBD continuous

1 monitoring program operated in accordance with
2 procedures adopted by the Agency.

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

6 The Agency may issue temporary or permanent exemption
7 certificates for vehicles temporarily or permanently
8 exempt from inspection under this paragraph (8). An
9 exemption sticker or certificate does not need to be
10 displayed.

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

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

25 (11) Pursuant to Title 40, Section 51.371 of the Code
26 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 emissions standards established for the model year and type
19 of vehicle, if the vehicle is registered outside of the
20 affected counties.

21 (c) A vehicle owned by a person who, on the scheduled date
22 of the next inspection, will be 65 years of age or older is
23 exempt from the inspection if:

24 (1) the exemption is not otherwise prohibited by
25 federal law;

26 (2) all owners of the vehicle will be 65 years of age

1 or older on the scheduled date of the next inspection; and
2 (3) the vehicle is being driven 5,000 miles or less
3 annually.

4 To qualify for an exemption under this subsection (c), each
5 owner of the vehicle must certify, on a form provided by the
6 Agency, the vehicle's odometer reading at the time of
7 certification, that all owners of the vehicle will be 65 years
8 of age or older on the scheduled date of the next inspection,
9 and that the vehicle is being driven 5,000 miles or less
10 annually.

11 The Agency shall adopt rules for implementing this
12 subsection (c).

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