

1 AN ACT in relation to vehicles.

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
5 changing Section 13B-40 as follows:

6 (625 ILCS 5/13B-40)

7 Sec. 13B-40. Grievance procedure. Any person aggrieved
8 by a decision regarding the failure of an emissions test or
9 the denial of a waiver or any person whose vehicle is damaged
10 by or because of an emission inspection may file a petition
11 with the Agency within 30 days after the decision was made,
12 and the Agency shall thereupon investigate the matter. Within
13 45 days after its receipt of the petition, the Agency shall
14 submit to the petitioner and any affected inspector or
15 station its written determination of the correctness or
16 incorrectness of the decision complained of or its written
17 determination of liability and damages. The written
18 determination shall include a statement of the facts relied
19 upon and the legal and technical issues decided by the Agency
20 in making its determination, and may also include an order
21 directing the inspector (i) to issue an emission inspection
22 certificate for the vehicle effective on such date as the
23 Agency may specify, (ii) to reinspect the vehicle, (iii) to
24 apply the standards that the Agency has determined to be
25 applicable, or (iv) to take any other action that the Agency
26 deems to be appropriate. In conducting the investigation,
27 the Agency may require the petitioner to present the vehicle
28 for inspection by the Agency or its designated agent. The
29 written determination of the Agency shall be subject to
30 review in circuit court in accordance with the provisions of
31 the Administrative Review Law, except that no challenge to

1 the validity of a rule adopted by the Board under subsection
2 (a) of Section 13B-20 shall be heard by the circuit court if
3 the challenge could have been raised in a timely petition for
4 review under Section 13B-20.

5 (Source: P.A. 88-533.)