

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 Sections 13B-5 and 13B-40 as follows:

6 (625 ILCS 5/13B-5)

7 Sec. 13B-5. Definitions. For the purposes of this
8 Chapter:

9 "Affected counties" means Cook County; DuPage County;
10 Lake County; those parts of Kane County that are not included
11 within any of the following ZIP code areas, as designated by
12 the U.S. Postal Service on the effective date of this
13 amendatory Act of 1994: 60109, 60119, 60135, 60140, 60142,
14 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520,
15 60545, and 60554; those parts of Kendall County that are not
16 included within any of the following ZIP code areas, as
17 designated by the U.S. Postal Service on the effective date
18 of this amendatory Act of 1994: 60447, 60512, 60536, 60537,
19 60541, those parts of 60543 that are not within the census
20 defined urbanized area, 60545, and 60560; those parts of
21 McHenry County that are not included within any of the
22 following ZIP code areas, as designated by the U.S. Postal
23 Service on the effective date of this amendatory Act of 1994:
24 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60142,
25 60152, and 60180; those parts of Will County that are not
26 included within any of the following ZIP code areas, as
27 designated by the U.S. Postal Service on the effective date
28 of this amendatory Act of 1994: 60401, 60407, 60408, 60410,
29 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935 and
30 60950; those parts of Madison County that are not included
31 within any of the following ZIP code areas, as designated by

1 the U.S. Postal Service on the effective date of this
2 amendatory Act of 1994: 62001, 62012, 62021, 62026, 62046,
3 62058, 62061, 62067, 62074, 62088, 62097, 62249, 62275, and
4 62281; those parts of Monroe County that are not included
5 within any of the following ZIP code areas, as designated by
6 the U.S. Postal Service on the effective date of this
7 amendatory Act of 1994: 62244, 62248, 62256, 62261, 62276,
8 62278, 62279, 62295, and 62298; and those parts of St. Clair
9 County that are not included within any of the following ZIP
10 code areas, as designated by the U.S. Postal Service on the
11 effective date of this amendatory Act of 1994: 62224, 62243,
12 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265,
13 62269, 62278, 62282, 62285, 62289, and 62298.

14 "Board" means the Illinois Pollution Control Board.

15 "Claim evaluation center" means an automotive diagnostic
16 facility that meets the standards prescribed by the Agency
17 for performing examinations of vehicle emissions inspection
18 damage claims.

19 "Contractor" means the vehicle emissions test contractor
20 for Official Inspection Stations described in Section 13B-45.

21 "Inspection area" means Cook County, DuPage County, Lake
22 County and those portions of Kane, Kendall, Madison, McHenry,
23 Monroe, Will, and St. Clair Counties included in the
24 definition of "affected counties".

25 "Owner" means the registered owner of the vehicle, as
26 indicated on the vehicle's registration. In the case of an
27 unregistered vehicle, "owner" has the meaning set forth in
28 Section 1-155 of this Code.

29 "Program" means the vehicle emission inspection program
30 established under this Chapter.

31 "Resident" includes natural persons, foreign and domestic
32 corporations, partnerships, associations, and all other
33 commercial and governmental entities. For the purpose of
34 determining residence, the owner of a vehicle shall be

1 presumed to reside at the address indicated on the vehicle's
 2 registration. A governmental entity, including the federal
 3 government and its agencies, and any unit of local government
 4 or school district, any part of which is located within an
 5 affected county, shall be deemed a resident of an affected
 6 county for the purpose of any vehicle that is owned by the
 7 governmental entity and regularly operated in an affected
 8 county.

9 "Registration" of a vehicle means its registration under
 10 Article IV of Chapter 3 of this Code.

11 (Source: P.A. 90-89, eff. 1-1-98.)

12 (625 ILCS 5/13B-40)

13 Sec. 13B-40. Grievance and damage claim requirements and
 14 procedures.

15 (a) Emissions inspection and waiver denial grievance
 16 procedures procedure. Any person aggrieved by a decision
 17 regarding the failure of an emissions test or the denial of a
 18 waiver may file a petition with the Agency within 30 days
 19 after the decision was made, and the Agency shall thereupon
 20 investigate the matter. Within 45 days after its receipt of
 21 the petition, the Agency shall submit to the petitioner and
 22 any affected inspector or station its written determination
 23 of the correctness or incorrectness of the decision
 24 complained of. The written determination shall include a
 25 statement of the facts relied upon and the legal and
 26 technical issues decided by the Agency in making its
 27 determination, and may also include an order directing the
 28 inspector (i) to issue an emission inspection certificate for
 29 the vehicle effective on such date as the Agency may specify,
 30 (ii) to reinspect the vehicle, (iii) to apply the standards
 31 that the Agency has determined to be applicable, or (iv) to
 32 take any other action that the Agency deems to be
 33 appropriate. In conducting the investigation, the Agency may

1 require the petitioner to present the vehicle for inspection
 2 by the Agency or its designated agent. The written
 3 determination of the Agency shall be subject to review in
 4 circuit court in accordance with the provisions of the
 5 Administrative Review Law, except that no challenge to the
 6 validity of a rule adopted by the Board under subsection (a)
 7 of Section 13B-20 shall be heard by the circuit court if the
 8 challenge could have been raised in a timely petition for
 9 review under Section 13B-20.

10 (b) Vehicle damage claim requirements and procedures.

11 (1) The contractor shall make vehicle damage claim
 12 forms authorized by the Agency available for vehicle
 13 owners in sufficient quantities at all official
 14 inspection stations.

15 (2) Notice of the vehicle damage claim procedures
 16 and the vehicle owner's rights in relation to a vehicle
 17 damage claim shall be conspicuously posted at all
 18 official inspection stations.

19 (3) If a vehicle owner believes that his or her
 20 vehicle was damaged by an act or omission of the
 21 contractor during or as a result of an emissions
 22 inspection performed on or after August 1, 2002, the
 23 owner may initiate resolution of the damage claim under
 24 this subsection by complying with the following:

25 (A) Within 30 days of the date of the vehicle
 26 emissions inspection that allegedly caused the
 27 vehicle damage, the vehicle owner shall submit a
 28 vehicle damage claim to the contractor at the
 29 Official Inspection Station at which the vehicle
 30 damage allegedly occurred.

31 (B) Within 30 days of filing the claim, the
 32 owner shall submit to the contractor any relevant
 33 information relating to the owner's claim for
 34 vehicle damage, including but not limited to

1 evaluations conducted by a claims evaluation center
2 or automotive repair shop meeting standards
3 prescribed by the Agency.

4 (4) The contractor shall promptly notify the Agency
5 of each vehicle damage claim received by the contractor
6 under subdivision (b)(3) and shall forward to the Agency
7 any additional information provided by the owner.

8 (5) Within 60 days after the filing of a vehicle
9 damage claim, the contractor shall notify the vehicle
10 owner of its proposed resolution of the damage claim.

11 (6) Within 30 days after receiving the contractor's
12 proposed resolution of the damage claim, the owner may
13 petition the Agency for a review of the adequacy and
14 completeness of the contractor's proposed resolution.
15 The petition shall be in a form specified by the Agency.

16 (7) Upon receiving a petition for review, the
17 Agency shall request the contractor to deliver to the
18 Agency a copy of the contractor's proposed resolution of
19 the damage claim, together with all documents,
20 videotapes, and information relevant to the damage claim
21 and the proposed resolution. The contractor shall
22 provide the requested materials to the Agency within 15
23 days of receiving the Agency's request.

24 (8) Within 30 days after receiving the relevant
25 materials from the contractor, the Agency shall review
26 the materials and determine whether the contractor's
27 proposed resolution of the damage claim is adequate and
28 complete. The Agency may deem the proposed resolution of
29 the damage claim to be adequate and complete. If the
30 Agency does not deem the proposed resolution of the
31 damage claim to be adequate and complete, it may request
32 the contractor to further investigate and evaluate the
33 damage claim and resubmit its proposed resolution of the
34 claim. The contractor shall then have 30 days to respond

1 in writing to the Agency with the results of its further
2 evaluation of the damage claim and its proposed
3 resolution.

4 (9) The Agency shall notify the vehicle owner in
5 writing of the result of its review of the adequacy and
6 completeness of the contractor's proposed resolution of
7 the damage claim. Copies of all correspondence between
8 the Agency and the contractor relating to the damage
9 claim shall also be sent to the vehicle owner.

10 (10) If, after the Agency's review, the vehicle
11 owner still does not agree with all or a portion of the
12 proposed resolution of the damage claim by the
13 contractor, the vehicle owner may further pursue the
14 damage claim through the binding arbitration process
15 established by the contractor and accepted by the Agency,
16 or in circuit court.

17 (11) The Agency's review of the adequacy and
18 completeness of the contractor's proposed resolution of a
19 damage claim is not binding upon the vehicle owner or the
20 contractor and does not affect the rights of the vehicle
21 owner or the contractor under law. The Agency's review
22 of the adequacy and completeness of the contractor's
23 proposed resolution of a damage claim is not a final
24 action subject to administrative review and is not
25 subject to review by the Pollution Control Board or
26 otherwise appealable.

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.