**Section 396.2010 Inspection of Vehicles in Operation**

a) Personnel Authorized to Perform Inspections. The Illinois State Police are authorized to enter upon and perform commercial vehicle inspections (as defined in 92 Ill. Adm. Code 390.1020) of motor carrier vehicles in operation.

b) Prescribed Inspection Report. The Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238) shall be used to record results of motor vehicle inspections conducted by Illinois State Police personnel.

c) Motor Vehicles Declared "Out-of-Service"

1) Authorized Illinois State Police personnel shall declare and mark "out-of-service" any motor vehicle which meets the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020. An "out-of-service" vehicle sticker shall be used to mark vehicles "out-of-service".

2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked, "out-of-service" until all repairs required by the "out-of-service notice" have been satisfactorily completed. The term "operate" as used in this subsection (c)(2) shall include towing the vehicle, except that vehicles marked "out-of-service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an "out-of-service" vehicle shall not be operated until the combination meets the performance requirements of the Illinois Motor Carrier Safety Regulations (IMCSR) (92 Ill. Adm. Code: Chapter I, Subchapter d) except for those conditions noted on the ISP 5-238.

3) No person shall remove the "out-of-service vehicle" sticker from any motor vehicle prior to completion of all repairs required by the "out-of-service notice."

d) Motor Carrier's Disposition

1) The driver of any motor vehicle receiving an ISP 5-238 shall deliver it to the motor carrier operating the vehicle upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

2) Motor carriers shall examine the report. Violations or defects noted on the report shall be corrected.

3) Within 15 days following the date of the inspection, motor carriers shall certify that all violations noted have been corrected by completing the reverse side of the ISP 5-238 and returning it to the Illinois State Police Commercial Vehicle Enforcement Bureau's address indicated on the report.

4) The motor carrier shall retain a copy of the ISP 5-238 at the motor carrier's principal place of business or where the vehicle is housed for 12 months from the date of the inspection.

e) This Section does not apply to covered farm vehicles (as defined in 92 Ill. Adm. Code 390.1020) or to the drivers of those vehicles when the vehicles are used in interstate commerce.

(Source: Amended at 37 Ill. Reg. 18355, effective November 4, 2013)