

# HB3172



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3172

by Rep. Nick Sauer

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/13-109

from Ch. 95 1/2, par. 13-109

Amends the Illinois Vehicle Code. Provides that specified vehicles of the second division, medical transport vehicles, and vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees shall be subject to a safety test at an official testing station at least every 12 months (rather than 6 months). Provides that each school bus and each vehicle of the first division that is used for a purpose that requires a school bus driver permit shall be subject to a safety test at an official testing station at least every 12 months (rather than 6 months) or 10,000 miles, whichever occurs first.

LRB100 09547 AXK 19713 b

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 13-109 as follows:

6 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

7 Sec. 13-109. Safety test prior to application for license -  
8 Subsequent tests - Repairs - Retest.

9 (a) Except as otherwise provided in Chapter 13, each second  
10 division vehicle, first division vehicle including a taxi which  
11 is used for a purpose that requires a school bus driver permit,  
12 and medical transport vehicle, except those vehicles other than  
13 school buses or medical transport vehicles owned or operated by  
14 a municipal corporation or political subdivision having a  
15 population of 1,000,000 or more inhabitants which are subjected  
16 to safety tests imposed by local ordinance or resolution,  
17 operated in whole or in part over the highways of this State,  
18 motor vehicle used for driver education training, and each  
19 vehicle designed to carry 15 or fewer passengers operated by a  
20 contract carrier transporting employees in the course of their  
21 employment on a highway of this State, shall be subjected to  
22 the safety test provided for in Chapter 13 of this Code. Tests  
23 shall be conducted at an official testing station within 6

1 months prior to the application for registration as provided  
2 for in this Code. Subsequently each vehicle shall be subject to  
3 tests (i) at least every 12 ~~6~~ months, (ii) in the case of  
4 school buses and first division vehicles including taxis which  
5 are used for a purpose that requires a school bus driver  
6 permit, at least every 12 ~~6~~ months or 10,000 miles, whichever  
7 occurs first, or (iii) in the case of driver education vehicles  
8 used by public high schools, at least every 12 months for  
9 vehicles over 5 model years of age or having an odometer  
10 reading of over 75,000 miles, whichever occurs first, and  
11 according to schedules established by rules and regulations  
12 promulgated by the Department. Any component subject to regular  
13 inspection which is damaged in a reportable accident must be  
14 reinspected before the bus or first division vehicle including  
15 a taxi which is used for a purpose that requires a school bus  
16 driver permit is returned to service.

17 (b) The Department shall also conduct periodic  
18 nonscheduled inspections of school buses, of buses registered  
19 as charitable vehicles and of religious organization buses. If  
20 such inspection reveals that a vehicle is not in substantial  
21 compliance with the rules promulgated by the Department, the  
22 Department shall remove the Certificate of Safety from the  
23 vehicle, and shall place the vehicle out-of-service. A bright  
24 orange, triangular decal shall be placed on an out-of-service  
25 vehicle where the Certificate of Safety has been removed. The  
26 vehicle must pass a safety test at an official testing station

1 before it is again placed in service.

2 (c) If the violation is not substantial a bright yellow,  
3 triangular sticker shall be placed next to the Certificate of  
4 Safety at the time the nonscheduled inspection is made. The  
5 Department shall reinspect the vehicle after 3 working days to  
6 determine that the violation has been corrected and remove the  
7 yellow, triangular decal. If the violation is not corrected  
8 within 3 working days, the Department shall place the vehicle  
9 out-of-service in accordance with procedures in subsection  
10 (b).

11 (d) If a violation is not substantial and does not directly  
12 affect the safe operation of the vehicle, the Department shall  
13 issue a warning notice requiring correction of the violation.  
14 Such correction shall be accomplished as soon as practicable  
15 and a report of the correction shall be made to the Department  
16 within 30 days in a manner established by the Department. If  
17 the Department has not been advised that the corrections have  
18 been made, and the violations still exist, the Department shall  
19 place the vehicle out-of-service in accordance with procedures  
20 in subsection (b).

21 (e) The Department is authorized to promulgate regulations  
22 to implement its program of nonscheduled inspections. Causing  
23 or allowing the operation of an out-of-service vehicle with  
24 passengers or unauthorized removal of an out-of-service  
25 sticker is a Class 3 felony. Causing or allowing the operation  
26 of a vehicle with a 3-day sticker for longer than 3 days with

1 the sticker attached or the unauthorized removal of a 3-day  
2 sticker is a Class C misdemeanor.

3 (f) If a second division vehicle, first division vehicle  
4 including a taxi which is used for a purpose that requires a  
5 school bus driver permit, medical transport vehicle, or vehicle  
6 operated by a contract carrier as provided in subsection (a) of  
7 this Section is in safe mechanical condition, as determined  
8 pursuant to Chapter 13, the operator of the official testing  
9 station must at once issue to the second division vehicle,  
10 first division vehicle including a taxi which is used for a  
11 purpose that requires a school bus driver permit, or medical  
12 transport vehicle a certificate of safety, in the form and  
13 manner prescribed by the Department, which shall be affixed to  
14 the vehicle by the certified safety tester who performed the  
15 safety tests. The owner of the second division vehicle, first  
16 division vehicle including a taxi which is used for a purpose  
17 that requires a school bus driver permit, or medical transport  
18 vehicle or the contract carrier shall at all times display the  
19 Certificate of Safety on the second division vehicle, first  
20 division vehicle including a taxi which is used for a purpose  
21 that requires a school bus driver permit, medical transport  
22 vehicle, or vehicle operated by a contract carrier in the  
23 manner prescribed by the Department.

24 (g) If a test shows that a second division vehicle, first  
25 division vehicle including a taxi which is used for a purpose  
26 that requires a school bus driver permit, medical transport

1 vehicle, or vehicle operated by a contract carrier is not in  
2 safe mechanical condition as provided in this Section, it shall  
3 not be operated on the highways until it has been repaired and  
4 submitted to a retest at an official testing station. If the  
5 owner or contract carrier submits the vehicle to a retest at a  
6 different official testing station from that where it failed to  
7 pass the first test, he or she shall present to the operator of  
8 the second station the report of the original test, and shall  
9 notify the Department in writing, giving the name and address  
10 of the original testing station and the defects which prevented  
11 the issuance of a Certificate of Safety, and the name and  
12 address of the second official testing station making the  
13 retest.

14 (Source: P.A. 97-224, eff. 7-28-11; 97-1025, eff. 1-1-13.)