

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 Sections 6-106.1, 6-106.11, 12-707.01, 13-101, and 13-109 and  
6 by adding Section 6-106.12 as follows:

7 (625 ILCS 5/6-106.1)

8 Sec. 6-106.1. School bus driver permit.

9 (a) The Secretary of State shall issue a school bus driver  
10 permit to those applicants who have met all the requirements of  
11 the application and screening process under this Section to  
12 insure the welfare and safety of children who are transported  
13 on school buses throughout the State of Illinois. Applicants  
14 shall obtain the proper application required by the Secretary  
15 of State from their prospective or current employer and submit  
16 the completed application to the prospective or current  
17 employer along with the necessary fingerprint submission as  
18 required by the Department of State Police to conduct  
19 fingerprint based criminal background checks on current and  
20 future information available in the state system and current  
21 information available through the Federal Bureau of  
22 Investigation's system. Applicants who have completed the  
23 fingerprinting requirements shall not be subjected to the

1 fingerprinting process when applying for subsequent permits or  
2 submitting proof of successful completion of the annual  
3 refresher course. Individuals who on the effective date of this  
4 Act possess a valid school bus driver permit that has been  
5 previously issued by the appropriate Regional School  
6 Superintendent are not subject to the fingerprinting  
7 provisions of this Section as long as the permit remains valid  
8 and does not lapse. The applicant shall be required to pay all  
9 related application and fingerprinting fees as established by  
10 rule including, but not limited to, the amounts established by  
11 the Department of State Police and the Federal Bureau of  
12 Investigation to process fingerprint based criminal background  
13 investigations. All fees paid for fingerprint processing  
14 services under this Section shall be deposited into the State  
15 Police Services Fund for the cost incurred in processing the  
16 fingerprint based criminal background investigations. All  
17 other fees paid under this Section shall be deposited into the  
18 Road Fund for the purpose of defraying the costs of the  
19 Secretary of State in administering this Section. All  
20 applicants must:

- 21 1. be 21 years of age or older;
- 22 2. possess a valid and properly classified driver's  
23 license issued by the Secretary of State;
- 24 3. possess a valid driver's license, which has not been  
25 revoked, suspended, or canceled for 3 years immediately  
26 prior to the date of application, or have not had his or

1 her commercial motor vehicle driving privileges  
2 disqualified within the 3 years immediately prior to the  
3 date of application;

4 4. successfully pass a written test, administered by  
5 the Secretary of State, on school bus operation, school bus  
6 safety, and special traffic laws relating to school buses  
7 and submit to a review of the applicant's driving habits by  
8 the Secretary of State at the time the written test is  
9 given;

10 5. demonstrate ability to exercise reasonable care in  
11 the operation of school buses in accordance with rules  
12 promulgated by the Secretary of State;

13 6. demonstrate physical fitness to operate school  
14 buses by submitting the results of a medical examination,  
15 including tests for drug use for each applicant not subject  
16 to such testing pursuant to federal law, conducted by a  
17 licensed physician, an advanced practice nurse who has a  
18 written collaborative agreement with a collaborating  
19 physician which authorizes him or her to perform medical  
20 examinations, or a physician assistant who has been  
21 delegated the performance of medical examinations by his or  
22 her supervising physician within 90 days of the date of  
23 application according to standards promulgated by the  
24 Secretary of State;

25 7. affirm under penalties of perjury that he or she has  
26 not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,  
3 including first aid procedures, in school bus driver safety  
4 as promulgated by the Secretary of State; and after  
5 satisfactory completion of said initial course an annual  
6 refresher course; such courses and the agency or  
7 organization conducting such courses shall be approved by  
8 the Secretary of State; failure to complete the annual  
9 refresher course, shall result in cancellation of the  
10 permit until such course is completed;

11 9. not have been under an order of court supervision  
12 for or convicted of 2 or more serious traffic offenses, as  
13 defined by rule, within one year prior to the date of  
14 application that may endanger the life or safety of any of  
15 the driver's passengers within the duration of the permit  
16 period;

17 10. not have been under an order of court supervision  
18 for or convicted of reckless driving, aggravated reckless  
19 driving, driving while under the influence of alcohol,  
20 other drug or drugs, intoxicating compound or compounds or  
21 any combination thereof, or reckless homicide resulting  
22 from the operation of a motor vehicle within 3 years of the  
23 date of application;

24 11. not have been convicted of committing or attempting  
25 to commit any one or more of the following offenses: (i)  
26 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,

1 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
2 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
3 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,  
4 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
5 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
6 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
7 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
8 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,  
9 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
10 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
11 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
12 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
13 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
14 Section 8-1, and in subsection (a) and subsection (b),  
15 clause (1), of Section 12-4, and in subsection (A), clauses  
16 (a) and (b), of Section 24-3, and those offenses contained  
17 in Article 29D of the Criminal Code of 1961; (ii) those  
18 offenses defined in the Cannabis Control Act except those  
19 offenses defined in subsections (a) and (b) of Section 4,  
20 and subsection (a) of Section 5 of the Cannabis Control  
21 Act; (iii) those offenses defined in the Illinois  
22 Controlled Substances Act; (iv) those offenses defined in  
23 the Methamphetamine Control and Community Protection Act;  
24 (v) any offense committed or attempted in any other state  
25 or against the laws of the United States, which if  
26 committed or attempted in this State would be punishable as

1 one or more of the foregoing offenses; (vi) the offenses  
2 defined in Section 4.1 and 5.1 of the Wrongs to Children  
3 Act; (vii) those offenses defined in Section 6-16 of the  
4 Liquor Control Act of 1934; and (viii) those offenses  
5 defined in the Methamphetamine Precursor Control Act; ~~and~~

6 12. not have been repeatedly involved as a driver in  
7 motor vehicle collisions or been repeatedly convicted of  
8 offenses against laws and ordinances regulating the  
9 movement of traffic, to a degree which indicates lack of  
10 ability to exercise ordinary and reasonable care in the  
11 safe operation of a motor vehicle or disrespect for the  
12 traffic laws and the safety of other persons upon the  
13 highway;

14 13. not have, through the unlawful operation of a motor  
15 vehicle, caused an accident resulting in the death of any  
16 person; and

17 14. not have, within the last 5 years, been adjudged to  
18 be afflicted with or suffering from any mental disability  
19 or disease.

20 (b) A school bus driver permit shall be valid for a period  
21 specified by the Secretary of State as set forth by rule. It  
22 shall be renewable upon compliance with subsection (a) of this  
23 Section.

24 (c) A school bus driver permit shall contain the holder's  
25 driver's license number, legal name, residence address, zip  
26 code, social security number and date of birth, a brief

1 description of the holder and a space for signature. The  
2 Secretary of State may require a suitable photograph of the  
3 holder.

4 (d) The employer shall be responsible for conducting a  
5 pre-employment interview with prospective school bus driver  
6 candidates, distributing school bus driver applications and  
7 medical forms to be completed by the applicant, and submitting  
8 the applicant's fingerprint cards to the Department of State  
9 Police that are required for the criminal background  
10 investigations. The employer shall certify in writing to the  
11 Secretary of State that all pre-employment conditions have been  
12 successfully completed including the successful completion of  
13 an Illinois specific criminal background investigation through  
14 the Department of State Police and the submission of necessary  
15 fingerprints to the Federal Bureau of Investigation for  
16 criminal history information available through the Federal  
17 Bureau of Investigation system. The applicant shall present the  
18 certification to the Secretary of State at the time of  
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving  
21 certification from the employer that all pre-employment  
22 conditions have been successfully completed, and upon  
23 successful completion of all training and examination  
24 requirements for the classification of the vehicle to be  
25 operated, the Secretary of State shall provisionally issue a  
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau  
2 of Investigation's criminal background investigation based  
3 upon fingerprinting specimens submitted to the Federal Bureau  
4 of Investigation by the Department of State Police. The Federal  
5 Bureau of Investigation shall report the findings directly to  
6 the Secretary of State. The Secretary of State shall remove the  
7 bus driver permit from provisional status upon the applicant's  
8 successful completion of the Federal Bureau of Investigation's  
9 criminal background investigation.

10 (f) A school bus driver permit holder shall notify the  
11 employer and the Secretary of State if he or she is issued an  
12 order of court supervision for or convicted in another state of  
13 an offense that would make him or her ineligible for a permit  
14 under subsection (a) of this Section. The written notification  
15 shall be made within 5 days of the entry of the order of court  
16 supervision or conviction. Failure of the permit holder to  
17 provide the notification is punishable as a petty offense for a  
18 first violation and a Class B misdemeanor for a second or  
19 subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus  
22 driver permit of an applicant whose criminal background  
23 investigation discloses that he or she is not in compliance  
24 with the provisions of subsection (a) of this Section.

25 (2) The Secretary of State shall cancel a school bus  
26 driver permit when he or she receives notice that the



1 permit holder fails to comply with any provision of this  
2 Section or any rule promulgated for the administration of  
3 this Section.

4 (3) The Secretary of State shall cancel a school bus  
5 driver permit if the permit holder's restricted commercial  
6 or commercial driving privileges are withdrawn or  
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus  
9 driver permit for a period of 3 years to an applicant who  
10 fails to obtain a negative result on a drug test as  
11 required in item 6 of subsection (a) of this Section or  
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a  
14 school bus driver permit for a period of 3 years upon  
15 receiving notice that the holder has failed to obtain a  
16 negative result on a drug test as required in item 6 of  
17 subsection (a) of this Section or under federal law.

18 (6) The Secretary of State shall suspend a school bus  
19 driver permit for a period of 3 years upon receiving notice  
20 from the employer that the holder failed to perform the  
21 inspection procedure set forth in subsection (a) or (b) of  
22 Section 12-816 of this Code.

23 The Secretary of State shall notify the State  
24 Superintendent of Education and the permit holder's  
25 prospective or current employer that the applicant has (1) has  
26 failed a criminal background investigation or (2) is no longer

1 eligible for a school bus driver permit; and of the related  
2 cancellation of the applicant's provisional school bus driver  
3 permit. The cancellation shall remain in effect pending the  
4 outcome of a hearing pursuant to Section 2-118 of this Code.  
5 The scope of the hearing shall be limited to the issuance  
6 criteria contained in subsection (a) of this Section. A  
7 petition requesting a hearing shall be submitted to the  
8 Secretary of State and shall contain the reason the individual  
9 feels he or she is entitled to a school bus driver permit. The  
10 permit holder's employer shall notify in writing to the  
11 Secretary of State that the employer has certified the removal  
12 of the offending school bus driver from service prior to the  
13 start of that school bus driver's next workshift. An employing  
14 school board that fails to remove the offending school bus  
15 driver from service is subject to the penalties defined in  
16 Section 3-14.23 of the School Code. A school bus contractor who  
17 violates a provision of this Section is subject to the  
18 penalties defined in Section 6-106.11.

19 All valid school bus driver permits issued under this  
20 Section prior to January 1, 1995, shall remain effective until  
21 their expiration date unless otherwise invalidated.

22 (h) When a school bus driver permit holder who is a service  
23 member is called to active duty, the employer of the permit  
24 holder shall notify the Secretary of State, within 30 days of  
25 notification from the permit holder, that the permit holder has  
26 been called to active duty. Upon notification pursuant to this

1 subsection, (i) the Secretary of State shall characterize the  
2 permit as inactive until a permit holder renews the permit as  
3 provided in subsection (i) of this Section, and (ii) if a  
4 permit holder fails to comply with the requirements of this  
5 Section while called to active duty, the Secretary of State  
6 shall not characterize the permit as invalid.

7 (i) A school bus driver permit holder who is a service  
8 member returning from active duty must, within 90 days, renew a  
9 permit characterized as inactive pursuant to subsection (h) of  
10 this Section by complying with the renewal requirements of  
11 subsection (b) of this Section.

12 (j) For purposes of subsections (h) and (i) of this  
13 Section:

14 "Active duty" means active duty pursuant to an executive  
15 order of the President of the United States, an act of the  
16 Congress of the United States, or an order of the Governor.

17 "Service member" means a member of the Armed Services or  
18 reserve forces of the United States or a member of the Illinois  
19 National Guard.

20 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
21 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
22 7-22-10; revised 9-2-10.)

23 (625 ILCS 5/6-106.11) (from Ch. 95 1/2, par. 6-106.11)

24 Sec. 6-106.11. (a) Any individual, corporation,  
25 partnership or association, who through contractual

1 arrangements with a school district transports students,  
2 teachers or other personnel of that district for compensation,  
3 shall not permit any person to operate a school bus or any  
4 first division vehicle including taxis when used for a purpose  
5 that requires a school bus driver permit pursuant to that  
6 contract if the driver has not complied with the provisions of  
7 Sections 6-106.1 of this Code or such other rules or  
8 regulations that the Secretary of State may prescribe for the  
9 classification, restriction or licensing of school bus driver  
10 permit holders ~~drivers~~.

11 (a-5) Any individual, corporation, partnership,  
12 association, or entity that has a contractual arrangement  
13 referred to in subsection (a) of this Section must provide the  
14 school district with (i) the names of all drivers who will be  
15 operating a vehicle requiring a school bus driver permit  
16 pursuant to the contract with the school district; and (ii) a  
17 copy of each driver's school bus driver permit. Upon  
18 notification by the Secretary of State to the employer of the  
19 school bus driver permit holder that an employee's school bus  
20 driver permit has been suspended or cancelled, the employer  
21 must notify the school district of the suspension or  
22 cancellation within 2 business days.

23 (a-10) An individual, corporation, partnership,  
24 association, or entity that has a contractual arrangement  
25 referred to in subsection (a) of this Section may not:

26 (i) utilize a vehicle in the performance of the

1 contract that has previously been in salvage or junk  
2 status; or

3 (ii) allow smoking in a vehicle while the vehicle is in  
4 the performance of the contract.

5 (b) A violation of this Section is a business offense and  
6 shall subject the offender to a fine of no less than \$1,000 nor  
7 more than \$10,000 for a first offense, no less than \$1,500 nor  
8 more than \$15,000 for a second offense, and no less than \$2,000  
9 nor more than \$20,000 for a third or subsequent offense. In  
10 addition to any fines imposed under this subsection, any  
11 offender who has been convicted three times under the  
12 provisions of subsection (a) shall, upon a fourth or subsequent  
13 conviction be prohibited from transporting or contracting to  
14 transport students, teachers or other personnel of a school  
15 district for a period of five years beginning with the date of  
16 conviction of such fourth or subsequent conviction.

17 (Source: P.A. 83-1286.)

18 (625 ILCS 5/6-106.12 new)

19 Sec. 6-106.12. Contracts requiring school bus driver  
20 permits.

21 (a) No school district that contracts with any individual,  
22 corporation, partnership, association, or other entity to  
23 transport students, teachers, or other personnel of that  
24 district for compensation shall permit any person to operate a  
25 vehicle that requires a school bus driver permit pursuant to

1 that contract if the driver has not complied with the  
2 provisions of Section 6-106.1 of this Code and other  
3 administrative rules governing the classification,  
4 restriction, or licensing of persons required to hold a school  
5 bus driver permit.

6 (b) A school district that has a contract of the type  
7 described in subsection (a) of this Section shall maintain a  
8 copy of the school bus driver permit of any person operating a  
9 vehicle that requires a school bus permit.

10 (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)

11 Sec. 12-707.01. Liability insurance. No school bus, first  
12 division vehicle including a taxi which is used for a purpose  
13 that requires a school bus driver permit, commuter van or motor  
14 vehicle owned by or used for hire by and in connection with the  
15 operation of private or public schools, day camps, summer camps  
16 or nursery schools, and no commuter van or passenger car used  
17 for a for-profit ridesharing arrangement, shall be operated for  
18 such purposes unless the owner thereof shall carry a minimum of  
19 personal injury liability insurance in the amount of \$1,000,000  
20 ~~\$25,000~~ for any one person in any one accident, and subject to  
21 the limit for one person, \$5,000,000 ~~\$100,000~~ for two or more  
22 persons injured by reason of the operation of the vehicle in  
23 any one accident.

24 (Source: P.A. 83-1091.)

1 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

2 Sec. 13-101. Submission to safety test; Certificate of  
3 safety. To promote the safety of the general public, every  
4 owner of a second division vehicle, medical transport vehicle,  
5 tow truck, first division vehicle including a taxi which is  
6 used for a purpose that requires a school bus driver permit, or  
7 contract carrier transporting employees in the course of their  
8 employment on a highway of this State in a vehicle designed to  
9 carry 15 or fewer passengers shall, before operating the  
10 vehicle upon the highways of Illinois, submit it to a "safety  
11 test" and secure a certificate of safety furnished by the  
12 Department as set forth in Section 13-109. Each second division  
13 motor vehicle that pulls or draws a trailer, semitrailer or  
14 pole trailer, with a gross weight of more than 8,000 lbs or is  
15 registered for a gross weight of more than 8,000 lbs, motor  
16 bus, religious organization bus, school bus, senior citizen  
17 transportation vehicle, and limousine shall be subject to  
18 inspection by the Department and the Department is authorized  
19 to establish rules and regulations for the implementation of  
20 such inspections.

21 The owners of each salvage vehicle shall submit it to a  
22 "safety test" and secure a certificate of safety furnished by  
23 the Department prior to its salvage vehicle inspection pursuant  
24 to Section 3-308 of this Code. In implementing and enforcing  
25 the provisions of this Section, the Department and other  
26 authorized State agencies shall do so in a manner that is not

1 inconsistent with any applicable federal law or regulation so  
2 that no federal funding or support is jeopardized by the  
3 enactment or application of these provisions.

4 However, none of the provisions of Chapter 13 requiring  
5 safety tests or a certificate of safety shall apply to:

6 (a) farm tractors, machinery and implements, wagons,  
7 wagon-trailers or like farm vehicles used primarily in  
8 agricultural pursuits;

9 (b) vehicles other than school buses, tow trucks and  
10 medical transport vehicles owned or operated by a municipal  
11 corporation or political subdivision having a population  
12 of 1,000,000 or more inhabitants and which are subject to  
13 safety tests imposed by local ordinance or resolution;

14 (c) a semitrailer or trailer having a gross weight of  
15 5,000 pounds or less including vehicle weight and maximum  
16 load;

17 (d) recreational vehicles;

18 (e) vehicles registered as and displaying Illinois  
19 antique vehicle plates;

20 (f) house trailers equipped and used for living  
21 quarters;

22 (g) vehicles registered as and displaying Illinois  
23 permanently mounted equipment plates or similar vehicles  
24 eligible therefor but registered as governmental vehicles  
25 provided that if said vehicle is reclassified from a  
26 permanently mounted equipment plate so as to lose the



1 exemption of not requiring a certificate of safety, such  
2 vehicle must be safety tested within 30 days of the  
3 reclassification;

4 (h) vehicles owned or operated by a manufacturer,  
5 dealer or transporter displaying a special plate or plates  
6 as described in Chapter 3 of this Code while such vehicle  
7 is being delivered from the manufacturing or assembly plant  
8 directly to the purchasing dealership or distributor, or  
9 being temporarily road driven for quality control testing,  
10 or from one dealer or distributor to another, or are being  
11 moved by the most direct route from one location to another  
12 for the purpose of installing special bodies or equipment,  
13 or driven for purposes of demonstration by a prospective  
14 buyer with the dealer or his agent present in the cab of  
15 the vehicle during the demonstration;

16 (i) pole trailers and auxiliary axles;

17 (j) special mobile equipment;

18 (k) vehicles properly registered in another State  
19 pursuant to law and displaying a valid registration plate,  
20 except vehicles of contract carriers transporting  
21 employees in the course of their employment on a highway of  
22 this State in a vehicle designed to carry 15 or fewer  
23 passengers are only exempted to the extent that the safety  
24 testing requirements applicable to such vehicles in the  
25 state of registration are no less stringent than the safety  
26 testing requirements applicable to contract carriers that

1 are lawfully registered in Illinois;

2 (l) water-well boring apparatuses or rigs;

3 (m) any vehicle which is owned and operated by the  
4 federal government and externally displays evidence of  
5 such ownership; and

6 (n) second division vehicles registered for a gross  
7 weight of 8,000 pounds or less, except when such second  
8 division motor vehicles pull or draw a trailer,  
9 semi-trailer or pole trailer having a gross weight of or  
10 registered for a gross weight of more than 8,000 pounds;  
11 motor buses; religious organization buses; school buses;  
12 senior citizen transportation vehicles; medical transport  
13 vehicles and tow trucks.

14 The safety test shall include the testing and inspection of  
15 brakes, lights, horns, reflectors, rear vision mirrors,  
16 mufflers, safety chains, windshields and windshield wipers,  
17 warning flags and flares, frame, axle, cab and body, or cab or  
18 body, wheels, steering apparatus, and other safety devices and  
19 appliances required by this Code and such other safety tests as  
20 the Department may by rule or regulation require, for second  
21 division vehicles, school buses, medical transport vehicles,  
22 tow trucks, first division vehicles including taxis which are  
23 used for a purpose that requires a school bus driver permit,  
24 vehicles designed to carry 15 or fewer passengers operated by a  
25 contract carrier transporting employees in the course of their  
26 employment on a highway of this State, trailers, and

1 semitrailers subject to inspection.

2 For tow trucks, the safety test and inspection shall also  
3 include the inspection of winch mountings, body panels, body  
4 mounts, wheel lift swivel points, and sling straps, and other  
5 tests and inspections the Department by rule requires for tow  
6 trucks.

7 For trucks, truck tractors, trailers, semi-trailers, ~~and~~  
8 buses, and first division vehicles including taxis which are  
9 used for a purpose that requires a school bus driver permit,  
10 the safety test shall be conducted in accordance with the  
11 Minimum Periodic Inspection Standards promulgated by the  
12 Federal Highway Administration of the U.S. Department of  
13 Transportation and contained in Appendix G to Subchapter B of  
14 Chapter III of Title 49 of the Code of Federal Regulations.  
15 Those standards, as now in effect, are made a part of this  
16 Code, in the same manner as though they were set out in full in  
17 this Code.

18 The passing of the safety test shall not be a bar at any  
19 time to prosecution for operating a second division vehicle,  
20 medical transport vehicle, or vehicle designed to carry 15 or  
21 fewer passengers operated by a contract carrier as provided in  
22 this Section which is unsafe as determined by the standards  
23 prescribed in this Code.

24 (Source: P.A. 92-108, eff. 1-1-02; 93-637, eff. 6-1-04.)

25 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

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

3           (a) Except as otherwise provided in Chapter 13, each second  
4           division vehicle, first division vehicle including a taxi which  
5           is used for a purpose that requires a school bus driver permit,  
6           and medical transport vehicle, except those vehicles other than  
7           school buses or medical transport vehicles owned or operated by  
8           a municipal corporation or political subdivision having a  
9           population of 1,000,000 or more inhabitants which are subjected  
10          to safety tests imposed by local ordinance or resolution,  
11          operated in whole or in part over the highways of this State,  
12          and each vehicle designed to carry 15 or fewer passengers  
13          operated by a contract carrier transporting employees in the  
14          course of their employment on a highway of this State, shall be  
15          subjected to the safety test provided for in Chapter 13 of this  
16          Code. Tests shall be conducted at an official testing station  
17          within 6 months prior to the application for registration as  
18          provided for in this Code. Subsequently each vehicle shall be  
19          subject to tests at least every 6 months, and in the case of  
20          school buses and first division vehicles including taxis which  
21          are used for a purpose that requires a school bus driver  
22          permit, at least every 6 months or 10,000 miles whichever  
23          occurs first, and according to schedules established by rules  
24          and regulations promulgated by the Department. Any component  
25          subject to regular inspection which is damaged in a reportable  
26          accident must be reinspected before the bus or first division

1 vehicle including a taxi which is used for a purpose that  
2 requires a school bus driver permit is returned to service.

3 (b) The Department shall also conduct periodic  
4 nonscheduled inspections of school buses, of buses registered  
5 as charitable vehicles and of religious organization buses. If  
6 such inspection reveals that a vehicle is not in substantial  
7 compliance with the rules promulgated by the Department, the  
8 Department shall remove the Certificate of Safety from the  
9 vehicle, and shall place the vehicle out-of-service. A bright  
10 orange, triangular decal shall be placed on an out-of-service  
11 vehicle where the Certificate of Safety has been removed. The  
12 vehicle must pass a safety test at an official testing station  
13 before it is again placed in service.

14 (c) If the violation is not substantial a bright yellow,  
15 triangular sticker shall be placed next to the Certificate of  
16 Safety at the time the nonscheduled inspection is made. The  
17 Department shall reinspect the vehicle after 3 working days to  
18 determine that the violation has been corrected and remove the  
19 yellow, triangular decal. If the violation is not corrected  
20 within 3 working days, the Department shall place the vehicle  
21 out-of-service in accordance with procedures in subsection  
22 (b).

23 (d) If a violation is not substantial and does not directly  
24 affect the safe operation of the vehicle, the Department shall  
25 issue a warning notice requiring correction of the violation.  
26 Such correction shall be accomplished as soon as practicable

1 and a report of the correction shall be made to the Department  
2 within 30 days in a manner established by the Department. If  
3 the Department has not been advised that the corrections have  
4 been made, and the violations still exist, the Department shall  
5 place the vehicle out-of-service in accordance with procedures  
6 in subsection (b).

7 (e) The Department is authorized to promulgate regulations  
8 to implement its program of nonscheduled inspections. Causing  
9 or allowing the operation of an out-of-service vehicle with  
10 passengers or unauthorized removal of an out-of-service  
11 sticker is a Class 3 felony. Causing or allowing the operation  
12 of a vehicle with a 3-day sticker for longer than 3 days with  
13 the sticker attached or the unauthorized removal of a 3-day  
14 sticker is a Class C misdemeanor.

15 (f) If a second division vehicle, first division vehicle  
16 including a taxi which is used for a purpose that requires a  
17 school bus driver permit, medical transport vehicle, or vehicle  
18 operated by a contract carrier as provided in subsection (a) of  
19 this Section is in safe mechanical condition, as determined  
20 pursuant to Chapter 13, the operator of the official testing  
21 station must at once issue to the second division vehicle,  
22 first division vehicle including a taxi which is used for a  
23 purpose that requires a school bus driver permit, or medical  
24 transport vehicle a certificate of safety, in the form and  
25 manner prescribed by the Department, which shall be affixed to  
26 the vehicle by the certified safety tester who performed the

1 safety tests. The owner of the second division vehicle, first  
2 division vehicle including a taxi which is used for a purpose  
3 that requires a school bus driver permit, or medical transport  
4 vehicle or the contract carrier shall at all times display the  
5 Certificate of Safety on the second division vehicle, first  
6 division vehicle including a taxi which is used for a purpose  
7 that requires a school bus driver permit, medical transport  
8 vehicle, or vehicle operated by a contract carrier in the  
9 manner prescribed by the Department.

10 (g) If a test shows that a second division vehicle, first  
11 division vehicle including a taxi which is used for a purpose  
12 that requires a school bus driver permit, medical transport  
13 vehicle, or vehicle operated by a contract carrier is not in  
14 safe mechanical condition as provided in this Section, it shall  
15 not be operated on the highways until it has been repaired and  
16 submitted to a retest at an official testing station. If the  
17 owner or contract carrier submits the vehicle to a retest at a  
18 different official testing station from that where it failed to  
19 pass the first test, he or she shall present to the operator of  
20 the second station the report of the original test, and shall  
21 notify the Department in writing, giving the name and address  
22 of the original testing station and the defects which prevented  
23 the issuance of a Certificate of Safety, and the name and  
24 address of the second official testing station making the  
25 retest.

26 (Source: P.A. 92-108, eff. 1-1-02.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.