

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 6 months, (ii) in the case of school
4 buses and first division vehicles including taxis which are
5 used for a purpose that requires a school bus driver permit, at
6 least every 6 months or 10,000 miles, whichever occurs first,
7 ~~or~~ (iii) in the case of driver education vehicles used by
8 public high schools, at least every 12 months for vehicles over
9 5 model years of age or having an odometer reading of over
10 75,000 miles, whichever occurs first, or (iv) in the case of
11 truck tractors in combination with a semitrailer, at least
12 every 12 months, and according to schedules established by
13 rules and regulations promulgated by the Department. Any
14 component subject to regular inspection which is damaged in a
15 reportable accident must be reinspected before the bus or first
16 division vehicle including a taxi which is used for a purpose
17 that requires a school bus driver permit is returned to
18 service.

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

1 vehicle where the Certificate of Safety has been removed. The
2 vehicle must pass a safety test at an official testing station
3 before it is again placed in service.

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

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

23 (e) The Department is authorized to promulgate regulations
24 to implement its program of nonscheduled inspections. Causing
25 or allowing the operation of an out-of-service vehicle with
26 passengers or unauthorized removal of an out-of-service

1 sticker is a Class 3 felony. Causing or allowing the operation
2 of a vehicle with a 3-day sticker for longer than 3 days with
3 the sticker attached or the unauthorized removal of a 3-day
4 sticker is a Class C misdemeanor.

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

26 (g) If a test shows that a second division vehicle, first

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

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