



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3367

Introduced 2/7/2012, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/27-24.4	from Ch. 122, par. 27-24.4
105 ILCS 5/27-24.9 new	
105 ILCS 5/27-24.10 new	
625 ILCS 5/6-419	from Ch. 95 1/2, par. 6-419
625 ILCS 5/13-101	from Ch. 95 1/2, par. 13-101
625 ILCS 5/13-109	from Ch. 95 1/2, par. 13-109

Amends the School Code and the Illinois Vehicle Code. Makes changes concerning notification of the public hearing on a waiver or modification of a mandate within the School Code or administrative rules and waivers and modifications for contracting with a commercial driver training school. Makes changes concerning driver education course reimbursement, the adoption of standards for driver education and driver education course content, a report on the per capita driver education cost for school districts, and the safety testing of motor vehicles used for driver education training. Effective January 1, 2013.

LRB097 16373 NHT 65137 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 2-3.25g and 27-24.4 and by adding Sections 27-24.9 and 27-24.10
6 as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

8 Sec. 2-3.25g. Waiver or modification of mandates within the
9 School Code and administrative rules and regulations.

10 (a) In this Section:

11 "Board" means a school board or the governing board or
12 administrative district, as the case may be, for a joint
13 agreement.

14 "Eligible applicant" means a school district, joint
15 agreement made up of school districts, or regional
16 superintendent of schools on behalf of schools and programs
17 operated by the regional office of education.

18 "Implementation date" has the meaning set forth in
19 Section 24A-2.5 of this Code.

20 "State Board" means the State Board of Education.

21 (b) Notwithstanding any other provisions of this School
22 Code or any other law of this State to the contrary, eligible
23 applicants may petition the State Board of Education for the

1 waiver or modification of the mandates of this School Code or
2 of the administrative rules and regulations promulgated by the
3 State Board of Education. Waivers or modifications of
4 administrative rules and regulations and modifications of
5 mandates of this School Code may be requested when an eligible
6 applicant demonstrates that it can address the intent of the
7 rule or mandate in a more effective, efficient, or economical
8 manner or when necessary to stimulate innovation or improve
9 student performance. Waivers of mandates of the School Code may
10 be requested when the waivers are necessary to stimulate
11 innovation or improve student performance. Waivers may not be
12 requested from laws, rules, and regulations pertaining to
13 special education, teacher certification, teacher tenure and
14 seniority, or Section 5-2.1 of this Code or from compliance
15 with the No Child Left Behind Act of 2001 (Public Law 107-110).
16 On and after the applicable implementation date, eligible
17 applicants may not seek a waiver or seek a modification of a
18 mandate regarding the requirements for (i) student performance
19 data to be a significant factor in teacher or principal
20 evaluations or (ii) for teachers and principals to be rated
21 using the 4 categories of "excellent", "proficient", "needs
22 improvement", or "unsatisfactory". On the applicable
23 implementation date, any previously authorized waiver or
24 modification from such requirements shall terminate.

25 (c) Eligible applicants, as a matter of inherent managerial
26 policy, and any Independent Authority established under

1 Section 2-3.25f may submit an application for a waiver or
2 modification authorized under this Section. Each application
3 must include a written request by the eligible applicant or
4 Independent Authority and must demonstrate that the intent of
5 the mandate can be addressed in a more effective, efficient, or
6 economical manner or be based upon a specific plan for improved
7 student performance and school improvement. Any eligible
8 applicant requesting a waiver or modification for the reason
9 that intent of the mandate can be addressed in a more
10 economical manner shall include in the application a fiscal
11 analysis showing current expenditures on the mandate and
12 projected savings resulting from the waiver or modification.
13 Applications and plans developed by eligible applicants must be
14 approved by the board or regional superintendent of schools
15 applying on behalf of schools or programs operated by the
16 regional office of education following a public hearing on the
17 application and plan and the opportunity for the board or
18 regional superintendent to hear testimony from staff directly
19 involved in its implementation, parents, and students. The time
20 period for such testimony shall be separate from the time
21 period established by the eligible applicant for public comment
22 on other matters. If the applicant is a school district or
23 joint agreement requesting a waiver or modification of Section
24 27-6 of this Code, the public hearing shall be held on a day
25 other than the day on which a regular meeting of the board is
26 held.

1 (c-5) If the applicant is a school district, then the
2 district shall post information that sets forth the time, date,
3 place, and general subject matter of the public hearing on its
4 Internet website at least 14 days prior to the hearing. If the
5 district is requesting to increase the fee charged for driver
6 education authorized pursuant to Section 27-24.2 of this Code,
7 the website information shall include the proposed amount of
8 the fee the district will request. All school districts must
9 publish a notice of the public hearing at least 7 days prior to
10 the hearing in a newspaper of general circulation within the
11 school district that sets forth the time, date, place, and
12 general subject matter of the hearing. Districts requesting to
13 increase the fee charged for driver education shall include in
14 the published notice the proposed amount of the fee the
15 district will request. If the applicant is a joint agreement or
16 regional superintendent, then the joint agreement or regional
17 superintendent shall post information that sets forth the time,
18 date, place, and general subject matter of the public hearing
19 on its Internet website at least 14 days prior to the hearing.
20 If the joint agreement or regional superintendent is requesting
21 to increase the fee charged for driver education authorized
22 pursuant to Section 27-24.2 of this Code, the website
23 information shall include the proposed amount of the fee the
24 applicant will request. All joint agreements and regional
25 superintendents must publish a notice of the public hearing at
26 least 7 days prior to the hearing in a newspaper of general

1 circulation in each school district that is a member of the
2 joint agreement or that is served by the educational service
3 region that sets forth the time, date, place, and general
4 subject matter of the hearing, provided that a notice appearing
5 in a newspaper generally circulated in more than one school
6 district shall be deemed to fulfill this requirement with
7 respect to all of the affected districts. Joint agreements or
8 regional superintendents requesting to increase the fee
9 charged for driver education shall include in the published
10 notice the proposed amount of the fee the applicant will
11 request. ~~If the applicant is a school district, the public~~
12 ~~hearing must be preceded by at least one published notice~~
13 ~~occurring at least 7 days prior to the hearing in a newspaper~~
14 ~~of general circulation within the school district that sets~~
15 ~~forth the time, date, place, and general subject matter of the~~
16 ~~hearing. If the applicant is a joint agreement or regional~~
17 ~~superintendent, the public hearing must be preceded by at least~~
18 ~~one published notice (setting forth the time, date, place, and~~
19 ~~general subject matter of the hearing) occurring at least 7~~
20 ~~days prior to the hearing in a newspaper of general circulation~~
21 ~~in each school district that is a member of the joint agreement~~
22 ~~or that is served by the educational service region, provided~~
23 ~~that a notice appearing in a newspaper generally circulated in~~
24 ~~more than one school district shall be deemed to fulfill this~~
25 ~~requirement with respect to all of the affected districts.~~ The
26 eligible applicant must notify in writing the affected

1 exclusive collective bargaining agent and those State
2 legislators representing the eligible applicant's territory of
3 its intent to seek approval of a waiver or modification and of
4 the hearing to be held to take testimony from staff. The
5 affected exclusive collective bargaining agents shall be
6 notified of such public hearing at least 7 days prior to the
7 date of the hearing and shall be allowed to attend such public
8 hearing. The eligible applicant shall attest to compliance with
9 all of the notification and procedural requirements set forth
10 in this Section.

11 (d) A request for a waiver or modification of
12 administrative rules and regulations or for a modification of
13 mandates contained in this School Code shall be submitted to
14 the State Board of Education within 15 days after approval by
15 the board or regional superintendent of schools. The
16 application as submitted to the State Board of Education shall
17 include a description of the public hearing. Except with
18 respect to contracting for adaptive driver education, an
19 eligible applicant wishing to request a modification or waiver
20 of administrative rules of the State Board of Education
21 regarding contracting with a commercial driver training school
22 to provide the course of study authorized under Section 27-24.2
23 of this Code must provide evidence with its application that
24 the commercial driver training school with which it will
25 contract holds a license issued by the Secretary of State under
26 Article IV of Chapter 6 of the Illinois Vehicle Code and that

1 each instructor employed by the commercial driver training
2 school to provide instruction to students served by the school
3 district holds a valid teaching certificate or teaching
4 license, as applicable, issued under the requirements of this
5 Code and rules of the State Board of Education. Such evidence
6 must include, but need not be limited to, a list of each
7 instructor assigned to teach students served by the school
8 district, which list shall include the instructor's name,
9 personal identification number as required by the State Board
10 of Education, birth date, and driver's license number. If the
11 modification or waiver is granted, then the eligible applicant
12 shall notify the State Board of Education of any changes in the
13 personnel providing instruction within 15 calendar days after
14 an instructor leaves the program or a new instructor is hired.
15 Such notification shall include the instructor's name,
16 personal identification number as required by the State Board
17 of Education, birth date, and driver's license number. If a
18 school district maintains an Internet website, then the
19 district shall post a copy of the final contract between the
20 district and the commercial driver training school on the
21 district's Internet website. If no Internet website exists,
22 then the district shall make available the contract upon
23 request. A record of all materials in relation to the
24 application for contracting must be maintained by the school
25 district and made available to parents and guardians upon
26 request. The instructor's date of birth and driver's license

1 number and any other personally identifying information as
2 deemed by the federal Driver's Privacy Protection Act of 1994
3 must be redacted from any public materials. Following receipt
4 of the waiver or modification request, the State Board shall
5 have 45 days to review the application and request. If the
6 State Board fails to disapprove the application within that 45
7 day period, the waiver or modification shall be deemed granted.
8 The State Board may disapprove any request if it is not based
9 upon sound educational practices, endangers the health or
10 safety of students or staff, compromises equal opportunities
11 for learning, or fails to demonstrate that the intent of the
12 rule or mandate can be addressed in a more effective,
13 efficient, or economical manner or have improved student
14 performance as a primary goal. Any request disapproved by the
15 State Board may be appealed to the General Assembly by the
16 eligible applicant as outlined in this Section.

17 A request for a waiver from mandates contained in this
18 School Code shall be submitted to the State Board within 15
19 days after approval by the board or regional superintendent of
20 schools. The application as submitted to the State Board of
21 Education shall include a description of the public hearing.
22 The description shall include, but need not be limited to, the
23 means of notice, the number of people in attendance, the number
24 of people who spoke as proponents or opponents of the waiver, a
25 brief description of their comments, and whether there were any
26 written statements submitted. The State Board shall review the

1 applications and requests for completeness and shall compile
2 the requests in reports to be filed with the General Assembly.
3 The State Board shall file reports outlining the waivers
4 requested by eligible applicants and appeals by eligible
5 applicants of requests disapproved by the State Board with the
6 Senate and the House of Representatives before each March 1 and
7 October 1. The General Assembly may disapprove the report of
8 the State Board in whole or in part within 60 calendar days
9 after each house of the General Assembly next convenes after
10 the report is filed by adoption of a resolution by a record
11 vote of the majority of members elected in each house. If the
12 General Assembly fails to disapprove any waiver request or
13 appealed request within such 60 day period, the waiver or
14 modification shall be deemed granted. Any resolution adopted by
15 the General Assembly disapproving a report of the State Board
16 in whole or in part shall be binding on the State Board.

17 (e) An approved waiver or modification (except a waiver
18 from or modification to a physical education mandate) may
19 remain in effect for a period not to exceed 5 school years and
20 may be renewed upon application by the eligible applicant.
21 However, such waiver or modification may be changed within that
22 5-year period by a board or regional superintendent of schools
23 applying on behalf of schools or programs operated by the
24 regional office of education following the procedure as set
25 forth in this Section for the initial waiver or modification
26 request. If neither the State Board of Education nor the

1 General Assembly disapproves, the change is deemed granted.

2 An approved waiver from or modification to a physical
3 education mandate may remain in effect for a period not to
4 exceed 2 school years and may be renewed no more than 2 times
5 upon application by the eligible applicant. An approved waiver
6 from or modification to a physical education mandate may be
7 changed within the 2-year period by the board or regional
8 superintendent of schools, whichever is applicable, following
9 the procedure set forth in this Section for the initial waiver
10 or modification request. If neither the State Board of
11 Education nor the General Assembly disapproves, the change is
12 deemed granted.

13 (f) (Blank).

14 (Source: P.A. 95-223, eff. 1-1-08; 96-861, eff. 1-15-10;
15 96-1423, eff. 8-3-10.)

16 (105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

17 Sec. 27-24.4. Reimbursement amount.

18 (a) Each school district shall be entitled to reimbursement
19 for each student who finishes either the classroom instruction
20 part or the practice driving part of a driver education course
21 that meets the minimum requirements of this Act. Reimbursement
22 under this Act is payable from the Drivers Education Fund in
23 the State treasury.

24 Each year all funds appropriated from the Drivers Education
25 Fund to the State Board of Education, with the exception of

1 those funds necessary for administrative purposes of the State
2 Board of Education, shall be distributed in the manner provided
3 in this paragraph to school districts by the State Board of
4 Education for reimbursement of claims from the previous school
5 year. As soon as may be after each quarter of the year, if
6 moneys are available in the Drivers Education Fund in the State
7 treasury for payments under this Section, the State Comptroller
8 shall draw his or her warrants upon the State Treasurer as
9 directed by the State Board of Education. The warrant for each
10 quarter shall be in an amount equal to one-fourth of the total
11 amount to be distributed to school districts for the year.
12 Payments shall be made to school districts as soon as may be
13 after receipt of the warrants.

14 The base reimbursement amount shall be calculated by the
15 State Board by dividing the total amount appropriated for
16 distribution by the total of: (a) the number of students who
17 have completed the classroom instruction part for whom valid
18 claims have been made times 0.2; plus (b) the number of
19 students who have completed the practice driving instruction
20 part for whom valid claims have been made times 0.8.

21 The amount of reimbursement to be distributed on each claim
22 shall be 0.2 times the base reimbursement amount for each
23 validly claimed student who has completed the classroom
24 instruction part, plus 0.8 times the base reimbursement amount
25 for each validly claimed student who has completed the practice
26 driving instruction part.

1 (b) The school district which is the residence of a student
2 who attends a nonpublic school in another district that has
3 furnished the driver education course shall reimburse the
4 district offering the course, the difference between the actual
5 per capita cost of giving the course the previous school year
6 and the amount reimbursed by the State, which, for purposes of
7 this subsection (b), shall be referred to as "course cost". If
8 the course cost offered by the student's resident district is
9 less than the course cost of the course in the district where
10 the nonpublic school is located, then the student is
11 responsible for paying the district that furnished the course
12 the difference between the 2 amounts. If a nonpublic school
13 student chooses to attend a driver's education course in a
14 school district besides the district where the nonpublic school
15 is located, then the student is wholly responsible for the
16 course cost; however, the nonpublic school student may take the
17 course in his or her resident district on the same basis as
18 public school students who are enrolled in that district.

19 By April 1 the nonpublic school shall notify the district
20 offering the course of the names and district numbers of the
21 nonresident students desiring to take such course the next
22 school year. The district offering such course shall notify the
23 district of residence of those students affected by April 15.
24 The school district furnishing the course may claim the
25 nonresident student for the purpose of making a claim for State
26 reimbursement under this Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09;
2 96-734, eff. 8-25-09.)

3 (105 ILCS 5/27-24.9 new)

4 Sec. 27-24.9. Driver education standards. The State Board
5 of Education, in conjunction with the Secretary of State, shall
6 adopt standards for driver education for persons under the age
7 of 18 years.

8 (105 ILCS 5/27-24.10 new)

9 Sec. 27-24.10. Cost report. The State Board of Education
10 shall annually prepare a report to be posted on the State
11 Board's Internet website that indicates the approximate per
12 capita driver education cost for each school district required
13 to provide driver education. This report, compiled each spring
14 from data reported the previous school year, shall be computed
15 from expenditure data for driver education submitted by school
16 districts on the annual financial statements required pursuant
17 to Section 3-15.1 of this Code and the number of students
18 provided driver education for that school year, as required to
19 be reported under Section 27-24.5 of this Code.

20 Section 10. The Illinois Vehicle Code is amended by
21 changing Sections 6-419, 13-101, and 13-109 as follows:

22 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

1 Sec. 6-419. Rules and Regulations. The Secretary is
2 authorized to prescribe by rule standards for the eligibility,
3 conduct and operation of driver training schools, and
4 instructors and to adopt other reasonable rules and regulations
5 necessary to carry out the provisions of this Act. The
6 Secretary may adopt rules exempting particular types of driver
7 training schools from specific statutory provisions in
8 Sections 6-401 through 6-424, where application of those
9 provisions would be inconsistent with the manner of instruction
10 offered by those schools. The Secretary, in conjunction with
11 the State Board of Education, shall adopt standards for driver
12 education course content for persons under the age of 18 years.
13 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229,
14 eff. 7-28-11.)

15 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

16 Sec. 13-101. Submission to safety test; Certificate of
17 safety. To promote the safety of the general public, every
18 owner of a second division vehicle, medical transport vehicle,
19 tow truck, first division vehicle including a taxi which is
20 used for a purpose that requires a school bus driver permit,
21 motor vehicle used for driver education training, or contract
22 carrier transporting employees in the course of their
23 employment on a highway of this State in a vehicle designed to
24 carry 15 or fewer passengers shall, before operating the
25 vehicle upon the highways of Illinois, submit it to a "safety

1 test" and secure a certificate of safety furnished by the
2 Department as set forth in Section 13-109. Each second division
3 motor vehicle that pulls or draws a trailer, semitrailer or
4 pole trailer, with a gross weight of more than 8,000 lbs or is
5 registered for a gross weight of more than 8,000 lbs, motor
6 bus, religious organization bus, school bus, senior citizen
7 transportation vehicle, and limousine shall be subject to
8 inspection by the Department and the Department is authorized
9 to establish rules and regulations for the implementation of
10 such inspections.

11 The owners of each salvage vehicle shall submit it to a
12 "safety test" and secure a certificate of safety furnished by
13 the Department prior to its salvage vehicle inspection pursuant
14 to Section 3-308 of this Code. In implementing and enforcing
15 the provisions of this Section, the Department and other
16 authorized State agencies shall do so in a manner that is not
17 inconsistent with any applicable federal law or regulation so
18 that no federal funding or support is jeopardized by the
19 enactment or application of these provisions.

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

22 (a) farm tractors, machinery and implements, wagons,
23 wagon-trailers or like farm vehicles used primarily in
24 agricultural pursuits;

25 (b) vehicles other than school buses, tow trucks and
26 medical transport vehicles owned or operated by a municipal

1 corporation or political subdivision having a population
2 of 1,000,000 or more inhabitants and which are subject to
3 safety tests imposed by local ordinance or resolution;

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

7 (d) recreational vehicles;

8 (e) vehicles registered as and displaying Illinois
9 antique vehicle plates and vehicles registered as
10 expanded-use antique vehicles and displaying expanded-use
11 antique vehicle plates;

12 (f) house trailers equipped and used for living
13 quarters;

14 (g) vehicles registered as and displaying Illinois
15 permanently mounted equipment plates or similar vehicles
16 eligible therefor but registered as governmental vehicles
17 provided that if said vehicle is reclassified from a
18 permanently mounted equipment plate so as to lose the
19 exemption of not requiring a certificate of safety, such
20 vehicle must be safety tested within 30 days of the
21 reclassification;

22 (h) vehicles owned or operated by a manufacturer,
23 dealer or transporter displaying a special plate or plates
24 as described in Chapter 3 of this Code while such vehicle
25 is being delivered from the manufacturing or assembly plant
26 directly to the purchasing dealership or distributor, or

1 being temporarily road driven for quality control testing,
2 or from one dealer or distributor to another, or are being
3 moved by the most direct route from one location to another
4 for the purpose of installing special bodies or equipment,
5 or driven for purposes of demonstration by a prospective
6 buyer with the dealer or his agent present in the cab of
7 the vehicle during the demonstration;

8 (i) pole trailers and auxiliary axles;

9 (j) special mobile equipment;

10 (k) vehicles properly registered in another State
11 pursuant to law and displaying a valid registration plate,
12 except vehicles of contract carriers transporting
13 employees in the course of their employment on a highway of
14 this State in a vehicle designed to carry 15 or fewer
15 passengers are only exempted to the extent that the safety
16 testing requirements applicable to such vehicles in the
17 state of registration are no less stringent than the safety
18 testing requirements applicable to contract carriers that
19 are lawfully registered in Illinois;

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

21 (m) any vehicle which is owned and operated by the
22 federal government and externally displays evidence of
23 such ownership; and

24 (n) second division vehicles registered for a gross
25 weight of 8,000 pounds or less, except when such second
26 division motor vehicles pull or draw a trailer,

1 semi-trailer or pole trailer having a gross weight of or
2 registered for a gross weight of more than 8,000 pounds;
3 motor buses; religious organization buses; school buses;
4 senior citizen transportation vehicles; medical transport
5 vehicles and tow trucks.

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

21 For tow trucks, the safety test and inspection shall also
22 include the inspection of winch mountings, body panels, body
23 mounts, wheel lift swivel points, and sling straps, and other
24 tests and inspections the Department by rule requires for tow
25 trucks.

26 For driver education vehicles used by public high schools,

1 the vehicle must also be equipped with dual control brakes, a
2 mirror on each side of the vehicle so located as to reflect to
3 the driver a view of the highway for a distance of at least 200
4 feet to the rear, and a sign visible from the front and the
5 rear identifying the vehicle as a driver education car.

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

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

24 (Source: P.A. 97-224, eff. 7-28-11; 97-412, eff. 1-1-12;
25 revised 10-4-11.)

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

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

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

1 vehicles over 5 model years of age or having an odometer
2 reading of over 75,000 miles, whichever occurs first, and
3 according to schedules established by rules and regulations
4 promulgated by the Department. Any component subject to regular
5 inspection which is damaged in a reportable accident must be
6 reinspected before the bus or first division vehicle including
7 a taxi which is used for a purpose that requires a school bus
8 driver permit is returned to service.

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

20 (c) If the violation is not substantial a bright yellow,
21 triangular sticker shall be placed next to the Certificate of
22 Safety at the time the nonscheduled inspection is made. The
23 Department shall reinspect the vehicle after 3 working days to
24 determine that the violation has been corrected and remove the
25 yellow, triangular decal. If the violation is not corrected
26 within 3 working days, the Department shall place the vehicle

1 out-of-service in accordance with procedures in subsection
2 (b).

3 (d) If a violation is not substantial and does not directly
4 affect the safe operation of the vehicle, the Department shall
5 issue a warning notice requiring correction of the violation.
6 Such correction shall be accomplished as soon as practicable
7 and a report of the correction shall be made to the Department
8 within 30 days in a manner established by the Department. If
9 the Department has not been advised that the corrections have
10 been made, and the violations still exist, the Department shall
11 place the vehicle out-of-service in accordance with procedures
12 in subsection (b).

13 (e) The Department is authorized to promulgate regulations
14 to implement its program of nonscheduled inspections. Causing
15 or allowing the operation of an out-of-service vehicle with
16 passengers or unauthorized removal of an out-of-service
17 sticker is a Class 3 felony. Causing or allowing the operation
18 of a vehicle with a 3-day sticker for longer than 3 days with
19 the sticker attached or the unauthorized removal of a 3-day
20 sticker is a Class C misdemeanor.

21 (f) If a second division vehicle, first division vehicle
22 including a taxi which is used for a purpose that requires a
23 school bus driver permit, medical transport vehicle, or vehicle
24 operated by a contract carrier as provided in subsection (a) of
25 this Section is in safe mechanical condition, as determined
26 pursuant to Chapter 13, the operator of the official testing

1 station must at once issue to the second division vehicle,
2 first division vehicle including a taxi which is used for a
3 purpose that requires a school bus driver permit, or medical
4 transport vehicle a certificate of safety, in the form and
5 manner prescribed by the Department, which shall be affixed to
6 the vehicle by the certified safety tester who performed the
7 safety tests. The owner of the second division vehicle, first
8 division vehicle including a taxi which is used for a purpose
9 that requires a school bus driver permit, or medical transport
10 vehicle or the contract carrier shall at all times display the
11 Certificate of Safety on the second division vehicle, first
12 division vehicle including a taxi which is used for a purpose
13 that requires a school bus driver permit, medical transport
14 vehicle, or vehicle operated by a contract carrier in the
15 manner prescribed by the Department.

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

1 notify the Department in writing, giving the name and address
2 of the original testing station and the defects which prevented
3 the issuance of a Certificate of Safety, and the name and
4 address of the second official testing station making the
5 retest.

6 (Source: P.A. 97-224, eff. 7-28-11.)

7 Section 99. Effective date. This Act takes effect January
8 1, 2013.