

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 consultation with the Secretary of State,  
6 shall adopt course content standards for driver education for  
7 those persons under the age of 18 years, which shall include  
8 the operation and equipment of motor vehicles.

9 (105 ILCS 5/27-24.10 new)

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

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

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

2 Sec. 6-419. Rules and Regulations. The Secretary is  
3 authorized to prescribe by rule standards for the eligibility,  
4 conduct and operation of driver training schools, and  
5 instructors and to adopt other reasonable rules and regulations  
6 necessary to carry out the provisions of this Act. The  
7 Secretary may adopt rules exempting particular types of driver  
8 training schools from specific statutory provisions in  
9 Sections 6-401 through 6-424, where application of those  
10 provisions would be inconsistent with the manner of instruction  
11 offered by those schools. The Secretary, in consultation with  
12 the State Board of Education, shall adopt course content  
13 standards for driver education for those persons under the age  
14 of 18 years, which shall include the operation and equipment of  
15 motor vehicles.

16 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229,  
17 eff. 7-28-11.)

18 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

19 Sec. 13-101. Submission to safety test; Certificate of  
20 safety. To promote the safety of the general public, every  
21 owner of a second division vehicle, medical transport vehicle,  
22 tow truck, first division vehicle including a taxi which is  
23 used for a purpose that requires a school bus driver permit,  
24 motor vehicle used for driver education training, or contract  
25 carrier transporting employees in the course of their

1 employment on a highway of this State in a vehicle designed to  
2 carry 15 or fewer passengers shall, before operating the  
3 vehicle upon the highways of Illinois, submit it to a "safety  
4 test" and secure a certificate of safety furnished by the  
5 Department as set forth in Section 13-109. Each second division  
6 motor vehicle that pulls or draws a trailer, semitrailer or  
7 pole trailer, with a gross weight of more than 8,000 lbs or is  
8 registered for a gross weight of more than 8,000 lbs, motor  
9 bus, religious organization bus, school bus, senior citizen  
10 transportation vehicle, and limousine shall be subject to  
11 inspection by the Department and the Department is authorized  
12 to establish rules and regulations for the implementation of  
13 such inspections.

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

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

- 25 (a) farm tractors, machinery and implements, wagons,  
26 wagon-trailers or like farm vehicles used primarily in

1 agricultural pursuits;

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

7 (c) a semitrailer or trailer having a gross weight of  
8 5,000 pounds or less including vehicle weight and maximum  
9 load;

10 (d) recreational vehicles;

11 (e) vehicles registered as and displaying Illinois  
12 antique vehicle plates and vehicles registered as  
13 expanded-use antique vehicles and displaying expanded-use  
14 antique vehicle plates;

15 (f) house trailers equipped and used for living  
16 quarters;

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

25 (h) vehicles owned or operated by a manufacturer,  
26 dealer or transporter displaying a special plate or plates



1 as described in Chapter 3 of this Code while such vehicle  
2 is being delivered from the manufacturing or assembly plant  
3 directly to the purchasing dealership or distributor, or  
4 being temporarily road driven for quality control testing,  
5 or from one dealer or distributor to another, or are being  
6 moved by the most direct route from one location to another  
7 for the purpose of installing special bodies or equipment,  
8 or driven for purposes of demonstration by a prospective  
9 buyer with the dealer or his agent present in the cab of  
10 the vehicle during the demonstration;

11 (i) pole trailers and auxiliary axles;

12 (j) special mobile equipment;

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

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

24 (m) any vehicle which is owned and operated by the  
25 federal government and externally displays evidence of  
26 such ownership; and

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

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

24           For tow trucks, the safety test and inspection shall also  
25 include the inspection of winch mountings, body panels, body  
26 mounts, wheel lift swivel points, and sling straps, and other

1 tests and inspections the Department by rule requires for tow  
2 trucks.

3 For driver education vehicles used by public high schools,  
4 the vehicle must also be equipped with dual control brakes, a  
5 mirror on each side of the vehicle so located as to reflect to  
6 the driver a view of the highway for a distance of at least 200  
7 feet to the rear, and a sign visible from the front and the  
8 rear identifying the vehicle as a driver education car.

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

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

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

3 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

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

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

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

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

23 (c) If the violation is not substantial a bright yellow,  
24 triangular sticker shall be placed next to the Certificate of  
25 Safety at the time the nonscheduled inspection is made. The  
26 Department shall reinspect the vehicle after 3 working days to

1 determine that the violation has been corrected and remove the  
2 yellow, triangular decal. If the violation is not corrected  
3 within 3 working days, the Department shall place the vehicle  
4 out-of-service in accordance with procedures in subsection  
5 (b).

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

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

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

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

19 (g) If a test shows that a 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 is not in  
23 safe mechanical condition as provided in this Section, it shall  
24 not be operated on the highways until it has been repaired and  
25 submitted to a retest at an official testing station. If the  
26 owner or contract carrier submits the vehicle to a retest at a

1 different official testing station from that where it failed to  
2 pass the first test, he or she shall present to the operator of  
3 the second station the report of the original test, and shall  
4 notify the Department in writing, giving the name and address  
5 of the original testing station and the defects which prevented  
6 the issuance of a Certificate of Safety, and the name and  
7 address of the second official testing station making the  
8 retest.

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

10 Section 99. Effective date. This Act takes effect January  
11 1, 2013.