

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.