**Section 456.50 Enforcement Procedures**

a) The Division will conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. (See Section 13-109(b) of the Law.)

b) The nonscheduled inspections will be conducted by the Division's officers at locations where the vehicles listed in subsection (a) of this Section are stored or parked. The SBBIR must be kept for a period of at least 12 months at the location where the bus is stored or parked and the SBBIR must be available for inspection by the Division's officers during normal business hours.

c) Nonscheduled inspections will consist of inspecting those items listed in Section 456.60, 456.75, 456.80, 456.95, 456.100 or 456.105 of this Part, depending on the type of vehicle being inspected. The Division's officers will note any violation of this Part on the NIR and fill in the penalty portion of the NIR according to the most serious penalty assessed. Penalties are separated into three categories: Out-of-Service, Three-Day Notice, and Warning. All violations listed on the NIR shall be corrected within the time period noted on the NIR. (See subsections (f), (g), and (h) of this Section.)

d) The NIR consists of the original form and three copies. The original and one copy will be issued to the bus operator. One copy will be mailed to the CVSS by the Division's officer and the remaining copy will be retained by the Division's officer.

e) The bus operator's copy of the NIR shall be returned to the CVSS after either all warning violations have been corrected, or the Division's third day follow-up inspection has been completed, or inspection at an Official Testing Station for an out-of-service penalty has been conducted. See subsection (f), (g) or (h) of this Section for penalty procedures.

f) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, 456.95, 456.100 or 456.105 meets the "out-of-service" criteria listed in those Sections, the Division's officer will remove the Certificate of Safety from the vehicle and will place the vehicle out-of-service. (See Section 13-109(b) of the Law.)

1) *A bright orange, triangular decal will be placed on an out-of-service vehicle where the Certificate of Safety has been removed.* (Section 13-109(b) of the Law)

2) The vehicle must pass a complete safety test at an official testing station before it is again placed in service. (See Section 13-109(b) of the Law.) A complete inspection includes all of the components required to be inspected, plus a valid SBBIR (see 92 Ill. Adm. Code 447), if required. The complete inspection is not limited to the components listed in the penalty portion of the NIR.

3) An out-of-service penalty requires the bus operator's copy of the NIR to be returned to the CVSS by the bus operator after the bus passes a complete inspection at an Official Testing Station.

4) *Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service decal is a Class 3 felony.* (Section 13-109 (e) of the Law)

g) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, 456.95, 456.100 or 456.105 meets the "three-day notice" criteria listed in those Sections, the Division's officer will issue a three-day notice penalty. (See Section 13-109(c) of the Law.)

1) A bright yellow triangular decal will be placed next to the Certificate of Safety. (See Section 13-109(c) of the Law.)

2) The Division will reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal.(See Section 13-109(c) of the Law.)

3) A three-day notice penalty requires the bus operator's copy of the NIR to be completed and returned to the CVSS by the Division's officer when the officer returns for the follow-up inspection after the third day.

4) If the violation is not corrected within 3 working days, the Division will place the vehicle out-of-service in accordance with subsection (f) of this Section. (See Section 13-109(c) of the Law.)

5) *Causing or allowing the operation of a vehicle with a 3-day* decal *for longer than 3 days with the* decal *attached or the unauthorized removal of a 3-day* decal *is a Class C misdemeanor.* (Section 13-109(e) of the Law)

h) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80 or 456.95 meets any of the warning criteria listed in those Sections, the Division will issue a warning notice to the bus operator requiring correction of the violation or violations. The NIR will be provided to the bus operator and will list all warning notice violations. (See Section 13-109(d) of the Law.)

1) The bus operator shall correct the violation or violations as soon as practicable and submit a report to the Division within 30 days after the date of the nonscheduled inspection affirming that the corrections have been made. (See Section 13-109(d) of the Law.)

2) A warning penalty requires the bus operator's copy of the NIR to be returned to the CVSS by the bus operator after all violations have been corrected.

3) If the Division has not been advised that the corrections have been made by receipt of the bus operator's copy of the NIR, and the violations still exist, the Division will place the vehicle out-of-service in accordance with subsection (f) of this Section. (See Section 13-109(d) of the Law.)

i) Except as provided in subsection (j), if a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, 456.95, 456.100 or 456.105 warrants the issuance of a penalty, the bus operator may repair or replace defective items while the Division's officers are on location. If the bus operator chooses to repair or replace the defective item, it must be done while the Division's officers are still on location and shall not alter the Division's officers' schedule. All components repaired or corrected on location will be documented on the NIR by the Division's officers.

j) If a nonscheduled inspection reveals that any violation of the Brakes, Exhaust System, Steering System or Tires meets the out-of-service criteria established in Sections 456.60, 456.95, 456.100 or 456.105, the vehicle will immediately be placed out-of-service and the procedures provided in subsection (f) will apply. Section 456.50(i) will not be applicable.

(Source: Amended at 38 Ill. Reg. 12941, effective June 4, 2014)