

1 AN ACT in relation to vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 3-408, 8-101, 13-101, 13-107, 13-109,  
6 18b-101, and 18b-105 and adding Section 18b-106.1 as follows:

7 (625 ILCS 5/3-408) (from Ch. 95 1/2, par. 3-408)

8 Sec. 3-408. Grounds for refusing registration or  
9 certificate of title. The Secretary of State shall refuse  
10 registration or any transfer of registration upon any of the  
11 following grounds:

12 1. That the application contains any false or fraudulent  
13 statement or that the applicant has failed to furnish  
14 required information or reasonable additional information  
15 requested by the Secretary of State or that the applicant is  
16 not entitled to the issuance of a certificate of title or  
17 registration of the vehicle under Chapter 3;

18 2. That the Secretary of State has reasonable ground to  
19 believe that the vehicle is a stolen or embezzled vehicle or  
20 that the granting of registration would constitute a fraud  
21 against the rightful owner or other person having valid lien  
22 upon such vehicle;

23 3. That the registration of the vehicle stands suspended  
24 or revoked for any reason as provided in the motor-vehicle  
25 laws of this State;

26 4. That the required fee has not been paid;

27 5. (a) In the case of medical transport vehicles and  
28 vehicles designed to carry 15 or fewer passengers operated by  
29 a contract carrier transporting employees in the course of  
30 their employment on a highway of this State, that the  
31 application does not contain a copy of a completed Vehicle

1 Inspection Report issued by the Department of Transportation  
2 which certifies that the vehicle has been determined to be in  
3 safe mechanical condition by a safety test administered  
4 within the preceding 6 months; and (b) in the case of medical  
5 transport vehicles, other than vehicles owned or operated by  
6 a unit of local government, proof of financial  
7 responsibility; or

8 6. That the applicant is 90 days or more delinquent in  
9 court ordered child support payments or has been adjudicated  
10 in arrears in an amount equal to 90 days' obligation or more  
11 and has been found in contempt of court for failure to pay  
12 the support, subject to the requirements and procedures of  
13 Article VII of Chapter 7 of the Illinois Vehicle Code.

14 (Source: P.A. 90-733, eff. 8-11-98.)

15 (625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)

16 Sec. 8-101. Proof of financial responsibility - Persons  
17 who operate motor vehicles in transportation of passengers  
18 for hire. It is unlawful for any person, firm or corporation  
19 to operate any motor vehicle along or upon any public street  
20 or highway in any incorporated city, town or village in this  
21 State for the carriage of passengers for hire, accepting and  
22 discharging all such persons as may offer themselves for  
23 transportation unless such person, firm or corporation has  
24 given, and there is in full force and effect and on file with  
25 the Secretary of State of Illinois, proof of financial  
26 responsibility provided in this Act. In addition this Section  
27 shall also apply to persons, firms or corporations who are in  
28 the business of providing transportation services for minors  
29 to or from educational or recreational facilities, except  
30 that this Section shall not apply to public utilities subject  
31 to regulation under "An Act concerning public utilities,"  
32 approved June 29, 1921, as amended, or to school buses which  
33 are operated by public or parochial schools and are engaged

1 solely in the transportation of the pupils who attend such  
 2 schools. This Section also applies to a contract carrier  
 3 transporting employees in the course of their employment on a  
 4 highway of this State in a vehicle designed to carry 15 or  
 5 fewer passengers. This Section shall not apply to any person  
 6 participating in a ridesharing arrangement or operating a  
 7 commuter van, but only during the performance of activities  
 8 authorized by the Ridesharing Arrangements Act.

9 If the person operating such motor vehicle is not the  
 10 owner, then proof of financial responsibility filed hereunder  
 11 must provide that the owner is primarily liable.

12 (Source: P.A. 82-656.)

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

14 Sec. 13-101. Submission to safety test; Certificate of  
 15 safety. To promote the safety of the general public, every  
 16 owner of a second division vehicle, medical transport  
 17 vehicle, ~~or~~ tow truck, or contract carrier transporting  
 18 employees in the course of their employment on a highway of  
 19 this State in a vehicle designed to carry 15 or fewer  
 20 passengers shall, before operating the vehicle ~~it~~ upon the  
 21 highways of Illinois, submit it to a "safety test" and secure  
 22 a certificate of safety furnished by the Department as set  
 23 forth in Section 13-109. Each second division motor vehicle  
 24 that pulls or draws a trailer, semitrailer or pole trailer,  
 25 with a gross weight of more than 8,000 lbs or is registered  
 26 for a gross weight of more than 8,000 lbs, motor bus,  
 27 religious organization bus, school bus, senior citizen  
 28 transportation vehicle, and limousine shall be subject to  
 29 inspection by the Department and the Department is authorized  
 30 to establish rules and regulations for the implementation of  
 31 such inspections.

32 The owners of each salvage vehicle shall submit it to a  
 33 "safety test" and secure a certificate of safety furnished by

1 the Department prior to its salvage vehicle inspection  
2 pursuant to Section 3-308 of this Code.

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

5 (a) farm tractors, machinery and implements,  
6 wagons, wagon-trailers or like farm vehicles used  
7 primarily in agricultural pursuits;

8 (b) vehicles other than school buses, tow trucks  
9 and medical transport vehicles owned or operated by a  
10 municipal corporation or political subdivision having a  
11 population of 1,000,000 or more inhabitants and which are  
12 subject to safety tests imposed by local ordinance or  
13 resolution;

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

17 (d) recreational vehicles;

18 (e) vehicles registered as and displaying Illinois  
19 antique vehicle plates;

20 (f) house trailers equipped and used for living  
21 quarters;

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

30 (h) vehicles owned or operated by a manufacturer,  
31 dealer or transporter displaying a special plate or  
32 plates as described in Chapter 3 of this Code while such  
33 vehicle is being delivered from the manufacturing or  
34 assembly plant directly to the purchasing dealership or

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

9 (i) pole trailers and auxiliary axles;

10 (j) special mobile equipment;

11 (k) vehicles properly registered in another State  
 12 pursuant to law and displaying a valid registration  
 13 plate;

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

15 (m) any vehicle which is owned and operated by the  
 16 federal government and externally displays evidence of  
 17 such ownership; and

18 (n) second division vehicles registered for a gross  
 19 weight of 8,000 pounds or less, except when such second  
 20 division motor vehicles pull or draw a trailer,  
 21 semi-trailer or pole trailer having a gross weight of or  
 22 registered for a gross weight of more than 8,000 pounds;  
 23 motor buses; religious organization buses; school buses;  
 24 senior citizen transportation vehicles; medical transport  
 25 vehicles and tow trucks.

26 The safety test shall include the testing and inspection  
 27 of brakes, lights, horns, reflectors, rear vision mirrors,  
 28 mufflers, safety chains, windshields and windshield wipers,  
 29 warning flags and flares, frame, axle, cab and body, or cab  
 30 or body, wheels, steering apparatus, and other safety devices  
 31 and appliances required by this Code and such other safety  
 32 tests as the Department may by rule or regulation require,  
 33 for second division vehicles, school buses, medical transport  
 34 vehicles, tow trucks, vehicles designed to carry 15 or fewer

1 passengers operated by a contract carrier transporting  
2 employees in the course of their employment on a highway of  
3 this State, trailers, and semitrailers subject to inspection.

4 For tow trucks, the safety test and inspection shall also  
5 include the inspection of winch mountings, body panels, body  
6 mounts, wheel lift swivel points, and sling straps, and other  
7 tests and inspections the Department by rule requires for tow  
8 trucks.

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

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

24 (Source: P.A. 89-433, eff. 12-15-95.)

25 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

26 Sec. 13-107. Investigation of complaints against official  
27 testing stations. The Department shall, upon its own motion,  
28 or upon charges made in writing verified under oath,  
29 investigate complaints that an official testing station is  
30 willfully falsifying records or tests, either for the purpose  
31 of selling parts or services not actually required, or for  
32 the purpose of issuing a certificate of safety for a vehicle  
33 designed to carry 15 or fewer passengers operated by a

1 contract carrier transporting employees in the course of  
2 their employment on a highway of this State, second division  
3 vehicle, or medical transport vehicle that is not in safe  
4 mechanical condition as determined by the standards of this  
5 Chapter in violation of the provisions of this Chapter or of  
6 the rules and regulations issued by the Department.

7 The Secretary of Transportation, for the purpose of more  
8 effectively carrying out the provisions of Chapter 13, may  
9 appoint such a number of inspectors as he may deem necessary.  
10 Such inspectors shall inspect and investigate applicants for  
11 official testing station permits and investigate and report  
12 violations. With respect to enforcement of the provisions of  
13 this Chapter 13, such inspectors shall have and may exercise  
14 throughout the State all the powers of police officers.

15 The Secretary must authorize to each inspector and to any  
16 other employee of the Department exercising the powers of a  
17 peace officer a distinct badge that, on its face, (i) clearly  
18 states that the badge is authorized by the Department and  
19 (ii) contains a unique identifying number. No other badge  
20 shall be authorized by the Department.

21 (Source: P.A. 91-883, eff. 1-1-01.)

22 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

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

25 (a) Except as otherwise provided in Chapter 13, each  
26 second division vehicle and medical transport vehicle, except  
27 those vehicles other than school buses or medical transport  
28 vehicles owned or operated by a municipal corporation or  
29 political subdivision having a population of 1,000,000 or  
30 more inhabitants which are subjected to safety tests imposed  
31 by local ordinance or resolution, operated in whole or in  
32 part over the highways of this State, and each vehicle  
33 designed to carry 15 or fewer passengers operated by a

1 contract carrier transporting employees in the course of  
2 their employment on a highway of this State, shall be  
3 subjected to the safety test provided for in Chapter 13 of  
4 this Code. Tests shall be conducted at an official testing  
5 station within 6 months prior to the application for  
6 registration as provided for in this Code. Subsequently each  
7 vehicle shall be subject to tests at least every 6 months,  
8 and in the case of school buses at least every 6 months or  
9 10,000 miles whichever occurs first, and according to  
10 schedules established by rules and regulations promulgated by  
11 the Department. Any component subject to regular inspection  
12 which is damaged in a reportable accident must be reinspected  
13 before the bus is returned to service.

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

26 (c) If the violation is not substantial a bright yellow,  
27 triangular sticker shall be placed next to the Certificate of  
28 Safety at the time the nonscheduled inspection is made. The  
29 Department shall reinspect the vehicle after 3 working days  
30 to determine that the violation has been corrected and remove  
31 the yellow, triangular decal. If the violation is not  
32 corrected within 3 working days, the Department shall place  
33 the vehicle out-of-service in accordance with procedures in  
34 subsection (b).



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

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

20 (f) If a second division vehicle, or medical transport  
 21 vehicle, or vehicle operated by a contract carrier as  
 22 provided in subsection (a) of this Section is in safe  
 23 mechanical condition, as determined pursuant to Chapter 13,  
 24 the operator of the official testing station must at once  
 25 issue to the second division vehicle or medical transport  
 26 vehicle a certificate of safety, in the form and manner  
 27 prescribed by the Department, which shall be affixed to the  
 28 vehicle by the certified safety tester who performed the  
 29 safety tests. The owner of the second division vehicle or  
 30 medical transport vehicle or the contract carrier shall at  
 31 all times display the Certificate of Safety on the second  
 32 division vehicle, or medical transport vehicle, or vehicle  
 33 operated by a contract carrier in the manner prescribed by  
 34 the Department.

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

16          (Source: P.A. 86-447; 86-1223.)

17           (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

18           Sec. 18b-101. Definitions. Unless the context otherwise  
19           clearly requires, as used in this Chapter:

20           "Commercial motor vehicle" means any self propelled or  
21           towed vehicle used on public highways in interstate and  
22           intrastate commerce to transport passengers or property when  
23           the vehicle has a gross vehicle weight, a gross vehicle  
24           weight rating, a gross combination weight, or a gross  
25           combination weight rating of 10,001 or more pounds; or the  
26           vehicle is designed to transport more than 15 passengers,  
27           including the driver; or the vehicle is designed to carry 15  
28           or fewer passengers and is operated by a contract carrier  
29           transporting employees in the course of their employment on a  
30           highway of this State; or the vehicle is used in the  
31           transportation of hazardous materials in a quantity requiring  
32           placarding under the Illinois Hazardous Materials  
33           Transportation Act. This definition shall not include farm

1 machinery, fertilizer spreaders, and other special  
2 agricultural movement equipment described in Section 3-809  
3 nor implements of husbandry as defined in Section 1-130;

4 "Officer" means Illinois State Police Officer;

5 "Person" means any natural person or individual,  
6 governmental body, firm, association, partnership,  
7 copartnership, joint venture, company, corporation, joint  
8 stock company, trust, estate or any other legal entity or  
9 their legal representative, agent or assigns.

10 (Source: P.A. 90-89, eff. 1-1-98; 91-179, eff. 1-1-00.)

11 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

12 Sec. 18b-105. Rules and Regulations.

13 (a) The Department is authorized to make and adopt  
14 reasonable rules and regulations and orders consistent with  
15 law necessary to carry out the provisions of this Chapter.

16 (b) The following parts of Title 49 of the Code of  
17 Federal Regulations, as now in effect, are hereby adopted by  
18 reference as though they were set out in full:

19 Part 385-Safety Fitness Procedures;

20 Part 390-Federal Motor Carrier Safety Regulations:  
21 General;

22 Part 391-Qualifications of Drivers;

23 Part 392-Driving of Motor Vehicles;

24 Part 393-Parts and Accessories Necessary for Safe  
25 Operation;

26 Part 395-Hours of Service of Drivers, except as provided  
27 in Section 18b-106.1; and

28 Part 396-Inspection, Repair and Maintenance.

29 (c) The following parts and Sections of the Federal  
30 Motor Carrier Safety Regulations shall not apply to those  
31 intrastate carriers, drivers or vehicles subject to  
32 subsection (b).

33 (1) Section 393.93 of Part 393 for those vehicles

1 manufactured before June 30, 1972.

2 (2) Section 393.86 of Part 393 for those vehicles  
3 which are registered as farm trucks under subsection (c)  
4 of Section 3-815 of The Illinois Vehicle Code.

5 (3) (Blank).

6 (4) (Blank).

7 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

8 (6) All of Part 395 for all agricultural movements  
9 as defined in Chapter 1, between the period of February 1  
10 through November 30 each year, and all farm to market  
11 agricultural transportation as defined in Chapter 1 and  
12 for grain hauling operations within a radius of 200 air  
13 miles of the normal work reporting location.

14 (7) Paragraphs (b)(3) (insulin dependent diabetic)  
15 and (b)(10) (minimum visual acuity) of Section 391.41 of  
16 part 391, but only for any driver who immediately prior  
17 to July 29, 1986 was eligible and licensed to operate a  
18 motor vehicle subject to this Section and was engaged in  
19 operating such vehicles, and who was disqualified on July  
20 29, 1986 by the adoption of Part 391 by reason of the  
21 application of paragraphs (b)(3) and (b)(10) of Section  
22 391.41 with respect to a physical condition existing at  
23 that time unless such driver has a record of accidents  
24 which would indicate a lack of ability to operate a motor  
25 vehicle in a safe manner.

26 (d) Intrastate carriers subject to the recording  
27 provisions of Section 395.8 of Part 395 of the Federal Motor  
28 Carrier Safety Regulations shall be exempt as established  
29 under paragraph (1) of Section 395.8; provided, however, for  
30 the purpose of this Code, drivers shall operate within a 150  
31 air-mile radius of the normal work reporting location to  
32 qualify for exempt status.

33 (e) Regulations adopted by the Department subsequent to  
34 those adopted under subsection (b) hereof shall be identical

1 in substance to the Federal Motor Carrier Safety Regulations  
2 of the United States Department of Transportation and adopted  
3 in accordance with the procedures for rulemaking in Section  
4 5-35 of the Illinois Administrative Procedure Act.

5 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;  
6 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

7 (625 ILCS 5/18b-106.1 new)

8 Sec. 18b-106.1. Hours of service of drivers employed by  
9 contract carriers transporting employees in the course of  
10 their employment. A contract carrier shall limit the hours of  
11 service by a driver transporting employees in the course of  
12 their employment on a road or highway of this State in a  
13 vehicle designed to carry 15 or fewer passengers to 12 hours  
14 of vehicle operation per day, 15 hours of on-duty service per  
15 day, and 70 hours of on-duty service in 7 consecutive days.  
16 The contract carrier shall require a driver who has 12 hours  
17 of vehicle operation per day or 15 hours of on-duty service  
18 per day to have at least 8 consecutive hours off duty before  
19 operating a vehicle again.