

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.