



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB0273

Introduced 1/31/2023, by Sen. Patrick J. Joyce

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/13-102	from Ch. 95 1/2, par. 13-102
625 ILCS 5/13-103.4 new	
625 ILCS 5/13-104	from Ch. 95 1/2, par. 13-104
625 ILCS 5/13-105.2 new	
625 ILCS 5/13-107	from Ch. 95 1/2, par. 13-107
625 ILCS 5/13-108	from Ch. 95 1/2, par. 13-108
625 ILCS 5/13-109	from Ch. 95 1/2, par. 13-109
625 ILCS 5/13-110	from Ch. 95 1/2, par. 13-110

Amends the Illinois Vehicle Code. Provides that the Department of Transportation shall issue a permit to the proprietor of a company seeking to perform mobile safety inspections to operate an official mobile safety testing company. Provides that a permittee may test the permittee's own second division vehicles and issue certificates of safety and conduct emission inspections of the permittee's own second division vehicles. Adds language governing fees, bonding, and oversight of official mobile safety testing companies. Makes corresponding changes. Effective immediately.

LRB103 26218 HEP 52577 b

1 AN ACT concerning transportation.

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 13-102, 13-104, 13-107, 13-108, 13-109, and  
6 13-110 and by adding Sections 13-105.2 and 13-103.4 as  
7 follows:

8 (625 ILCS 5/13-102) (from Ch. 95 1/2, par. 13-102)

9 Sec. 13-102. Tests and investigations.

10 The Department shall ensure the integrity of safety  
11 inspection tests under this Section by either:

12 (i) conducting ~~conduct~~ tests and making ~~make~~  
13 investigations to determine the kind and type of equipment  
14 necessary to test the brakes, lights, frame, wheels,  
15 steering apparatus, including camber and caster of the  
16 axle, and toe-in and tracking of the wheels, and all other  
17 devices and appliances referred to in this Act; and making  
18 ~~shall make public~~ its findings public and furnishing ~~and~~  
19 ~~furnish~~ upon request a list of the various testing devices  
20 approved by it; or

21 (ii) accepting the results of an official mobile  
22 safety testing company inspection already completed under  
23 49 CFR 396 for all vehicles except school buses.

1       School buses are required to undergo a safety inspection  
2 conducted by the Department.

3       (Source: P.A. 78-1244; 78-1297.)

4             (625 ILCS 5/13-103.4 new)

5       Sec. 13-103.4. Official mobile safety testing company;  
6 fee; permit; bond. Upon the payment of a fee of \$10 and the  
7 filing of an application by the proprietor of a company  
8 seeking to perform mobile safety inspections upon forms  
9 furnished by the Department, accompanied by proof of  
10 experience, training, and ability of the operator of the  
11 testing equipment, together with proof of approved testing  
12 equipment as defined in Section 13-102 and the giving of a bond  
13 conditioned upon faithful observance of this Section and rules  
14 adopted by the Department in the amount of \$1,000 with  
15 security approved by the Department, the Department shall  
16 issue a permit to the proprietor to operate an official mobile  
17 safety testing company. An official mobile safety testing  
18 company must maintain a physical office in this State. The  
19 permit shall expire 12 months following its issuance, but may  
20 be renewed annually by complying with the requirements set  
21 forth in this Section and upon the payment of a renewal fee of  
22 \$10. The permit so issued shall at all times be displayed in a  
23 prominent place in the official mobile safety testing vehicle  
24 as well as at the required physical office of the testing  
25 company. No person or official mobile safety testing company

1 shall in any manner claim or represent himself, herself, or  
2 itself to be an official mobile safety testing company unless  
3 a permit has been issued to the person or company as provided  
4 in this Section.

5 Any person or municipality that has received a permit  
6 under this Section may test the second division vehicles owned  
7 by the person or municipality and issue certificates of safety  
8 and conduct emission inspections of second division vehicles  
9 owned by the person or municipality in accordance with the  
10 requirements of Section 13-109.1 with respect to any such  
11 second division vehicles owned, operated, or controlled by the  
12 person or municipality.

13 Each such permit issued by the Department shall state on  
14 its face the location of the physical office of the official  
15 mobile safety testing company. The physical office shall be  
16 the location in which all records are stored and retained.  
17 Official mobile safety testing companies shall only perform  
18 safety tests of vehicles at locations with a 48-hour advance  
19 notice to the Department. The Department may, upon  
20 application, authorize a change in the location of the  
21 physical office to a new location. Upon the approval of such an  
22 application, the Department shall issue an endorsement, which  
23 the applicant shall affix to his permit. Such an endorsement  
24 constitutes authority for the applicant to operate.

25 As used in this Section, "official mobile safety testing  
26 company" means a safety testing company certified to test

1 interstate vehicles under 49 CFR 396 and approved under this  
2 Section by the Department.

3 The Department shall adopt rules to implement this  
4 Section.

5 (625 ILCS 5/13-104) (from Ch. 95 1/2, par. 13-104)

6 Sec. 13-104. Obtaining or issuing a certificate of safety  
7 without proper test- Suspension or revocation of license.

8 Any motor vehicle owner, driver or operator who accepts,  
9 obtains or attempts to obtain a certificate of safety without  
10 securing a test, or by a test which is known by him to have  
11 been improperly made, shall be guilty of a petty offense and  
12 shall be fined not less than \$5.00 nor more than \$100.00 for  
13 the first such certificate so accepted or obtained, or  
14 attempted to be obtained; and for the second such certificate  
15 obtained or attempted to be obtained, not less than \$25.00 nor  
16 more than \$200.00; and for each certificate after the second  
17 certificate, obtained or attempted to be obtained, not less  
18 than \$100.00 nor more than \$300.00. The same penalties shall  
19 apply to official testing station and official mobile safety  
20 testing company operators who issue certificates of safety in  
21 violation of this Chapter.

22 When a license is suspended, the suspension shall be for  
23 not less than 30 nor more than 180 days. When a license is  
24 revoked, the owner of the station cannot make an application  
25 for a new license within the period of twelve months after the

1 date of the revocation and then, upon his making an  
2 application, the Department of Transportation shall consider  
3 this record in deciding whether or not to grant the license.

4 (Source: P.A. 78-255.)

5 (625 ILCS 5/13-105.2 new)

6 Sec. 13-105.2. Inspection of official mobile safety  
7 testing companies. Employees specifically authorized by the  
8 Department so to do shall inspect all official mobile safety  
9 testing companies at frequent intervals. Such employees shall  
10 have access to all records relating to tests and work done or  
11 parts sold as a result of such tests, to ascertain whether or  
12 not tests are properly, fairly, and honestly made, and may  
13 examine the owner of the official mobile safety testing  
14 company or any officer or employee thereof under oath.

15 (625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

16 Sec. 13-107. Investigation of complaints against official  
17 testing stations, official mobile safety testing companies,  
18 and official portable emissions testing companies. The  
19 Department shall, upon its own motion, or upon charges made in  
20 writing verified under oath, investigate complaints that an  
21 official testing station, official mobile safety testing  
22 company, or official portable emissions testing company is  
23 willfully falsifying records or tests, either for the purpose  
24 of selling parts or services not actually required, or for the

1 purpose of issuing a certificate of safety for a vehicle  
2 designed to carry 15 or fewer passengers operated by a  
3 contract carrier transporting employees in the course of their  
4 employment on a highway of this State, second division  
5 vehicle, or medical transport vehicle that is not in safe  
6 mechanical condition as determined by the standards of this  
7 Chapter in violation of the provisions of this Chapter or of  
8 the rules and regulations issued by the Department.

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

19 The Secretary must authorize to each inspector and to any  
20 other employee of the Department exercising the powers of a  
21 peace officer a distinct badge that, on its face, (i) clearly  
22 states that the badge is authorized by the Department and (ii)  
23 contains a unique identifying number. No other badge shall be  
24 authorized by the Department. Nothing in this Section  
25 prohibits the Secretary from issuing shields or other  
26 distinctive identification to employees not exercising the

1 powers of a peace officer if the Secretary determines that a  
2 shield or distinctive identification is needed by the employee  
3 to carry out his or her responsibilities.

4 (Source: P.A. 102-566, eff. 1-1-22.)

5 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

6 Sec. 13-108. Hearing on complaint against official testing  
7 station, official mobile safety testing company, or official  
8 portable emissions testing company; suspension or revocation  
9 of permit. If it appears to the Department, either through its  
10 own investigation or upon charges verified under oath, that  
11 any of the provisions of this Chapter or the rules and  
12 regulations of the Department are being violated, the  
13 Department shall, after notice to the person, firm, or  
14 corporation charged with such violation, conduct a hearing. At  
15 least 10 days prior to the date of such hearing the Department  
16 shall cause to be served upon the person, firm, or corporation  
17 charged with such violation, a copy of such charge or charges  
18 by registered mail or by the personal service thereof,  
19 together with a notice specifying the time and place of such  
20 hearing. At the time and place specified in such notice, the  
21 person, firm, or corporation charged with such violation shall  
22 be given an opportunity to appear in person or by counsel and  
23 to be heard by the Secretary of Transportation or an officer or  
24 employee of the Department designated in writing by him to  
25 conduct such hearing. If it appears from the hearing that such



1 person, firm, or corporation is guilty of the charge preferred  
2 against the person, firm, or corporation, the Secretary of  
3 Transportation may order the permit suspended or revoked, and  
4 the bond forfeited. Any such revocation or suspension shall  
5 not be a bar to subsequent arrest and prosecution for  
6 violation of this Chapter.

7 (Source: P.A. 102-566, eff. 1-1-22; 102-813, eff. 5-13-22.)

8 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

9 (Text of Section before amendment by P.A. 102-982)

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

12 (a) Except as otherwise provided in Chapter 13, each  
13 second division vehicle, first division vehicle including a  
14 taxi which is used for a purpose that requires a school bus  
15 driver permit, and medical transport vehicle, except those  
16 vehicles other than school buses or medical transport vehicles  
17 owned or operated by a municipal corporation or political  
18 subdivision having a population of 1,000,000 or more  
19 inhabitants which are subjected to safety tests imposed by  
20 local ordinance or resolution, operated in whole or in part  
21 over the highways of this State, motor vehicle used for driver  
22 education training, and each vehicle designed to carry 15 or  
23 fewer passengers operated by a contract carrier transporting  
24 employees in the course of their employment on a highway of  
25 this State, shall be subjected to the safety test provided for

1 in Chapter 13 of this Code. Tests shall be conducted at an  
2 official testing station or by an official mobile safety  
3 testing company within 6 months prior to the application for  
4 registration as provided for in this Code. Subsequently each  
5 vehicle shall be subject to tests (i) at least every 6 months,  
6 (ii) in the case of school buses and first division vehicles  
7 including taxis which are used for a purpose that requires a  
8 school bus driver permit, at least every 6 months or 10,000  
9 miles, whichever occurs first, (iii) in the case of driver  
10 education vehicles used by public high schools, at least every  
11 12 months for vehicles over 5 model years of age or having an  
12 odometer reading of over 75,000 miles, whichever occurs first,  
13 or (iv) in the case of truck tractors, semitrailers, and  
14 property-carrying vehicles registered for a gross weight of  
15 more than 10,000 pounds but less than 26,001 pounds, at least  
16 every 12 months, and according to schedules established by  
17 rules and regulations promulgated by the Department. Any  
18 component subject to regular inspection which is damaged in a  
19 reportable accident must be reinspected before the bus or  
20 first division vehicle including a taxi which is used for a  
21 purpose that requires a school bus driver permit is returned  
22 to service.

23 (b) The Department shall also conduct periodic  
24 nonscheduled inspections of school buses, of buses registered  
25 as charitable vehicles and of religious organization buses. If  
26 such inspection reveals that a vehicle is not in substantial

1 compliance with the rules promulgated by the Department, the  
2 Department shall remove the Certificate of Safety from the  
3 vehicle, and shall place the vehicle out-of-service. A bright  
4 orange, triangular decal shall be placed on an out-of-service  
5 vehicle where the Certificate of Safety has been removed. The  
6 vehicle must pass a safety test at an official testing station  
7 before it is again placed in service.

8 (c) If the violation is not substantial a bright yellow,  
9 triangular sticker shall be placed next to the Certificate of  
10 Safety at the time the nonscheduled inspection is made. The  
11 Department shall reinspect the vehicle after 3 working days to  
12 determine that the violation has been corrected and remove the  
13 yellow, triangular decal. If the violation is not corrected  
14 within 3 working days, the Department shall place the vehicle  
15 out-of-service in accordance with procedures in subsection  
16 (b).

17 (d) If a violation is not substantial and does not  
18 directly affect the safe operation of the vehicle, the  
19 Department shall issue a warning notice requiring correction  
20 of the violation. Such correction shall be accomplished as  
21 soon as practicable and a report of the correction shall be  
22 made to the Department within 30 days in a manner established  
23 by the Department. If the Department has not been advised that  
24 the corrections have been made, and the violations still  
25 exist, the Department shall place the vehicle out-of-service  
26 in accordance with procedures in subsection (b).

1 (e) The Department is authorized to promulgate regulations  
2 to implement its program of nonscheduled inspections. Causing  
3 or allowing the operation of an out-of-service vehicle with  
4 passengers or unauthorized removal of an out-of-service  
5 sticker is a Class 3 felony. Causing or allowing the operation  
6 of a vehicle with a 3-day sticker for longer than 3 days with  
7 the sticker attached or the unauthorized removal of a 3-day  
8 sticker is a Class C misdemeanor.

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

1 vehicle, first division vehicle including a taxi which is used  
2 for a purpose that requires a school bus driver permit,  
3 medical transport vehicle, or vehicle operated by a contract  
4 carrier in the manner prescribed by the Department.

5 (g) If a test shows that a second division vehicle, first  
6 division vehicle including a taxi which is used for a purpose  
7 that requires a school bus driver permit, medical transport  
8 vehicle, or vehicle operated by a contract carrier is not in  
9 safe mechanical condition as provided in this Section, it  
10 shall not be operated on the highways until it has been  
11 repaired and submitted to a retest at an official testing  
12 station or official mobile safety testing company. If the  
13 owner or contract carrier submits the vehicle to a retest at a  
14 different official testing station or official mobile safety  
15 testing company from that where it failed to pass the first  
16 test, he or she shall present to the operator of the second  
17 station or official mobile safety testing company the report  
18 of the original test, and shall notify the Department in  
19 writing, giving the name and address of the original testing  
20 station or official mobile safety testing company and the  
21 defects which prevented the issuance of a Certificate of  
22 Safety, and the name and address of the second official  
23 testing station or official mobile safety testing company  
24 making the retest.

25 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

1 (Text of Section after amendment by P.A. 102-982)

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

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

1 education vehicles used by public high schools, at least every  
2 12 months for vehicles over 5 model years of age or having an  
3 odometer reading of over 75,000 miles, whichever occurs first,  
4 or (iv) in the case of truck tractors, semitrailers, and  
5 property-carrying vehicles registered for a gross weight of  
6 more than 10,000 pounds but less than 26,001 pounds, at least  
7 every 12 months, and according to schedules established by  
8 rules and regulations promulgated by the Department. Any  
9 component subject to regular inspection which is damaged in a  
10 reportable crash must be reinspected before the bus or first  
11 division vehicle including a taxi which is used for a purpose  
12 that requires a school bus driver permit is returned to  
13 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. If  
17 such inspection reveals that a vehicle is not in substantial  
18 compliance with the rules promulgated by the Department, the  
19 Department shall remove the Certificate of Safety from the  
20 vehicle, and shall place the vehicle out-of-service. A bright  
21 orange, triangular decal shall be placed on an out-of-service  
22 vehicle where the Certificate of Safety has been removed. The  
23 vehicle must pass a safety test at an official testing station  
24 before it is again placed in service.

25 (c) If the violation is not substantial a bright yellow,  
26 triangular sticker shall be placed next to the Certificate of

1 Safety at the time the nonscheduled inspection is made. The  
2 Department shall reinspect the vehicle after 3 working days to  
3 determine that the violation has been corrected and remove the  
4 yellow, triangular decal. If the violation is not corrected  
5 within 3 working days, the Department shall place the vehicle  
6 out-of-service in accordance with procedures in subsection  
7 (b).

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

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

26 (f) If a second division vehicle, first division vehicle



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

22 (g) If a test shows that a second division vehicle, first  
23 division vehicle including a taxi which is used for a purpose  
24 that requires a school bus driver permit, medical transport  
25 vehicle, or vehicle operated by a contract carrier is not in  
26 safe mechanical condition as provided in this Section, it

1 shall not be operated on the highways until it has been  
2 repaired and submitted to a retest at an official testing  
3 station or official mobile safety testing company. If the  
4 owner or contract carrier submits the vehicle to a retest at a  
5 different official testing station or official mobile safety  
6 testing company from that where it failed to pass the first  
7 test, he or she shall present to the operator of the second  
8 station or official mobile safety testing company the report  
9 of the original test, and shall notify the Department in  
10 writing, giving the name and address of the original testing  
11 station or official mobile safety testing company and the  
12 defects which prevented the issuance of a Certificate of  
13 Safety, and the name and address of the second official  
14 testing station or official mobile safety testing company  
15 making the retest.

16 (Source: P.A. 102-982, eff. 7-1-23.)

17 (625 ILCS 5/13-110) (from Ch. 95 1/2, par. 13-110)

18 Sec. 13-110. Certificate of safety.

19 (a) Certificates of Safety shall be in contrasting colors,  
20 with a number on the face of the Certificate indicating the  
21 month of the next inspection period the vehicle is subject to  
22 inspection. Certificates for school buses shall also indicate  
23 the mileage at which the school bus shall be subject to  
24 inspection if it occurs before the next regular inspection  
25 period. The colors of Certificates of Safety shall be

1 prescribed by the Department.

2 (b) Certificates of Safety, which remain the property of  
3 the State of Illinois, will be provided to official testing  
4 stations and official mobile safety testing company ~~Official~~  
5 ~~Testing Stations~~ by the Department at the fee of \$1 each.  
6 Certificates of Safety which remain unused at the end of each  
7 inspection period will be redeemed for the same amount in a  
8 manner prescribed by the Department.

9 (c) Nothing in this Chapter shall be construed as a  
10 suggestion or direction to any owner to require him to have any  
11 repairs made or any work done by any official testing station,  
12 but all tests must be made at an official testing station or by  
13 an official mobile safety testing company to secure the  
14 issuance of a certificate of safety, and no certificate of  
15 safety issued by any other than an official testing station or  
16 official mobile safety testing company shall be deemed a  
17 compliance with this Chapter.

18 (Source: P.A. 83-311.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.