



Rep. Elizabeth Hernandez

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10200HB1688ham001

LRB102 03747 NLB 38450 a

1 AMENDMENT TO HOUSE BILL 1688

2 AMENDMENT NO. _____. Amend House Bill 1688 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-217 and 6-106.1 as follows:

6 (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

7 Sec. 1-217. Vehicle. Every device, in, upon or by which
8 any person or property is or may be transported or drawn upon a
9 highway or requiring a certificate of title under Section
10 3-101(d) of this Code, except devices moved by human power,
11 devices used exclusively upon stationary rails or tracks, and
12 snowmobiles as defined in the Snowmobile Registration and
13 Safety Act.

14 For the purposes of this Code, unless otherwise
15 prescribed, a device shall be considered to be a vehicle until
16 such time it either comes within the definition of a junk

1 vehicle, as defined under this Code, or a junking certificate
2 is issued for it.

3 For this Code, vehicles are divided into 2 divisions:

4 First Division: Those motor vehicles which are designed
5 for the carrying of not more than 10 persons.

6 Second Division: Those vehicles which are designed for
7 carrying more than 10 persons, those designed or used for
8 living quarters and those vehicles which are designed for
9 pulling or carrying property, freight, or cargo and, those
10 motor vehicles of the First Division remodelled for use and
11 used as motor vehicles of the Second Division, ~~and those motor~~
12 ~~vehicles of the First Division used and registered as school~~
13 ~~buses.~~

14 (Source: P.A. 92-812, eff. 8-21-02.)

15 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

16 Sec. 6-106.1. School bus driver permit.

17 (a) The Secretary of State shall issue a school bus driver
18 permit for the operation of first or second division vehicles
19 being operated as school buses or a permit valid only for the
20 operation of first division vehicles being operated as school
21 buses to those applicants who have met all the requirements of
22 the application and screening process under this Section to
23 insure the welfare and safety of children who are transported
24 on school buses throughout the State of Illinois. Applicants
25 shall obtain the proper application required by the Secretary

1 of State from their prospective or current employer and submit
2 the completed application to the prospective or current
3 employer along with the necessary fingerprint submission as
4 required by the Illinois State Police to conduct fingerprint
5 based criminal background checks on current and future
6 information available in the state system and current
7 information available through the Federal Bureau of
8 Investigation's system. Applicants who have completed the
9 fingerprinting requirements shall not be subjected to the
10 fingerprinting process when applying for subsequent permits or
11 submitting proof of successful completion of the annual
12 refresher course. Individuals who on July 1, 1995 (the
13 effective date of Public Act 88-612) possess a valid school
14 bus driver permit that has been previously issued by the
15 appropriate Regional School Superintendent are not subject to
16 the fingerprinting provisions of this Section as long as the
17 permit remains valid and does not lapse. The applicant shall
18 be required to pay all related application and fingerprinting
19 fees as established by rule including, but not limited to, the
20 amounts established by the Illinois State Police and the
21 Federal Bureau of Investigation to process fingerprint based
22 criminal background investigations. All fees paid for
23 fingerprint processing services under this Section shall be
24 deposited into the State Police Services Fund for the cost
25 incurred in processing the fingerprint based criminal
26 background investigations. All other fees paid under this

1 Section shall be deposited into the Road Fund for the purpose
2 of defraying the costs of the Secretary of State in
3 administering this Section. All applicants must:

4 1. be 21 years of age or older;

5 2. possess a valid and properly classified driver's
6 license issued by the Secretary of State;

7 3. possess a valid driver's license, which has not
8 been revoked, suspended, or canceled for 3 years
9 immediately prior to the date of application, or have not
10 had his or her commercial motor vehicle driving privileges
11 disqualified within the 3 years immediately prior to the
12 date of application;

13 4. successfully pass a first division or second
14 division written test, administered by the Secretary of
15 State, on school bus operation, school bus safety, and
16 special traffic laws relating to school buses and submit
17 to a review of the applicant's driving habits by the
18 Secretary of State at the time the written test is given;

19 5. demonstrate ability to exercise reasonable care in
20 the operation of school buses in accordance with rules
21 promulgated by the Secretary of State;

22 6. demonstrate physical fitness to operate school
23 buses by submitting the results of a medical examination,
24 including tests for drug use for each applicant not
25 subject to such testing pursuant to federal law, conducted
26 by a licensed physician, a licensed advanced practice

1 registered nurse, or a licensed physician assistant within
2 90 days of the date of application according to standards
3 promulgated by the Secretary of State;

4 7. affirm under penalties of perjury that he or she
5 has not made a false statement or knowingly concealed a
6 material fact in any application for permit;

7 8. have completed an initial classroom course,
8 including first aid procedures, in school bus driver
9 safety as promulgated by the Secretary of State; and after
10 satisfactory completion of said initial course an annual
11 refresher course; such courses and the agency or
12 organization conducting such courses shall be approved by
13 the Secretary of State; failure to complete the annual
14 refresher course, shall result in cancellation of the
15 permit until such course is completed;

16 9. not have been under an order of court supervision
17 for or convicted of 2 or more serious traffic offenses, as
18 defined by rule, within one year prior to the date of
19 application that may endanger the life or safety of any of
20 the driver's passengers within the duration of the permit
21 period;

22 10. not have been under an order of court supervision
23 for or convicted of reckless driving, aggravated reckless
24 driving, driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or
26 any combination thereof, or reckless homicide resulting

1 from the operation of a motor vehicle within 3 years of the
2 date of application;

3 11. not have been convicted of committing or
4 attempting to commit any one or more of the following
5 offenses: (i) those offenses defined in Sections 8-1,
6 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
7 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
9 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
10 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
11 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
12 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
13 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
14 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
15 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
16 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
17 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
18 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
19 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
20 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
21 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
22 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
23 of Section 24-3, and those offenses contained in Article
24 29D of the Criminal Code of 1961 or the Criminal Code of
25 2012; (ii) those offenses defined in the Cannabis Control
26 Act except those offenses defined in subsections (a) and

1 (b) of Section 4, and subsection (a) of Section 5 of the
2 Cannabis Control Act; (iii) those offenses defined in the
3 Illinois Controlled Substances Act; (iv) those offenses
4 defined in the Methamphetamine Control and Community
5 Protection Act; ~~and~~ (v) any offense committed or attempted
6 in any other state or against the laws of the United
7 States, which if committed or attempted in this State
8 would be punishable as one or more of the foregoing
9 offenses; (vi) the offenses defined in Section 4.1 and 5.1
10 of the Wrongs to Children Act or Section 11-9.1A of the
11 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
12 those offenses defined in Section 6-16 of the Liquor
13 Control Act of 1934; and (viii) those offenses defined in
14 the Methamphetamine Precursor Control Act;

15 12. not have been repeatedly involved as a driver in
16 motor vehicle collisions or been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree which indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 13. not have, through the unlawful operation of a
24 motor vehicle, caused an accident resulting in the death
25 of any person;

26 14. not have, within the last 5 years, been adjudged

1 to be afflicted with or suffering from any mental
2 disability or disease;

3 15. consent, in writing, to the release of results of
4 reasonable suspicion drug and alcohol testing under
5 Section 6-106.1c of this Code by the employer of the
6 applicant to the Secretary of State; and

7 16. not have been convicted of committing or
8 attempting to commit within the last 20 years: (i) an
9 offense defined in subsection (c) of Section 4, subsection
10 (b) of Section 5, and subsection (a) of Section 8 of the
11 Cannabis Control Act; or (ii) any offenses in any other
12 state or against the laws of the United States that, if
13 committed or attempted in this State, would be punishable
14 as one or more of the foregoing offenses.

15 (a-5) The Secretary of State, in conjunction with the
16 Illinois State Board of Education, shall develop a separate
17 classroom course and refresher course for operation of
18 vehicles of the first division being operated as school buses.
19 Regional superintendents of schools, working with the Illinois
20 State Board of Education, shall offer the course.

21 (b) A school bus driver permit shall be valid for a period
22 specified by the Secretary of State as set forth by rule. It
23 shall be renewable upon compliance with subsection (a) of this
24 Section.

25 (c) A school bus driver permit shall contain the holder's
26 driver's license number, legal name, residence address, zip

1 code, and date of birth, a brief description of the holder and
2 a space for signature. The Secretary of State may require a
3 suitable photograph of the holder.

4 (d) The employer shall be responsible for conducting a
5 pre-employment interview with prospective school bus driver
6 candidates, distributing school bus driver applications and
7 medical forms to be completed by the applicant, and submitting
8 the applicant's fingerprint cards to the Illinois State Police
9 that are required for the criminal background investigations.
10 The employer shall certify in writing to the Secretary of
11 State that all pre-employment conditions have been
12 successfully completed including the successful completion of
13 an Illinois specific criminal background investigation through
14 the Illinois State Police and the submission of necessary
15 fingerprints to the Federal Bureau of Investigation for
16 criminal history information available through the Federal
17 Bureau of Investigation system. The applicant shall present
18 the certification to the Secretary of State at the time of
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving
21 certification from the employer that all pre-employment
22 conditions have been successfully completed, and upon
23 successful completion of all training and examination
24 requirements for the classification of the vehicle to be
25 operated, the Secretary of State shall provisionally issue a
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal
2 Bureau of Investigation's criminal background investigation
3 based upon fingerprinting specimens submitted to the Federal
4 Bureau of Investigation by the Illinois State Police. The
5 Federal Bureau of Investigation shall report the findings
6 directly to the Secretary of State. The Secretary of State
7 shall remove the bus driver permit from provisional status
8 upon the applicant's successful completion of the Federal
9 Bureau of Investigation's criminal background investigation.

10 (f) A school bus driver permit holder shall notify the
11 employer and the Secretary of State if he or she is issued an
12 order of court supervision for or convicted in another state
13 of an offense that would make him or her ineligible for a
14 permit under subsection (a) of this Section. The written
15 notification shall be made within 5 days of the entry of the
16 order of court supervision or conviction. Failure of the
17 permit holder to provide the notification is punishable as a
18 petty offense for a first violation and a Class B misdemeanor
19 for a second or subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus
22 driver permit of an applicant whose criminal background
23 investigation discloses that he or she is not in
24 compliance with the provisions of subsection (a) of this
25 Section.

26 (2) The Secretary of State shall cancel a school bus

1 driver permit when he or she receives notice that the
2 permit holder fails to comply with any provision of this
3 Section or any rule promulgated for the administration of
4 this Section.

5 (3) The Secretary of State shall cancel a school bus
6 driver permit if the permit holder's restricted commercial
7 or commercial driving privileges are withdrawn or
8 otherwise invalidated.

9 (4) The Secretary of State may not issue a school bus
10 driver permit for a period of 3 years to an applicant who
11 fails to obtain a negative result on a drug test as
12 required in item 6 of subsection (a) of this Section or
13 under federal law.

14 (5) The Secretary of State shall forthwith suspend a
15 school bus driver permit for a period of 3 years upon
16 receiving notice that the holder has failed to obtain a
17 negative result on a drug test as required in item 6 of
18 subsection (a) of this Section or under federal law.

19 (6) The Secretary of State shall suspend a school bus
20 driver permit for a period of 3 years upon receiving
21 notice from the employer that the holder failed to perform
22 the inspection procedure set forth in subsection (a) or
23 (b) of Section 12-816 of this Code.

24 (7) The Secretary of State shall suspend a school bus
25 driver permit for a period of 3 years upon receiving
26 notice from the employer that the holder refused to submit

1 to an alcohol or drug test as required by Section 6-106.1c
2 or has submitted to a test required by that Section which
3 disclosed an alcohol concentration of more than 0.00 or
4 disclosed a positive result on a National Institute on
5 Drug Abuse five-drug panel, utilizing federal standards
6 set forth in 49 CFR 40.87.

7 The Secretary of State shall notify the State
8 Superintendent of Education and the permit holder's
9 prospective or current employer that the applicant has (1) has
10 failed a criminal background investigation or (2) is no longer
11 eligible for a school bus driver permit; and of the related
12 cancellation of the applicant's provisional school bus driver
13 permit. The cancellation shall remain in effect pending the
14 outcome of a hearing pursuant to Section 2-118 of this Code.
15 The scope of the hearing shall be limited to the issuance
16 criteria contained in subsection (a) of this Section. A
17 petition requesting a hearing shall be submitted to the
18 Secretary of State and shall contain the reason the individual
19 feels he or she is entitled to a school bus driver permit. The
20 permit holder's employer shall notify in writing to the
21 Secretary of State that the employer has certified the removal
22 of the offending school bus driver from service prior to the
23 start of that school bus driver's next workshift. An employing
24 school board that fails to remove the offending school bus
25 driver from service is subject to the penalties defined in
26 Section 3-14.23 of the School Code. A school bus contractor

1 who violates a provision of this Section is subject to the
2 penalties defined in Section 6-106.11.

3 All valid school bus driver permits issued under this
4 Section prior to January 1, 1995, shall remain effective until
5 their expiration date unless otherwise invalidated.

6 (h) When a school bus driver permit holder who is a service
7 member is called to active duty, the employer of the permit
8 holder shall notify the Secretary of State, within 30 days of
9 notification from the permit holder, that the permit holder
10 has been called to active duty. Upon notification pursuant to
11 this subsection, (i) the Secretary of State shall characterize
12 the permit as inactive until a permit holder renews the permit
13 as provided in subsection (i) of this Section, and (ii) if a
14 permit holder fails to comply with the requirements of this
15 Section while called to active duty, the Secretary of State
16 shall not characterize the permit as invalid.

17 (i) A school bus driver permit holder who is a service
18 member returning from active duty must, within 90 days, renew
19 a permit characterized as inactive pursuant to subsection (h)
20 of this Section by complying with the renewal requirements of
21 subsection (b) of this Section.

22 (j) For purposes of subsections (h) and (i) of this
23 Section:

24 "Active duty" means active duty pursuant to an executive
25 order of the President of the United States, an act of the
26 Congress of the United States, or an order of the Governor.

1 "Service member" means a member of the Armed Services or
2 reserve forces of the United States or a member of the Illinois
3 National Guard.

4 (k) A private carrier employer of a school bus driver
5 permit holder, having satisfied the employer requirements of
6 this Section, shall be held to a standard of ordinary care for
7 intentional acts committed in the course of employment by the
8 bus driver permit holder. This subsection (k) shall in no way
9 limit the liability of the private carrier employer for
10 violation of any provision of this Section or for the
11 negligent hiring or retention of a school bus driver permit
12 holder.

13 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
14 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
15 10-13-21.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2023."