

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 Section 6-106.1 as follows:

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

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

8 (a) The Secretary of State shall issue a school bus  
9 driver permit to those applicants who have met all the  
10 requirements of the application and screening process under  
11 this Section to insure the welfare and safety of children who  
12 are transported on school buses throughout the State of  
13 Illinois. Applicants shall obtain the proper application  
14 required by the Secretary of State from their prospective or  
15 current employer and submit the completed application to the  
16 prospective or current employer along with the necessary  
17 fingerprint submission as required by the Department of State  
18 Police to conduct fingerprint based criminal background  
19 checks on current and future information available in the  
20 state system and current information available through the  
21 Federal Bureau of Investigation's system. Applicants who  
22 have completed the fingerprinting requirements shall not be  
23 subjected to the fingerprinting process when applying for  
24 subsequent permits or submitting proof of successful  
25 completion of the annual refresher course. Individuals who  
26 on the effective date of this Act possess a valid school bus  
27 driver permit that has been previously issued by the  
28 appropriate Regional School Superintendent are not subject to  
29 the fingerprinting provisions of this Section as long as the  
30 permit remains valid and does not lapse. The applicant shall  
31 be required to pay all related application and fingerprinting

1 fees as established by rule including, but not limited to,  
2 the amounts established by the Department of State Police and  
3 the Federal Bureau of Investigation to process fingerprint  
4 based criminal background investigations. All fees paid for  
5 fingerprint processing services under this Section shall be  
6 deposited into the State Police Services Fund for the cost  
7 incurred in processing the fingerprint based criminal  
8 background investigations. All other fees paid under this  
9 Section shall be deposited into the Road Fund for the purpose  
10 of defraying the costs of the Secretary of State in  
11 administering this Section. All applicants must:

- 12 1. be 21 years of age or older;
- 13 2. possess a valid and properly classified driver's  
14 license issued by the Secretary of State;
- 15 3. possess a valid driver's license, which has not  
16 been revoked, suspended, or canceled for 3 years  
17 immediately prior to the date of application, or have not  
18 had his or her commercial motor vehicle driving  
19 privileges disqualified within the 3 years immediately  
20 prior to the date of application;
- 21 4. successfully pass a written test, administered  
22 by the Secretary of State, on school bus operation,  
23 school bus safety, and special traffic laws relating to  
24 school buses and submit to a review of the applicant's  
25 driving habits by the Secretary of State at the time the  
26 written test is given;
- 27 5. demonstrate ability to exercise reasonable care  
28 in the operation of school buses in accordance with rules  
29 promulgated by the Secretary of State;
- 30 6. demonstrate physical fitness to operate school  
31 buses by submitting the results of a medical examination,  
32 including tests for drug use for each applicant not  
33 subject to such testing pursuant to federal law,  
34 conducted by a licensed physician, an advanced practice

1 nurse who has a written collaborative agreement with a  
2 collaborating physician which authorizes him or her to  
3 perform medical examinations, or a physician assistant  
4 who has been delegated the performance of medical  
5 examinations by his or her supervising physician within  
6 90 days of the date of application according to standards  
7 promulgated by the Secretary of State;

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

11 8. have completed an initial classroom course,  
12 including first aid procedures, in school bus driver  
13 safety as promulgated by the Secretary of State; and  
14 after satisfactory completion of said initial course an  
15 annual refresher course which shall include, in the first  
16 year and every third succeeding year, certification of  
17 proficiency in First Aid and, in the first year and every  
18 succeeding year, cardiopulmonary resuscitation according  
19 to the standards of the American Red Cross, American  
20 Heart Association or other nationally recognized  
21 certifying agency; such courses and the agency or  
22 organization conducting such courses shall be approved by  
23 the Secretary of State; failure to complete the annual  
24 refresher course, shall result in cancellation of the  
25 permit until such course is completed;

26 9. not have been convicted of 2 or more serious  
27 traffic offenses, as defined by rule, within one year  
28 prior to the date of application that may endanger the  
29 life or safety of any of the driver's passengers within  
30 the duration of the permit period;

31 10. not have been convicted of reckless driving,  
32 driving while intoxicated, or reckless homicide resulting  
33 from the operation of a motor vehicle within 3 years of  
34 the date of application;

1           11. not have been convicted of committing or  
2 attempting to commit any one or more of the following  
3 offenses: (i) those offenses defined in Sections 9-1,  
4 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
5 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,  
6 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
7 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
8 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,  
9 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
10 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
11 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
12 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
13 subsection (b), clause (1), of Section 12-4 of the  
14 Criminal Code of 1961; (ii) those offenses defined in the  
15 Cannabis Control Act except those offenses defined in  
16 subsections (a) and (b) of Section 4, and subsection (a)  
17 of Section 5 of the Cannabis Control Act; (iii) those  
18 offenses defined in the Illinois Controlled Substances  
19 Act; (iv) any offense committed or attempted in any other  
20 state or against the laws of the United States, which if  
21 committed or attempted in this State would be punishable  
22 as one or more of the foregoing offenses; (v) the  
23 offenses defined in Section 4.1 and 5.1 of the Wrongs to  
24 Children Act and (vi) those offenses defined in Section  
25 6-16 of the Liquor Control Act of 1934;

26           12. not have been repeatedly involved as a driver  
27 in motor vehicle collisions or been repeatedly convicted  
28 of offenses against laws and ordinances regulating the  
29 movement of traffic, to a degree which indicates lack of  
30 ability to exercise ordinary and reasonable care in the  
31 safe operation of a motor vehicle or disrespect for the  
32 traffic laws and the safety of other persons upon the  
33 highway;

34           13. not have, through the unlawful operation of a

1 motor vehicle, caused an accident resulting in the death  
2 of any person; and

3 14. not have, within the last 5 years, been  
4 adjudged to be afflicted with or suffering from any  
5 mental disability or disease.

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

10 (c) A school bus driver permit shall contain the  
11 holder's driver's license number, name, address, zip code,  
12 social security number and date of birth, a brief description  
13 of the holder and a space for signature. The Secretary of  
14 State may require a suitable photograph of the holder.

15 (d) The employer shall be responsible for conducting a  
16 pre-employment interview with prospective school bus driver  
17 candidates, distributing school bus driver applications and  
18 medical forms to be completed by the applicant, and  
19 submitting the applicant's fingerprint cards to the  
20 Department of State Police that are required for the criminal  
21 background investigations. The employer shall certify in  
22 writing to the Secretary of State that all pre-employment  
23 conditions have been successfully completed including the  
24 successful completion of an Illinois specific criminal  
25 background investigation through the Department of State  
26 Police and the submission of necessary fingerprints to the  
27 Federal Bureau of Investigation for criminal history  
28 information available through the Federal Bureau of  
29 Investigation system. The applicant shall present the  
30 certification to the Secretary of State at the time of  
31 submitting the school bus driver permit application.

32 (e) Permits shall initially be provisional upon  
33 receiving certification from the employer that all  
34 pre-employment conditions have been successfully completed,

1 and upon successful completion of all training and  
2 examination requirements for the classification of the  
3 vehicle to be operated, the Secretary of State shall  
4 provisionally issue a School Bus Driver Permit. The permit  
5 shall remain in a provisional status pending the completion  
6 of the Federal Bureau of Investigation's criminal background  
7 investigation based upon fingerprinting specimens submitted  
8 to the Federal Bureau of Investigation by the Department of  
9 State Police. The Federal Bureau of Investigation shall  
10 report the findings directly to the Secretary of State. The  
11 Secretary of State shall remove the bus driver permit from  
12 provisional status upon the applicant's successful completion  
13 of the Federal Bureau of Investigation's criminal background  
14 investigation.

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

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

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

30 (2) The Secretary of State shall cancel a school  
31 bus driver permit when he or she receives notice that the  
32 permit holder fails to comply with any provision of this  
33 Section or any rule promulgated for the administration of  
34 this Section.

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

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

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

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

1 contractor who violates a provision of this Section is  
2 subject to the 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  
5 until their expiration date unless otherwise invalidated.

6 (Source: P.A. 91-500, eff. 8-13-99; 92-703, eff. 7-19-02.)