



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

from Ch. 95 1/2, par. 6-106.1

Amends the Illinois Vehicle Code. Provides that an applicant for a school bus driver permit must be tested for any condition that might cause the applicant to have seizures. Provides that the applicant must affirm under penalties of perjury that he or she does not have such a condition. Provides that an applicant with a condition that might cause seizures, or an applicant who fails or refuses to make the required affirmation, shall be denied a school bus driver permit.

LRB093 16051 DRH 41677 b

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

1 the Department of State Police and the Federal Bureau of
2 Investigation to process fingerprint based criminal background
3 investigations. All fees paid for fingerprint processing
4 services under this Section shall be deposited into the State
5 Police Services Fund for the cost incurred in processing the
6 fingerprint based criminal background investigations. All
7 other fees paid under this Section shall be deposited into the
8 Road Fund for the purpose of defraying the costs of the
9 Secretary of State in administering this Section. All
10 applicants must:

11 1. be 21 years of age or older;

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

14 3. possess a valid driver's license, which has not been
15 revoked, suspended, or canceled for 3 years immediately
16 prior to the date of application, or have not had his or
17 her commercial motor vehicle driving privileges
18 disqualified within the 3 years immediately prior to the
19 date of application;

20 4. successfully pass a written test, administered by
21 the Secretary of State, on school bus operation, school bus
22 safety, and special traffic laws relating to school buses
23 and submit to a review of the applicant's driving habits by
24 the Secretary of State at the time the written test is
25 given;

26 5. demonstrate ability to exercise reasonable care in
27 the operation of school buses in accordance with rules
28 promulgated by the Secretary of State;

29 6. demonstrate physical fitness to operate school
30 buses by submitting the results of a medical examination,
31 including tests for drug use for each applicant not subject
32 to such testing pursuant to federal law, conducted by a
33 licensed physician, an advanced practice nurse who has a
34 written collaborative agreement with a collaborating
35 physician which authorizes him or her to perform medical
36 examinations, or a physician assistant who has been

1 delegated the performance of medical examinations by his or
2 her supervising physician within 90 days of the date of
3 application according to standards promulgated by the
4 Secretary of State;

5 6.1. undergo testing for any condition that might cause
6 the person to have seizures, conducted by a licensed
7 physician, an advanced practice nurse who has a written
8 collaborative agreement with a collaborating physician
9 which authorizes him or her to perform medical
10 examinations, or a physician assistant who has been
11 delegated the performance of medical examinations by his or
12 her supervising physician within 90 days of the date of
13 application according to standards promulgated by the
14 Secretary of State, and must affirm, under penalties of
15 perjury, that he or she does not have such a condition;

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

19 8. have completed an initial classroom course,
20 including first aid procedures, in school bus driver safety
21 as promulgated by the Secretary of State; and after
22 satisfactory completion of said initial course an annual
23 refresher course; such courses and the agency or
24 organization conducting such courses shall be approved by
25 the Secretary of State; failure to complete the annual
26 refresher course, shall result in cancellation of the
27 permit until such course is completed;

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

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

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

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

33 13. not have, through the unlawful operation of a motor
34 vehicle, caused an accident resulting in the death of any
35 person; and

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

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

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

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

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

28 (e) Permits shall initially be provisional upon receiving
29 certification from the employer that all pre-employment
30 conditions have been successfully completed, and upon
31 successful completion of all training and examination
32 requirements for the classification of the vehicle to be
33 operated, the Secretary of State shall provisionally issue a
34 School Bus Driver Permit. The permit shall remain in a
35 provisional status pending the completion of the Federal Bureau
36 of Investigation's criminal background investigation based

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

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

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

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

22 (2) The Secretary of State shall cancel a school bus
23 driver permit when he or she receives notice that the
24 permit holder fails to comply with any provision of this
25 Section or any rule promulgated for the administration of
26 this Section.

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

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

36 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon
2 receiving notice that the holder has failed to obtain a
3 negative result on a drug test as required in item 6 of
4 subsection (a) of this Section or under federal law.

5 The Secretary of State shall notify the State
6 Superintendent of Education and the permit holder's
7 prospective or current employer that the applicant has (1) has
8 failed a criminal background investigation or (2) is no longer
9 eligible for a school bus driver permit; and of the related
10 cancellation of the applicant's provisional school bus driver
11 permit. The cancellation shall remain in effect pending the
12 outcome of a hearing pursuant to Section 2-118 of this Code.
13 The scope of the hearing shall be limited to the issuance
14 criteria contained in subsection (a) of this Section. A
15 petition requesting a hearing shall be submitted to the
16 Secretary of State and shall contain the reason the individual
17 feels he or she is entitled to a school bus driver permit. The
18 permit holder's employer shall notify in writing to the
19 Secretary of State that the employer has certified the removal
20 of the offending school bus driver from service prior to the
21 start of that school bus driver's next workshift. An employing
22 school board that fails to remove the offending school bus
23 driver from service is subject to the penalties defined in
24 Section 3-14.23 of the School Code. A school bus contractor who
25 violates a provision of this Section is subject to the
26 penalties defined in Section 6-106.11.

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

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