



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning school bus driver permits.

LRB093 17456 DRH 43122 b

1 AN ACT in regard to 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 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 ensure ~~insure~~ the welfare and safety of children who are  
12 transported on school buses throughout the State of Illinois.  
13 Applicants shall obtain the proper application required by the  
14 Secretary of State from their prospective or current employer  
15 and submit the completed application to the prospective or  
16 current employer along with the necessary fingerprint  
17 submission as required by the Department of State Police to  
18 conduct fingerprint based criminal background checks on  
19 current and future information available in the state system  
20 and current 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 7. affirm under penalties of perjury that he or she has  
6 not made a false statement or knowingly concealed a  
7 material fact in any application for permit;

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

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

22 10. not have been convicted of reckless driving,  
23 driving while intoxicated, or reckless homicide resulting  
24 from the operation of a motor vehicle within 3 years of the  
25 date of application;

26 11. not have been convicted of committing or attempting  
27 to commit any one or more of the following offenses: (i)  
28 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
29 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
30 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
31 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
32 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
33 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
34 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
35 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
36 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and

1 33A-2, and in subsection (a) and subsection (b), clause  
2 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
3 those offenses defined in the Cannabis Control Act except  
4 those offenses defined in subsections (a) and (b) of  
5 Section 4, and subsection (a) of Section 5 of the Cannabis  
6 Control Act; (iii) those offenses defined in the Illinois  
7 Controlled Substances Act; (iv) any offense committed or  
8 attempted in any other state or against the laws of the  
9 United States, which if committed or attempted in this  
10 State would be punishable as one or more of the foregoing  
11 offenses; (v) the offenses defined in Section 4.1 and 5.1  
12 of the Wrongs to Children Act and (vi) those offenses  
13 defined in Section 6-16 of the Liquor Control Act of 1934;

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

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

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

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

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

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

17 (e) Permits shall initially be provisional upon receiving  
18 certification from the employer that all pre-employment  
19 conditions have been successfully completed, and upon  
20 successful completion of all training and examination  
21 requirements for the classification of the vehicle to be  
22 operated, the Secretary of State shall provisionally issue a  
23 School Bus Driver Permit. The permit shall remain in a  
24 provisional status pending the completion of the Federal Bureau  
25 of Investigation's criminal background investigation based  
26 upon fingerprinting specimens submitted to the Federal Bureau  
27 of Investigation by the Department of State Police. The Federal  
28 Bureau of Investigation shall report the findings directly to  
29 the Secretary of State. The Secretary of State shall remove the  
30 bus driver permit from provisional status upon the applicant's  
31 successful completion of the Federal Bureau of Investigation's  
32 criminal background investigation.

33 (f) A school bus driver permit holder shall notify the  
34 employer and the Secretary of State if he or she is convicted  
35 in another state of an offense that would make him or her  
36 ineligible for a permit under subsection (a) of this Section.

1 The written notification shall be made within 5 days of the  
2 entry of the conviction. Failure of the permit holder to  
3 provide the notification is punishable as a petty offense for a  
4 first violation and a Class B misdemeanor for a second or  
5 subsequent violation.

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

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

11 (2) The Secretary of State shall cancel a school bus  
12 driver permit when he or she receives notice that the  
13 permit holder fails to comply with any provision of this  
14 Section or any rule promulgated for the administration of  
15 this Section.

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

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

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

30 The Secretary of State shall notify the State  
31 Superintendent of Education and the permit holder's  
32 prospective or current employer that the applicant has (1) has  
33 failed a criminal background investigation or (2) is no longer  
34 eligible for a school bus driver permit; and of the related  
35 cancellation of the applicant's provisional school bus driver  
36 permit. The cancellation shall remain in effect pending the

1 outcome of a hearing pursuant to Section 2-118 of this Code.  
2 The scope of the hearing shall be limited to the issuance  
3 criteria contained in subsection (a) of this Section. A  
4 petition requesting a hearing shall be submitted to the  
5 Secretary of State and shall contain the reason the individual  
6 feels he or she is entitled to a school bus driver permit. The  
7 permit holder's employer shall notify in writing to the  
8 Secretary of State that the employer has certified the removal  
9 of the offending school bus driver from service prior to the  
10 start of that school bus driver's next workshift. An employing  
11 school board that fails to remove the offending school bus  
12 driver from service is subject to the penalties defined in  
13 Section 3-14.23 of the School Code. A school bus contractor who  
14 violates a provision of this Section is subject to the  
15 penalties defined in Section 6-106.11.

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

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