

**SB0943**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0943**

Introduced 2/6/2009, by Sen. John J. Cullerton

**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.

LRB096 07055 AJT 17141 b

**A BILL FOR**

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 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 ~~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 checks  
19 on 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

1 submitting proof of successful completion of the annual  
2 refresher course. Individuals who on the effective date of this  
3 Act possess a valid school bus driver permit that has been  
4 previously issued by the appropriate Regional School  
5 Superintendent are not subject to the fingerprinting  
6 provisions of this Section as long as the permit remains valid  
7 and does not lapse. The applicant shall be required to pay all  
8 related application and fingerprinting fees as established by  
9 rule including, but not limited to, the amounts established by  
10 the Department of State Police and the Federal Bureau of  
11 Investigation to process fingerprint based criminal background  
12 investigations. All fees paid for fingerprint processing  
13 services under this Section shall be deposited into the State  
14 Police Services Fund for the cost incurred in processing the  
15 fingerprint based criminal background investigations. All  
16 other fees paid under this Section shall be deposited into the  
17 Road Fund for the purpose of defraying the costs of the  
18 Secretary of State in administering this Section. All  
19 applicants must:

20 1. be 21 years of age or older;

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

23 3. possess a valid driver's license, which has not been  
24 revoked, suspended, or canceled for 3 years immediately  
25 prior to the date of application, or have not had his or  
26 her commercial motor vehicle driving privileges

1           disqualified within the 3 years immediately prior to the  
2           date of application;

3           4. successfully pass a written test, administered by  
4           the Secretary of State, on school bus operation, school bus  
5           safety, and special traffic laws relating to school buses  
6           and submit to a review of the applicant's driving habits by  
7           the Secretary of State at the time the written test is  
8           given;

9           5. demonstrate ability to exercise reasonable care in  
10          the operation of school buses in accordance with rules  
11          promulgated by the Secretary of State;

12          6. demonstrate physical fitness to operate school  
13          buses by submitting the results of a medical examination,  
14          including tests for drug use for each applicant not subject  
15          to such testing pursuant to federal law, conducted by a  
16          licensed physician, an advanced practice nurse who has a  
17          written collaborative agreement with a collaborating  
18          physician which authorizes him or her to perform medical  
19          examinations, or a physician assistant who has been  
20          delegated the performance of medical examinations by his or  
21          her supervising physician within 90 days of the date of  
22          application according to standards promulgated by the  
23          Secretary of State;

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

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

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

15           10. not have been convicted of reckless driving,  
16 driving while intoxicated, or reckless homicide resulting  
17 from the operation of a motor vehicle within 3 years of the  
18 date of application;

19           11. not have been convicted of committing or attempting  
20 to commit any one or more of the following offenses: (i)  
21 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
22 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
23 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
24 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
25 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
26 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,

1 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
2 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
3 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
4 33A-2, and in subsection (a) and subsection (b), clause  
5 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
6 those offenses defined in the Cannabis Control Act except  
7 those offenses defined in subsections (a) and (b) of  
8 Section 4, and subsection (a) of Section 5 of the Cannabis  
9 Control Act; (iii) those offenses defined in the Illinois  
10 Controlled Substances Act; (iv) those offenses defined in  
11 the Methamphetamine Control and Community Protection Act;  
12 (v) any offense committed or attempted in any other state  
13 or against the laws of the United States, which if  
14 committed or attempted in this State would be punishable as  
15 one or more of the foregoing offenses; (vi) the offenses  
16 defined in Section 4.1 and 5.1 of the Wrongs to Children  
17 Act and (vii) those offenses defined in Section 6-16 of the  
18 Liquor Control Act of 1934;

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

1           13. not have, through the unlawful operation of a motor  
2           vehicle, caused an accident resulting in the death of any  
3           person; and

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

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

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

17          (d) The employer shall be responsible for conducting a  
18          pre-employment interview with prospective school bus driver  
19          candidates, distributing school bus driver applications and  
20          medical forms to be completed by the applicant, and submitting  
21          the applicant's fingerprint cards to the Department of State  
22          Police that are required for the criminal background  
23          investigations. The employer shall certify in writing to the  
24          Secretary of State that all pre-employment conditions have been  
25          successfully completed including the successful completion of  
26          an Illinois specific criminal background investigation through

1 the Department of State Police and the submission of necessary  
2 fingerprints to the Federal Bureau of Investigation for  
3 criminal history information available through the Federal  
4 Bureau of Investigation system. The applicant shall present the  
5 certification to the Secretary of State at the time of  
6 submitting the school bus driver permit application.

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

23 (f) A school bus driver permit holder shall notify the  
24 employer and the Secretary of State if he or she is convicted  
25 in another state of an offense that would make him or her  
26 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

1 receiving notice that the holder has failed to obtain a  
2 negative result on a drug test as required in item 6 of  
3 subsection (a) of this Section or under federal law.

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

26 All valid school bus driver permits issued under this

1 Section prior to January 1, 1995, shall remain effective until  
2 their expiration date unless otherwise invalidated.

3 (Source: P.A. 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)