



Rep. Lisa M. Dugan

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LRB097 05336 HEP 51734 a

1 AMENDMENT TO HOUSE BILL 147

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 147 by replacing  
3 everything after the enacting clause with the following:

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

7 (625 ILCS 5/6-106.1)

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

9 (a) The Secretary of State shall issue a school bus driver  
10 permit to those applicants who have met all the requirements of  
11 the application and screening process under this Section to  
12 insure the welfare and safety of children who are transported  
13 on school buses throughout the State of Illinois. Applicants  
14 shall obtain the proper application required by the Secretary  
15 of State from their prospective or current employer and submit  
16 the completed application to the prospective or current

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

1 applicants must:

2 1. be 21 years of age or older;

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

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

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

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

20 6. demonstrate physical fitness to operate school  
21 buses by submitting the results of a medical examination,  
22 including tests for drug use for each applicant not subject  
23 to such testing pursuant to federal law, conducted by a  
24 licensed physician, an advanced practice nurse who has a  
25 written collaborative agreement with a collaborating  
26 physician which authorizes him or her to perform medical

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

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

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

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

23 10. not have been convicted of reckless driving,  
24 aggravated reckless driving, driving while under the  
25 influence of alcohol, other drug or drugs, intoxicating  
26 compound or compounds or any combination thereof, or

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

3 11. not have been convicted of committing or attempting  
4 to commit any one or more of the following offenses: (i)  
5 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
6 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
7 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
8 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,  
9 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
10 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
11 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
12 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
13 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,  
14 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
15 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
16 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
17 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
18 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
19 Section 8-1, and in subsection (a) and subsection (b),  
20 clause (1), of Section 12-4, and in subsection (A), clauses  
21 (a) and (b), of Section 24-3, and those offenses contained  
22 in Article 29D of the Criminal Code of 1961; (ii) those  
23 offenses defined in the Cannabis Control Act except those  
24 offenses defined in subsections (a) and (b) of Section 4,  
25 and subsection (a) of Section 5 of the Cannabis Control  
26 Act; (iii) those offenses defined in the Illinois

1 Controlled Substances Act; (iv) those offenses defined in  
2 the Methamphetamine Control and Community Protection Act;  
3 (v) any offense committed or attempted in any other state  
4 or against the laws of the United States, which if  
5 committed or attempted in this State would be punishable as  
6 one or more of the foregoing offenses; (vi) the offenses  
7 defined in Section 4.1 and 5.1 of the Wrongs to Children  
8 Act; (vii) those offenses defined in Section 6-16 of the  
9 Liquor Control Act of 1934; and (viii) those offenses  
10 defined in the Methamphetamine Precursor Control Act; and -

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

19 13. not have, through the unlawful operation of a motor  
20 vehicle, caused an accident resulting in the death of any  
21 person; ~~and~~

22 14. not have, within the last 5 years, been adjudged to  
23 be afflicted with or suffering from any mental disability  
24 or disease; and -

25 15. consent, in writing, to the release of results of  
26 reasonable suspicion drug and alcohol testing under

1       Section 6-106.1c of this Code by the employer of the  
2       applicant to the Secretary of State.

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, legal name, residence address, zip  
9 code, social security number and date of birth, a brief  
10 description of the holder and a space for signature. The  
11 Secretary of State may require a suitable photograph of the  
12 holder.

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

1 certification to the Secretary of State at the time of  
2 submitting the school bus driver permit application.

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

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



1 subsequent violation.

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

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

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

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

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

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

26 (6) The Secretary of State shall suspend a school bus

1 driver permit for a period of 3 years upon receiving notice  
2 from the employer that the holder failed to perform the  
3 inspection procedure set forth in subsection (a) or (b) of  
4 Section 12-816 of this Code.

5 (7) The Secretary of State shall suspend a school bus  
6 driver permit for a period of 3 years upon receiving notice  
7 from the employer that the holder refused to submit to an  
8 alcohol or drug test as required by Section 6-106.1c or has  
9 submitted to a test required by that Section which  
10 disclosed an alcohol concentration of more than 0.00, any  
11 amount of cannabis as covered by the Cannabis Control Act,  
12 a controlled substance listed in the Illinois Controlled  
13 Substances Act, methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act, or  
15 any intoxicating compound listed in the Use of Intoxicating  
16 Compounds Act.

17 The Secretary of State shall notify the State  
18 Superintendent of Education and the permit holder's  
19 prospective or current employer that the applicant has (1) has  
20 failed a criminal background investigation or (2) is no longer  
21 eligible for a school bus driver permit; and of the related  
22 cancellation of the applicant's provisional school bus driver  
23 permit. The cancellation shall remain in effect pending the  
24 outcome of a hearing pursuant to Section 2-118 of this Code.  
25 The scope of the hearing shall be limited to the issuance  
26 criteria contained in subsection (a) of this Section. A

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

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

16 (h) When a school bus driver permit holder who is a service  
17 member is called to active duty, the employer of the permit  
18 holder shall notify the Secretary of State, within 30 days of  
19 notification from the permit holder, that the permit holder has  
20 been called to active duty. Upon notification pursuant to this  
21 subsection, (i) the Secretary of State shall characterize the  
22 permit as inactive until a permit holder renews the permit as  
23 provided in subsection (i) of this Section, and (ii) if a  
24 permit holder fails to comply with the requirements of this  
25 Section while called to active duty, the Secretary of State  
26 shall not characterize the permit as invalid.

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

6 (j) For purposes of subsections (h) and (i) of this  
7 Section:

8 "Active duty" means active duty pursuant to an executive  
9 order of the President of the United States, an act of the  
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or  
12 reserve forces of the United States or a member of the Illinois  
13 National Guard.

14 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
15 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
16 7-22-10; revised 9-2-10.)

17 (625 ILCS 5/6-106.1c new)

18 Sec. 6-106.1c. Reasonable suspicion drug and alcohol  
19 testing of school bus driver permit holders.

20 (a) An employer of a school bus driver permit holder who  
21 holds a commercial driver's license and who works for the  
22 employer as a school bus driver and is therefore subject to 49  
23 CFR 382.307 shall notify the Secretary of State, in a manner  
24 and form prescribed by the Secretary, of the result of a  
25 reasonable suspicion test when: (i) the test indicates an

1 alcohol concentration greater than 0.00; (ii) the test  
2 discloses any amount of drugs; or (iii) when a driver refuses  
3 testing. The notification to the Secretary must be submitted  
4 within 48 hours of the refusal of testing or the employer's  
5 receipt of the test results.

6 (b) Employers of school bus driver permit holders who do  
7 not hold commercial driver's licenses and school bus driver  
8 permit holders who do not hold commercial driver's licenses are  
9 hereby made subject to 49 CFR 382.307 regarding reasonable  
10 suspicion testing, which must be done in conformance with 49  
11 CFR Parts 40 and 382, except that the test results shall not be  
12 reported to the employer utilizing the Federal Drug Testing  
13 Custody and Control Form or the U.S. Department of  
14 Transportation Alcohol Testing Form, but shall be reported to  
15 the employer in a manner and form approved by the Secretary.  
16 The employer shall notify the Secretary, in a manner and form  
17 prescribed by the Secretary, of the result of a reasonable  
18 suspicion test when: (i) the test indicates an alcohol  
19 concentration greater than 0.00; (ii) the test discloses any  
20 amount of drugs; or (iii) when a driver refuses testing. The  
21 notification to the Secretary must be submitted within 48 hours  
22 of the refusal of testing or the employer's receipt of the test  
23 results.

24 (c) The Secretary of State may adopt rules to implement  
25 this Section.

1           Section 99. Effective date. This Act takes effect January  
2    1, 2012.".