

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Section 6-106.1.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Section 6-106.1 as follows:

7 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)
8 Sec. 6-106.1. School bus driver permit.

9 (a) The Secretary of State shall issue a school bus
10 driver permit to those applicants who have met all the
11 requirements of the application and screening process under
12 this Section to insure the welfare and safety of children who
13 are transported on school buses throughout the State of
14 Illinois. Applicants shall obtain the proper application
15 required by the Secretary of State from their prospective or
16 current employer and submit the completed application to the
17 prospective or current employer along with the necessary
18 fingerprint submission as required by the Department of State
19 Police to conduct fingerprint based criminal background
20 checks on current and future information available in the
21 state system and current information available through the
22 Federal Bureau of Investigation's system. Applicants who
23 have completed the fingerprinting requirements shall not be
24 subjected to the fingerprinting process when applying for
25 subsequent permits or submitting proof of successful
26 completion of the annual refresher course. Individuals who
27 on the effective date of this amendatory Act of the 92nd
28 General Assembly possess a valid school bus driver permit
29 that has been previously issued by the appropriate Regional
30 School Superintendent are ~~not~~ subject to the fingerprinting
31 provisions of this Section. The fingerprinting requirements

1 for these individuals must be completed by January 1, 2002.
2 as-long-as-the-permit-remains-valid-and-does-not-lapse.

3 Both State and federal fingerprint cards of individuals
4 seeking permits as school bus drivers shall be transmitted to
5 the Department of State Police for processing and storage of
6 the fingerprint cards. Applicants shall be electronically
7 fingerprinted by a sheriff's department or by an agent of the
8 Department of State Police or other State agency providing
9 electronic fingerprint services in a form and manner
10 prescribed by the Department of State Police and the
11 Secretary of State through written agreement. The applicant
12 shall be required to pay all related fees as established by
13 rule, including but not limited to the electronic
14 fingerprinting service fee and the fees established by the
15 Department of State Police and Federal Bureau of
16 Investigation for processing fingerprint based criminal
17 history background investigations. However, those school bus
18 drivers required to undergo fingerprinting-based criminal
19 background investigations, required by this amendatory Act of
20 the 92nd General Assembly, shall not be required to pay the
21 fingerprinting fees. Subject to appropriation, the State
22 Board of Education shall reimburse schools for the cost of
23 the fingerprinting fees. All fingerprinting fees shall be
24 paid by the school district. Both those districts that
25 contract for school bus service and those districts that
26 operate their own school buses shall be eligible for
27 reimbursement. Fees associated with electronic fingerprinting
28 shall be retained by the sheriff's department if it performed
29 the fingerprinting service or deposited in the State Police
30 Services Fund if an agent of the State performed the
31 electronic fingerprinting service.

32 The applicant shall be required to pay all related
33 application and--fingerprinting fees as established by rule.
34 including,7-but-not-limited-to,7-the-amounts-established-by-the

1 Department--of--State--Police--and--the--Federal--Bureau---of
2 Investigation---to---process---fingerprint---based---criminal
3 background--investigations;--All--fees--paid--for--fingerprint
4 processing-services-under-this--Section--shall--be--deposited
5 into--the-State-Police-Services-Fund-for-the-cost-incurred-in
6 processing--the---fingerprint---based---criminal---background
7 investigations; All other fees paid under this Section shall
8 be deposited into the Road Fund for the purpose of defraying
9 the costs of the Secretary of State in administering this
10 Section. All 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
15 been revoked, suspended, or canceled for 3 years
16 immediately prior to the date of application, or have not
17 had his or her commercial motor vehicle driving
18 privileges disqualified within the 3 years immediately
19 prior to the date of application;
- 20 4. successfully pass a written test, administered
21 by the Secretary of State, on school bus operation,
22 school bus safety, and special traffic laws relating to
23 school buses and submit to a review of the applicant's
24 driving habits by the Secretary of State at the time the
25 written test is given;
- 26 5. demonstrate ability to exercise reasonable care
27 in 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
32 subject to such testing pursuant to federal law,
33 conducted by a licensed physician within 90 days of the
34 date of application according to standards promulgated by

1 the Secretary of State;

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

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

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

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

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

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

14 12. not have been repeatedly involved as a driver
15 in motor vehicle collisions or been repeatedly convicted
16 of 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
23 motor vehicle, caused an accident resulting in the death
24 of any person; and

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

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

32 (c) A school bus driver permit shall contain the
33 holder's driver's license number, name, address, zip code,
34 social security number and date of birth, a brief description

1 of the holder and a space for signature. The Secretary of
2 State may require a suitable photograph of the holder.

3 (d) The employer shall be responsible for conducting a
4 pre-employment interview with prospective school bus driver
5 candidates, distributing school bus driver applications and
6 medical forms to be completed by the applicant, and having
7 the applicant electronically fingerprinted by a sheriff's
8 department or an agent of the Department of State Police or
9 other State agency and insuring electronic transmission
10 submitting---the---applicant's---fingerprint---cards to the
11 Department of State Police in a form and manner prescribed by
12 the Department of State Police and the Secretary of State
13 through written agreement as that--are required for the
14 criminal background investigations. The employer shall
15 certify in writing to the Secretary of State that all
16 pre-employment conditions have been successfully completed
17 including the successful completion of an Illinois specific
18 criminal background investigation through the Department of
19 State Police and the submission of necessary fingerprints to
20 the Federal Bureau of Investigation for criminal history
21 information available through the Federal Bureau of
22 Investigation system. The applicant shall present the
23 certification to the Secretary of State at the time of
24 submitting the school bus driver permit application.

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

1 to the Federal Bureau of Investigation by the Department of
2 State Police. The Federal Bureau of Investigation shall
3 report the findings directly to the Secretary of State. The
4 Secretary of State shall remove the bus driver permit from
5 provisional status upon the applicant's successful completion
6 of the Federal Bureau of Investigation's criminal background
7 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
15 a 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
19 bus driver permit of an applicant whose criminal
20 background investigation discloses that he or she is not
21 in compliance with the provisions of subsection (a) of
22 this Section.

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

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

32 (4) The Secretary of State may not issue a school
33 bus driver permit for a period of 3 years to an applicant
34 who fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

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

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

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

33 (Source: P.A. 90-191, eff. 1-1-98; 91-500, eff. 8-13-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.