

1 AN ACT concerning medical examinations.

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

4 Section 5. The School Code is amended by changing
5 Section 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the
9 Department of Public Health shall promulgate, and except as
10 hereinafter provided, all children in Illinois shall have a
11 health examination as follows: within one year prior to
12 entering kindergarten or the first grade of any public,
13 private, or parochial elementary school; upon entering the
14 fifth and ninth grades of any public, private, or parochial
15 school; prior to entrance into any public, private, or
16 parochial nursery school; and, irrespective of grade,
17 immediately prior to or upon entrance into any public,
18 private, or parochial school or nursery school, each child
19 shall present proof of having been examined in accordance
20 with this Section and the rules and regulations promulgated
21 hereunder.

22 A tuberculosis skin test screening shall be included as a
23 required part of each health examination included under this
24 Section if the child resides in an area designated by the
25 Department of Public Health as having a high incidence of
26 tuberculosis. Additional health examinations of pupils,
27 including dental and vision examinations, may be required
28 when deemed necessary by school authorities. Parents are
29 encouraged to have their children undergo dental examinations
30 at the same points in time required for health examinations.

31 (2) The Department of Public Health shall promulgate

1 rules and regulations specifying the examinations and
2 procedures that constitute a health examination and may
3 recommend by rule that certain additional examinations be
4 performed. The rules and regulations of the Department of
5 Public Health shall specify that a tuberculosis skin test
6 screening shall be included as a required part of each health
7 examination included under this Section if the child resides
8 in an area designated by the Department of Public Health as
9 having a high incidence of tuberculosis.

10 Physicians licensed to practice medicine in all of its
11 branches, advanced practice nurses who have a written
12 collaborative agreement with a collaborating physician which
13 authorizes them to perform health examinations, or physician
14 assistants who have been delegated the performance of health
15 examinations by their supervising physician shall be
16 responsible for the performance of the health examinations,
17 other than dental examinations and vision and hearing
18 screening, and shall sign all report forms required by
19 subsection (4) of this Section that pertain to those portions
20 of the health examination for which the physician, advanced
21 practice nurse, or physician assistant is responsible. If a
22 registered nurse performs any part of a health examination,
23 then a physician licensed to practice medicine in all of its
24 branches must review and sign all required report forms.
25 Licensed dentists shall perform all dental examinations and
26 shall sign all report forms required by subsection (4) of
27 this Section that pertain to the dental examinations.
28 Physicians licensed to practice medicine in all its branches,
29 or licensed optometrists, shall perform all vision exams
30 required by school authorities and shall sign all report
31 forms required by subsection (4) of this Section that pertain
32 to the vision exam. Vision and hearing screening tests,
33 which shall not be considered examinations as that term is
34 used in this Section, shall be conducted in accordance with

1 rules and regulations of the Department of Public Health, and
2 by individuals whom the Department of Public Health has
3 certified.

4 (3) Every child shall, at or about the same time as he
5 or she receives a health examination required by subsection
6 (1) of this Section, present to the local school proof of
7 having received such immunizations against preventable
8 communicable diseases as the Department of Public Health
9 shall require by rules and regulations promulgated pursuant
10 to this Section and the Communicable Disease Prevention Act.

11 (4) The individuals conducting the health examination
12 shall record the fact of having conducted the examination,
13 and such additional information as required, on uniform forms
14 which the Department of Public Health and the State Board of
15 Education shall prescribe for statewide use. The examiner
16 shall summarize on the report form any condition that he or
17 she suspects indicates a need for special services. The
18 individuals confirming the administration of required
19 immunizations shall record as indicated on the form that the
20 immunizations were administered.

21 (5) If a child does not submit proof of having had
22 either the health examination or the immunization as
23 required, then the child shall be examined or receive the
24 immunization, as the case may be, and present proof by
25 October 15 of the current school year, or by an earlier date
26 of the current school year established by a school district.
27 To establish a date before October 15 of the current school
28 year for the health examination or immunization as required,
29 a school district must give notice of the requirements of
30 this Section 60 days prior to the earlier established date.
31 If for medical reasons one or more of the required
32 immunizations must be given after October 15 of the current
33 school year, or after an earlier established date of the
34 current school year, then the child shall present, by October

1 15, or by the earlier established date, a schedule for the
2 administration of the immunizations and a statement of the
3 medical reasons causing the delay, both the schedule and the
4 statement being issued by the physician, advanced practice
5 nurse, physician assistant, registered nurse, or local health
6 department that will be responsible for administration of the
7 remaining required immunizations. If a child does not comply
8 by October 15, or by the earlier established date of the
9 current school year, with the requirements of this
10 subsection, then the local school authority shall exclude
11 that child from school until such time as the child presents
12 proof of having had the health examination as required and
13 presents proof of having received those required
14 immunizations which are medically possible to receive
15 immediately. During a child's exclusion from school for
16 noncompliance with this subsection, the child's parents or
17 legal guardian shall be considered in violation of Section
18 26-1 and subject to any penalty imposed by Section 26-10.

19 (6) Every school shall report to the State Board of
20 Education by November 15, in the manner which that agency
21 shall require, the number of children who have received the
22 necessary immunizations and the health examination as
23 required, indicating, of those who have not received the
24 immunizations and examination as required, the number of
25 children who are exempt from health examination and
26 immunization requirements on religious or medical grounds as
27 provided in subsection (8). This reported information shall
28 be provided to the Department of Public Health by the State
29 Board of Education.

30 (7) Upon determining that the number of pupils who are
31 required to be in compliance with subsection (5) of this
32 Section is below 90% of the number of pupils enrolled in the
33 school district, 10% of each State aid payment made pursuant
34 to Section 18-8 to the school district for such year shall be

1 withheld by the regional superintendent until the number of
2 students in compliance with subsection (5) is the applicable
3 specified percentage or higher.

4 (8) Parents or legal guardians who object to health
5 examinations or any part thereof, or to immunizations, on
6 religious grounds shall not be required to submit their
7 children or wards to the examinations or immunizations to
8 which they so object if such parents or legal guardians
9 present to the appropriate local school authority a signed
10 statement of objection, detailing the grounds for the
11 objection. If the physical condition of the child is such
12 that any one or more of the immunizing agents should not be
13 administered, the examining physician, advanced practice
14 nurse, or physician assistant responsible for the performance
15 of the health examination shall endorse that fact upon the
16 health examination form. Exempting a child from the health
17 examination does not exempt the child from participation in
18 the program of physical education training provided in
19 Sections 27-5 through 27-7 of this Code.

20 (9) For the purposes of this Section, "nursery schools"
21 means those nursery schools operated by elementary school
22 systems or secondary level school units or institutions of
23 higher learning.

24 (Source: P.A. 91-357, eff. 7-29-99.)

25 Section 10. The Illinois Vehicle Code is amended by
26 changing Sections 6-106.1, 6-901, and 18b-105 as follows:

27 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

29 (a) The Secretary of State shall issue a school bus
30 driver permit to those applicants who have met all the
31 requirements of the application and screening process under
32 this Section to insure the welfare and safety of children who

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

- 32 1. be 21 years of age or older;
- 33 2. possess a valid and properly classified driver's
34 license issued by the Secretary of State;

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

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

13 5. demonstrate ability to exercise reasonable care
14 in the operation of school buses in accordance with rules
15 promulgated by the Secretary of State;

16 6. demonstrate physical fitness to operate school
17 buses by submitting the results of a medical examination,
18 including tests for drug use for each applicant not
19 subject to such testing pursuant to federal law,
20 conducted by a licensed physician, an advanced practice
21 nurse who has a written collaborative agreement with a
22 collaborating physician which authorizes him or her to
23 perform medical examinations, or a physician assistant
24 who has been delegated the performance of medical
25 examinations by his or her supervising physician within
26 90 days of the date of application according to standards
27 promulgated by the Secretary of State;

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

31 8. have completed an initial classroom course,
32 including first aid procedures, in school bus driver
33 safety as promulgated by the Secretary of State; and
34 after satisfactory completion of said initial course an

1 annual refresher course; such courses and the agency or
2 organization conducting such courses shall be approved by
3 the Secretary of State; failure to complete the annual
4 refresher course, shall result in cancellation of the
5 permit until such course is completed;

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

11 10. not have been convicted of reckless driving,
12 driving while intoxicated, or reckless homicide resulting
13 from the operation of a motor vehicle within 3 years of
14 the date of application;

15 11. not have been convicted of committing or
16 attempting to commit any one or more of the following
17 offenses: (i) those offenses defined in Sections 9-1,
18 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
19 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
20 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
21 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
22 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
23 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
24 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
25 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
26 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
27 subsection (b), clause (1), of Section 12-4 of the
28 Criminal Code of 1961; (ii) those offenses defined in the
29 Cannabis Control Act except those offenses defined in
30 subsections (a) and (b) of Section 4, and subsection (a)
31 of Section 5 of the Cannabis Control Act; (iii) those
32 offenses defined in the Illinois Controlled Substances
33 Act; (iv) any offense committed or attempted in any other
34 state or against the laws of the United States, which if

1 committed or attempted in this State would be punishable
2 as one or more of the foregoing offenses; (v) the
3 offenses defined in Section 4.1 and 5.1 of the Wrongs to
4 Children Act and (vi) those offenses defined in Section
5 6-16 of the Liquor Control Act of 1934;

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

14 13. not have, through the unlawful operation of a
15 motor vehicle, caused an accident resulting in the death
16 of any person; and

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

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

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

29 (d) The employer shall be responsible for conducting a
30 pre-employment interview with prospective school bus driver
31 candidates, distributing school bus driver applications and
32 medical forms to be completed by the applicant, and
33 submitting the applicant's fingerprint cards to the
34 Department of State Police that are required for the criminal

1 background investigations. The employer shall certify in
2 writing to the Secretary of State that all pre-employment
3 conditions have been successfully completed including the
4 successful completion of an Illinois specific criminal
5 background investigation through the Department of State
6 Police and the submission of necessary fingerprints to the
7 Federal Bureau of Investigation for criminal history
8 information available through the Federal Bureau of
9 Investigation system. The applicant shall present the
10 certification to the Secretary of State at the time of
11 submitting the school bus driver permit application.

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

29 (f) A school bus driver permit holder shall notify the
30 employer and the Secretary of State if he or she is convicted
31 in another state of an offense that would make him or her
32 ineligible for a permit under subsection (a) of this Section.
33 The written notification shall be made within 5 days of the
34 entry of the conviction. Failure of the permit holder to

1 provide the notification is punishable as a petty offense for
2 a first violation and a Class B misdemeanor for a second or
3 subsequent violation.

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

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

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

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

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

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

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

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

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

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

21 (625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)

22 Sec. 6-901. Definitions ~~Definition~~. For the purposes of
 23 this Article:

24 "Board" means the Driver's License Medical Advisory
 25 Board.

26 "Medical examiner" or "medical practitioner" means any
 27 person licensed to practice medicine in all its branches in
 28 the State of Illinois.

29 (Source: P.A. 90-89, eff. 1-1-98.)

30 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

31 Sec. 18b-105. Rules and Regulations.

32 (a) The Department is authorized to make and adopt

1 reasonable rules and regulations and orders consistent with
2 law necessary to carry out the provisions of this Chapter.

3 (b) The following parts of Title 49 of the Code of
4 Federal Regulations, as now in effect, are hereby adopted by
5 reference as though they were set out in full:

- 6 Part 385-Safety Fitness Procedures;
- 7 Part 390-Federal Motor Carrier Safety Regulations:
8 General;
- 9 Part 391-Qualifications of Drivers;
- 10 Part 392-Driving of Motor Vehicles;
- 11 Part 393-Parts and Accessories Necessary for Safe
12 Operation;
- 13 Part 395-Hours of Service of Drivers; and
- 14 Part 396-Inspection, Repair and Maintenance.

15 (b-5) Individuals who meet the requirements set forth in
16 the definition of "medical examiner" in Section 390.5 of Part
17 390 of Title 49 of the Code of Federal Regulations may act as
18 medical examiners in accordance with Part 391 of Title 49 of
19 the Code of Federal Regulations.

20 (c) The following parts and Sections of the Federal
21 Motor Carrier Safety Regulations shall not apply to those
22 intrastate carriers, drivers or vehicles subject to
23 subsection (b).

24 (1) Section 393.93 of Part 393 for those vehicles
25 manufactured before June 30, 1972.

26 (2) Section 393.86 of Part 393 for those vehicles
27 which are registered as farm trucks under subsection (c)
28 of Section 3-815 of The Illinois Vehicle Code.

29 (3) (Blank).

30 (4) (Blank).

31 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

32 (6) All of Part 395 for all agricultural movements
33 as defined in Chapter 1, between the period of February 1
34 through November 30 each year, and all farm to market

1 agricultural transportation as defined in Chapter 1 and
2 for grain hauling operations within a radius of 200 air
3 miles of the normal work reporting location.

4 (7) Paragraphs (b)(3) (insulin dependent diabetic)
5 and (b)(10) (minimum visual acuity) of Section 391.41 of
6 part 391, but only for any driver who immediately prior
7 to July 29, 1986 was eligible and licensed to operate a
8 motor vehicle subject to this Section and was engaged in
9 operating such vehicles, and who was disqualified on July
10 29, 1986 by the adoption of Part 391 by reason of the
11 application of paragraphs (b)(3) and (b)(10) of Section
12 391.41 with respect to a physical condition existing at
13 that time unless such driver has a record of accidents
14 which would indicate a lack of ability to operate a motor
15 vehicle in a safe manner.

16 (d) Intrastate carriers subject to the recording
17 provisions of Section 395.8 of Part 395 of the Federal Motor
18 Carrier Safety Regulations shall be exempt as established
19 under paragraph (1) of Section 395.8; provided, however, for
20 the purpose of this Code, drivers shall operate within a 150
21 air-mile radius of the normal work reporting location to
22 qualify for exempt status.

23 (e) Regulations adopted by the Department subsequent to
24 those adopted under subsection (b) hereof shall be identical
25 in substance to the Federal Motor Carrier Safety Regulations
26 of the United States Department of Transportation and adopted
27 in accordance with the procedures for rulemaking in Section
28 5-35 of the Illinois Administrative Procedure Act.

29 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;
30 90-655, eff. 7-30-98; 91-179, eff. 1-1-00.)

31 (625 ILCS 5/1-142.1a rep.)

32 Section 15. The Illinois Vehicle Code is amended by
33 repealing Section 1-142.1a.

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