



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5653

by Rep. Margo McDermed - David S. Olsen

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-6.2 new

625 ILCS 5/6-106.1

625 ILCS 5/12-821

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

Amends the School Code. Provides that a school board or an employer of a school bus driver that receives a complaint against a school bus driver from a parent or legal guardian of a school child, the school board, or a person who makes a complaint call under a provision of the Illinois Vehicle Code shall notify the Secretary of State within 30 days of the complaint. Amends the Illinois Vehicle Code. Provides that the Secretary of State may suspend a school bus driver permit for a period of 6 months after investigation of a complaint received from the employer or a school district of a permit holder. Makes conforming changes.

LRB100 15416 AXK 30404 b

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 School Code is amended by adding Section
5 29-6.2 as follows:

6 (105 ILCS 5/29-6.2 new)

7 Sec. 29-6.2. Complaint reporting requirements. A school
8 board or an employer of a school bus driver that receives a
9 complaint against a school bus driver from a parent or legal
10 guardian of a school child, the school board, or a person who
11 makes a complaint call under Section 12-821 of the Illinois
12 Vehicle Code shall notify the Secretary of State within 30 days
13 of the complaint.

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Sections 6-106.1 and 12-821 as follows:

16 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

17 (Text of Section before amendment by P.A. 100-513)

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

19 (a) The Secretary of State shall issue a school bus driver
20 permit to those applicants who have met all the requirements of
21 the application and screening process under this Section to

1 insure the welfare and safety of children who are transported
2 on school buses throughout the State of Illinois. Applicants
3 shall obtain the proper application required by the Secretary
4 of State from their prospective or current employer and submit
5 the completed application to the prospective or current
6 employer along with the necessary fingerprint submission as
7 required by the Department of State Police to conduct
8 fingerprint based criminal background checks on current and
9 future information available in the state system and current
10 information available through the Federal Bureau of
11 Investigation's system. Applicants who have completed the
12 fingerprinting requirements shall not be subjected to the
13 fingerprinting process when applying for subsequent permits or
14 submitting proof of successful completion of the annual
15 refresher course. Individuals who on July 1, 1995 (the
16 effective date of Public Act 88-612) possess a valid school bus
17 driver permit that has been previously issued by the
18 appropriate Regional School Superintendent are not subject to
19 the fingerprinting provisions of this Section as long as the
20 permit remains valid and does not lapse. The applicant shall be
21 required to pay all related application and fingerprinting fees
22 as established by rule including, but not limited to, the
23 amounts established by the Department of State Police and the
24 Federal Bureau of Investigation to process fingerprint based
25 criminal background investigations. All fees paid for
26 fingerprint processing services under this Section shall be

1 deposited into the State Police Services Fund for the cost
2 incurred in processing the fingerprint based criminal
3 background investigations. All other fees paid under this
4 Section shall be deposited into the Road Fund for the purpose
5 of defraying the costs of the Secretary of State in
6 administering this Section. All applicants must:

7 1. be 21 years of age or older;

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

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

16 4. successfully pass a written test, administered by
17 the Secretary of State, on school bus operation, school bus
18 safety, and special traffic laws relating to school buses
19 and submit to a review of the applicant's driving habits by
20 the Secretary of State at the time the written test is
21 given;

22 5. demonstrate ability to exercise reasonable care in
23 the operation of school buses in accordance with rules
24 promulgated by the Secretary of State;

25 6. demonstrate physical fitness to operate school
26 buses by submitting the results of a medical examination,

1 including tests for drug use for each applicant not subject
2 to such testing pursuant to federal law, conducted by a
3 licensed physician, a licensed advanced practice nurse, or
4 a licensed physician assistant within 90 days of the date
5 of application according to standards promulgated by the
6 Secretary of State;

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

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

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

25 10. not have been under an order of court supervision
26 for or convicted of reckless driving, aggravated reckless

1 driving, driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or
3 any combination thereof, or reckless homicide resulting
4 from the operation of a motor vehicle within 3 years of the
5 date of application;

6 11. not have been convicted of committing or attempting
7 to commit any one or more of the following offenses: (i)
8 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
9 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
10 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
12 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
13 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
14 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
15 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
16 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
17 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
18 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
19 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
20 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
21 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
22 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
23 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
24 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
25 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
26 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and

1 in subsection (a) and subsection (b), clause (1), of
2 Section 12-4, and in subsection (A), clauses (a) and (b),
3 of Section 24-3, and those offenses contained in Article
4 29D of the Criminal Code of 1961 or the Criminal Code of
5 2012; (ii) those offenses defined in the Cannabis Control
6 Act except those offenses defined in subsections (a) and
7 (b) of Section 4, and subsection (a) of Section 5 of the
8 Cannabis Control Act; (iii) those offenses defined in the
9 Illinois Controlled Substances Act; (iv) those offenses
10 defined in the Methamphetamine Control and Community
11 Protection Act; (v) any offense committed or attempted in
12 any other state or against the laws of the United States,
13 which if committed or attempted in this State would be
14 punishable as one or more of the foregoing offenses; (vi)
15 the offenses defined in Section 4.1 and 5.1 of the Wrongs
16 to Children Act or Section 11-9.1A of the Criminal Code of
17 1961 or the Criminal Code of 2012; (vii) those offenses
18 defined in Section 6-16 of the Liquor Control Act of 1934;
19 and (viii) those offenses defined in the Methamphetamine
20 Precursor Control Act;

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

1 traffic laws and the safety of other persons upon the
2 highway;

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

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

9 15. consent, in writing, to the release of results of
10 reasonable suspicion drug and alcohol testing under
11 Section 6-106.1c of this Code by the employer of the
12 applicant to the Secretary of State.

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

17 (c) A school bus driver permit shall contain the holder's
18 driver's license number, legal name, residence address, zip
19 code, and date of birth, a brief description of the holder and
20 a space for signature. The Secretary of State may require a
21 suitable photograph of the holder.

22 (d) The employer shall be responsible for conducting a
23 pre-employment interview with prospective school bus driver
24 candidates, distributing school bus driver applications and
25 medical forms to be completed by the applicant, and submitting
26 the applicant's fingerprint cards to the Department of State

1 Police that are required for the criminal background
2 investigations. The employer shall certify in writing to the
3 Secretary of State that all pre-employment conditions have been
4 successfully completed including the successful completion of
5 an Illinois specific criminal background investigation through
6 the Department of State Police and the submission of necessary
7 fingerprints to the Federal Bureau of Investigation for
8 criminal history information available through the Federal
9 Bureau of 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 receiving
13 certification from the employer that all pre-employment
14 conditions have been successfully completed, and upon
15 successful completion of all training and examination
16 requirements for the classification of the vehicle to be
17 operated, the Secretary of State shall provisionally issue a
18 School Bus Driver Permit. The permit shall remain in a
19 provisional status pending the completion of the Federal Bureau
20 of Investigation's criminal background investigation based
21 upon fingerprinting specimens submitted to the Federal Bureau
22 of Investigation by the Department of State Police. The Federal
23 Bureau of Investigation shall report the findings directly to
24 the Secretary of State. The Secretary of State shall remove the
25 bus driver permit from provisional status upon the applicant's
26 successful completion of the Federal Bureau of Investigation's

1 criminal background investigation.

2 (f) A school bus driver permit holder shall notify the
3 employer and the Secretary of State if he or she is issued an
4 order of court supervision for or convicted in another state of
5 an offense that would make him or her ineligible for a permit
6 under subsection (a) of this Section. The written notification
7 shall be made within 5 days of the entry of the order of court
8 supervision or conviction. Failure of the permit holder to
9 provide the notification is punishable as a petty offense for a
10 first violation and a Class B misdemeanor for a second or
11 subsequent violation.

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

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

17 (2) The Secretary of State shall cancel a school bus
18 driver permit when he or she receives notice that the
19 permit holder fails to comply with any provision of this
20 Section or any rule promulgated for the administration of
21 this Section.

22 (3) The Secretary of State shall cancel a school bus
23 driver permit if the permit holder's restricted commercial
24 or commercial driving privileges are withdrawn or
25 otherwise invalidated.

26 (4) The Secretary of State may not issue a school bus

1 driver permit for a period of 3 years to an applicant who
2 fails to obtain a negative result on a drug test as
3 required in item 6 of subsection (a) of this Section or
4 under federal law.

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

10 (6) The Secretary of State shall suspend a school bus
11 driver permit for a period of 3 years upon receiving notice
12 from the employer that the holder failed to perform the
13 inspection procedure set forth in subsection (a) or (b) of
14 Section 12-816 of this Code.

15 (7) The Secretary of State shall suspend a school bus
16 driver permit for a period of 3 years upon receiving notice
17 from the employer that the holder refused to submit to an
18 alcohol or drug test as required by Section 6-106.1c or has
19 submitted to a test required by that Section which
20 disclosed an alcohol concentration of more than 0.00 or
21 disclosed a positive result on a National Institute on Drug
22 Abuse five-drug panel, utilizing federal standards set
23 forth in 49 CFR 40.87.

24 The Secretary of State shall notify the State
25 Superintendent of Education and the permit holder's
26 prospective or current employer that the applicant has (1) has

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

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

23 (h) When a school bus driver permit holder who is a service
24 member is called to active duty, the employer of the permit
25 holder shall notify the Secretary of State, within 30 days of
26 notification from the permit holder, that the permit holder has

1 been called to active duty. Upon notification pursuant to this
2 subsection, (i) the Secretary of State shall characterize the
3 permit as inactive until a permit holder renews the permit as
4 provided in subsection (i) of this Section, and (ii) if a
5 permit holder fails to comply with the requirements of this
6 Section while called to active duty, the Secretary of State
7 shall not characterize the permit as invalid.

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

13 (j) For purposes of subsections (h) and (i) of this
14 Section:

15 "Active duty" means active duty pursuant to an executive
16 order of the President of the United States, an act of the
17 Congress of the United States, or an order of the Governor.

18 "Service member" means a member of the Armed Services or
19 reserve forces of the United States or a member of the Illinois
20 National Guard.

21 (k) A private carrier employer of a school bus driver
22 permit holder, having satisfied the employer requirements of
23 this Section, shall be held to a standard of ordinary care for
24 intentional acts committed in the course of employment by the
25 bus driver permit holder. This subsection (k) shall in no way
26 limit the liability of the private carrier employer for

1 violation of any provision of this Section or for the negligent
2 hiring or retention of a school bus driver permit holder.

3 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
4 99-642, eff. 7-28-16.)

5 (Text of Section after amendment by P.A. 100-513)

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

7 (a) The Secretary of State shall issue a school bus driver
8 permit to those applicants who have met all the requirements of
9 the application and screening process under this Section to
10 insure the welfare and safety of children who are transported
11 on school buses throughout the State of Illinois. Applicants
12 shall obtain the proper application required by the Secretary
13 of State from their prospective or current employer and submit
14 the completed application to the prospective or current
15 employer along with the necessary fingerprint submission as
16 required by the Department of State Police to conduct
17 fingerprint based criminal background checks on current and
18 future information available in the state system and current
19 information available through the Federal Bureau of
20 Investigation's system. Applicants who have completed the
21 fingerprinting requirements shall not be subjected to the
22 fingerprinting process when applying for subsequent permits or
23 submitting proof of successful completion of the annual
24 refresher course. Individuals who on July 1, 1995 (the
25 effective date of Public Act 88-612) possess a valid school bus

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

17 1. be 21 years of age or older;

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

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

26 4. successfully pass a written test, administered by

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

6 5. demonstrate ability to exercise reasonable care in
7 the operation of school buses in accordance with rules
8 promulgated by the Secretary of State;

9 6. demonstrate physical fitness to operate school
10 buses by submitting the results of a medical examination,
11 including tests for drug use for each applicant not subject
12 to such testing pursuant to federal law, conducted by a
13 licensed physician, a licensed advanced practice
14 registered nurse, or a licensed physician assistant within
15 90 days of the date of application according to standards
16 promulgated by the Secretary of State;

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

20 8. have completed an initial classroom course,
21 including first aid procedures, in school bus driver safety
22 as promulgated by the Secretary of State; and after
23 satisfactory completion of said initial course an annual
24 refresher course; such courses and the agency or
25 organization conducting such courses shall be approved by
26 the Secretary of State; failure to complete the annual

1 refresher course, shall result in cancellation of the
2 permit until such course is completed;

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

9 10. not have been under an order of court supervision
10 for or convicted of reckless driving, aggravated reckless
11 driving, driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or
13 any combination thereof, or reckless homicide resulting
14 from the operation of a motor vehicle within 3 years of the
15 date of application;

16 11. not have been convicted of committing or attempting
17 to commit any one or more of the following offenses: (i)
18 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
19 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
20 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
21 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
22 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
23 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
24 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
25 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
26 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,

1 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
2 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
3 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
4 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
5 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
6 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
7 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
8 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
9 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
10 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
11 in subsection (a) and subsection (b), clause (1), of
12 Section 12-4, and in subsection (A), clauses (a) and (b),
13 of Section 24-3, and those offenses contained in Article
14 29D of the Criminal Code of 1961 or the Criminal Code of
15 2012; (ii) those offenses defined in the Cannabis Control
16 Act except those offenses defined in subsections (a) and
17 (b) of Section 4, and subsection (a) of Section 5 of the
18 Cannabis Control Act; (iii) those offenses defined in the
19 Illinois Controlled Substances Act; (iv) those offenses
20 defined in the Methamphetamine Control and Community
21 Protection Act; (v) any offense committed or attempted in
22 any other state or against the laws of the United States,
23 which if committed or attempted in this State would be
24 punishable as one or more of the foregoing offenses; (vi)
25 the offenses defined in Section 4.1 and 5.1 of the Wrongs
26 to Children Act or Section 11-9.1A of the Criminal Code of

1 1961 or the Criminal Code of 2012; (vii) those offenses
2 defined in Section 6-16 of the Liquor Control Act of 1934;
3 and (viii) those offenses defined in the Methamphetamine
4 Precursor Control Act;

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

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

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

19 15. consent, in writing, to the release of results of
20 reasonable suspicion drug and alcohol testing under
21 Section 6-106.1c of this Code by the employer of the
22 applicant to the Secretary of State.

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

1 (c) A school bus driver permit shall contain the holder's
2 driver's license number, legal name, residence address, zip
3 code, and date of birth, a brief description of the holder and
4 a space for signature. The Secretary of State may require a
5 suitable photograph of the holder.

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

22 (e) Permits shall initially be provisional upon receiving
23 certification from the employer that all pre-employment
24 conditions have been successfully completed, and upon
25 successful completion of all training and examination
26 requirements for the classification of the vehicle to be

1 operated, the Secretary of State shall provisionally issue a
2 School Bus Driver Permit. The permit shall remain in a
3 provisional status pending the completion of the Federal Bureau
4 of Investigation's criminal background investigation based
5 upon fingerprinting specimens submitted to the Federal Bureau
6 of Investigation by the Department of State Police. The Federal
7 Bureau of Investigation shall report the findings directly to
8 the Secretary of State. The Secretary of State shall remove the
9 bus driver permit from provisional status upon the applicant's
10 successful completion of the Federal Bureau of Investigation's
11 criminal background investigation.

12 (f) A school bus driver permit holder shall notify the
13 employer and the Secretary of State if he or she is issued an
14 order of court supervision for or convicted in another state of
15 an offense that would make him or her ineligible for a permit
16 under subsection (a) of this Section. The written notification
17 shall be made within 5 days of the entry of the order of court
18 supervision or conviction. Failure of the permit holder to
19 provide the notification is punishable as a petty offense for a
20 first violation and a Class B misdemeanor for a second or
21 subsequent violation.

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

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

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

6 (3) The Secretary of State shall cancel a school bus
7 driver permit if the permit holder's restricted commercial
8 or commercial driving privileges are withdrawn or
9 otherwise invalidated.

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

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

20 (6) The Secretary of State shall suspend a school bus
21 driver permit for a period of 3 years upon receiving notice
22 from the employer that the holder failed to perform the
23 inspection procedure set forth in subsection (a) or (b) of
24 Section 12-816 of this Code.

25 (7) The Secretary of State shall suspend a school bus
26 driver permit for a period of 3 years upon receiving notice

1 from the employer that the holder refused to submit to an
2 alcohol or drug test as required by Section 6-106.1c or has
3 submitted to a test required by that Section which
4 disclosed an alcohol concentration of more than 0.00 or
5 disclosed a positive result on a National Institute on Drug
6 Abuse five-drug panel, utilizing federal standards set
7 forth in 49 CFR 40.87.

8 (8) The Secretary of State may suspend a school bus
9 driver permit for a period of 6 months after investigation
10 of a complaint received from the employer or a school
11 district of a permit holder and filed against the permit
12 holder by the school district, a parent or legal guardian
13 of a school child, or a person who makes a complaint call
14 under Section 12-821 of this Code.

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

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

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

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

25 (i) A school bus driver permit holder who is a service
26 member returning from active duty must, within 90 days, renew a

1 permit characterized as inactive pursuant to subsection (h) of
2 this Section by complying with the renewal requirements of
3 subsection (b) of this Section.

4 (j) For purposes of subsections (h) and (i) of this
5 Section:

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

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

12 (k) A private carrier employer of a school bus driver
13 permit holder, having satisfied the employer requirements of
14 this Section, shall be held to a standard of ordinary care for
15 intentional acts committed in the course of employment by the
16 bus driver permit holder. This subsection (k) shall in no way
17 limit the liability of the private carrier employer for
18 violation of any provision of this Section or for the negligent
19 hiring or retention of a school bus driver permit holder.

20 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
21 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

22 (625 ILCS 5/12-821)

23 Sec. 12-821. Display of telephone number; complaint calls.

24 (a) Each school bus and multifunction school-activity bus
25 shall display at the rear of the bus a sign, with letters and

1 numerals readily visible and readable, indicating the area code
2 and telephone number of the owner of the bus, regardless of
3 whether the owner is a school district or another person or
4 entity. The sign shall be in the following form:

5 "TO COMMENT ON MY DRIVING, CALL (area code and telephone
6 number of bus owner)".

7 A school bus owner who placed a sign conforming to the
8 requirements of Public Act 95-176 on a school bus before
9 January 1, 2010 (the effective date of Public Act 96-655) may
10 continue to use that sign on that school bus rather than a sign
11 that conforms to the requirements of Public Act 96-655;
12 however, if the school bus owner replaces that sign, the
13 replacement sign shall conform to the requirements of Public
14 Act 96-655.

15 (b) The owner of each school bus or multifunction
16 school-activity bus shall establish procedures for accepting
17 the calls provided for under subsection (a) and for taking
18 complaints.

19 (c) The procedures established under subsection (b) shall
20 include, but not be limited to:

21 (1) an internal investigation of the events that led to
22 each complaint; ~~and~~

23 (1.5) notice to the Secretary of State within 30 days
24 of the complaint; and

25 (2) a report to the complaining party and the Secretary
26 of State on the results of the investigation and the action

1 taken, if any.

2 (Source: P.A. 95-176, eff. 1-1-08; 96-410, eff. 7-1-10; 96-655,
3 eff. 1-1-10; 96-1000, eff. 7-2-10.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.