

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 July 1, 2003. as
2 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, local law
8 enforcement or any agent of any State agency providing
9 electronic fingerprint services in a form and manner
10 prescribed by the Department of State Police. The Secretary
11 of State shall prescribe the form and manner for the data
12 provided to the Secretary of State from the fingerprint
13 submission process. The applicant shall be required to pay
14 all related fees as established by rule, including but not
15 limited to the electronic fingerprinting service fee and the
16 fees established by the Department of State Police and
17 Federal Bureau of Investigation for processing fingerprint
18 based criminal history background investigations. However,
19 those school bus drivers required to undergo
20 fingerprinting-based criminal background investigations,
21 required by this amendatory Act of the 92nd General Assembly,
22 shall not be required to pay the fingerprinting fees.
23 Subject to appropriation, the State Board of Education shall
24 reimburse schools for the cost of the fingerprinting fees.
25 All fingerprinting fees shall be paid by the school district.
26 Both those districts that contract for school bus service and
27 those districts that operate their own school buses shall be
28 eligible for reimbursement. Fees associated with electronic
29 fingerprinting shall be retained by the sheriff's department,
30 local law enforcement or any agent of any State agency if it
31 performed the fingerprinting service or deposited in the
32 State Police Services Fund if an agent of the State performed
33 the electronic fingerprinting service.

34 The applicant shall be required to pay all related

1 application and fingerprinting fees as established by rule
2 including, but not limited to, the amounts established by the
3 Department of State Police and the Federal Bureau of
4 Investigation to process fingerprint based criminal
5 background investigations. All fees paid for fingerprint
6 processing services under this Section shall be deposited
7 into the State Police Services Fund for the cost incurred in
8 processing the fingerprint based criminal background
9 investigations. All other fees paid under this Section shall
10 be deposited into the Road Fund for the purpose of defraying
11 the costs of the Secretary of State in administering this
12 Section. All applicants must:

- 13 1. be 21 years of age or older;
- 14 2. possess a valid and properly classified driver's
15 license issued by the Secretary of State;
- 16 3. possess a valid driver's license, which has not
17 been revoked, suspended, or canceled for 3 years
18 immediately prior to the date of application, or have not
19 had his or her commercial motor vehicle driving
20 privileges disqualified within the 3 years immediately
21 prior to the date of application;
- 22 4. successfully pass a written test, administered
23 by the Secretary of State, on school bus operation,
24 school bus safety, and special traffic laws relating to
25 school buses and submit to a review of the applicant's
26 driving habits by the Secretary of State at the time the
27 written test is given;
- 28 5. demonstrate ability to exercise reasonable care
29 in the operation of school buses in accordance with rules
30 promulgated by the Secretary of State;
- 31 6. demonstrate physical fitness to operate school
32 buses by submitting the results of a medical examination,
33 including tests for drug use for each applicant not
34 subject to such testing pursuant to federal law,

1 conducted by a licensed physician within 90 days of the
2 date of application according to standards promulgated by
3 the Secretary of State;

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

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

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

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

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

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

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

24 13. not have, through the unlawful operation of a
25 motor vehicle, caused an accident resulting in the death
26 of any person; and

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

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

34 (c) A school bus driver permit shall contain the

1 holder's driver's license number, name, address, zip code,
2 social security number and date of birth, a brief description
3 of the holder and a space for signature. The Secretary of
4 State may require a suitable photograph of the holder.

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

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

1 investigation based upon fingerprinting specimens submitted
2 to the Federal Bureau of Investigation by the Department of
3 State Police. The Federal Bureau of Investigation shall
4 report the findings directly to the Secretary of State. The
5 Secretary of State shall remove the bus driver permit from
6 provisional status upon the applicant's successful completion
7 of the Federal Bureau of Investigation's criminal background
8 investigation.

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

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

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

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

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

33 (4) The Secretary of State may not issue a school
34 bus driver permit for a period of 3 years to an applicant

1 who fails to obtain a negative result on a drug test as
2 required in item 6 of subsection (a) of this Section or
3 under federal law.

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

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

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

34 (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.