



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3253

Introduced 2/15/2018, by Sen. Jim Oberweis

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/5	from Ch. 23, par. 2215
225 ILCS 10/5.1	from Ch. 23, par. 2215.1
225 ILCS 10/5.8	

Amends the Child Care Act of 1969. Provides that licenses issued for day care centers, day care homes, and group day care homes shall be valid for 5 years (rather than 3 years) from the date issued. Provides that the person operating a motor vehicle for a day care center, group home, or child care institution shall currently hold a valid driver's license that has not been revoked or suspended for one or more traffic violations during the 5 years (rather than 3 years) immediately prior to the date of application. Provides that a day care center, day care home, or group day care home shall have the facility tested for radon at least once every 5 years (rather than 3 years). Provided that a day care center, day care home, or group day care home shall provide the Department of Children and Family Services with proof that the facility has been tested for radon within the last 5 years (rather than 3 years) as part of the initial application or renewal of the license.

LRB100 18543 XWW 33761 b

1 AN ACT concerning regulation.

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

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Sections 5, 5.1, and 5.8 as follows:

6 (225 ILCS 10/5) (from Ch. 23, par. 2215)

7 Sec. 5. (a) In respect to child care institutions,  
8 maternity centers, child welfare agencies, day care centers,  
9 day care agencies and group homes, the Department, upon  
10 receiving application filed in proper order, shall examine the  
11 facilities and persons responsible for care of children  
12 therein.

13 (b) In respect to foster family and day care homes,  
14 applications may be filed on behalf of such homes by a licensed  
15 child welfare agency, by a State agency authorized to place  
16 children in foster care or by out-of-State agencies approved by  
17 the Department to place children in this State. In respect to  
18 day care homes, applications may be filed on behalf of such  
19 homes by a licensed day care agency or licensed child welfare  
20 agency. In applying for license in behalf of a home in which  
21 children are placed by and remain under supervision of the  
22 applicant agency, such agency shall certify that the home and  
23 persons responsible for care of unrelated children therein, or

1 the home and relatives, as defined in Section 2.17 of this Act,  
2 responsible for the care of related children therein, were  
3 found to be in reasonable compliance with standards prescribed  
4 by the Department for the type of care indicated.

5 (c) The Department shall not allow any person to examine  
6 facilities under a provision of this Act who has not passed an  
7 examination demonstrating that such person is familiar with  
8 this Act and with the appropriate standards and regulations of  
9 the Department.

10 (d) With the exception of day care centers, day care homes,  
11 and group day care homes, licenses shall be issued in such form  
12 and manner as prescribed by the Department and are valid for 4  
13 years from the date issued, unless revoked by the Department or  
14 voluntarily surrendered by the licensee. Licenses issued for  
15 day care centers, day care homes, and group day care homes  
16 shall be valid for 5 ~~3~~ years from the date issued, unless  
17 revoked by the Department or voluntarily surrendered by the  
18 licensee. When a licensee has made timely and sufficient  
19 application for the renewal of a license or a new license with  
20 reference to any activity of a continuing nature, the existing  
21 license shall continue in full force and effect for up to 30  
22 days until the final agency decision on the application has  
23 been made. The Department may further extend the period in  
24 which such decision must be made in individual cases for up to  
25 30 days, but such extensions shall be only upon good cause  
26 shown.

1           (e) The Department may issue one 6-month permit to a newly  
2 established facility for child care to allow that facility  
3 reasonable time to become eligible for a full license. If the  
4 facility for child care is a foster family home, or day care  
5 home the Department may issue one 2-month permit only.

6           (f) The Department may issue an emergency permit to a child  
7 care facility taking in children as a result of the temporary  
8 closure for more than 2 weeks of a licensed child care facility  
9 due to a natural disaster. An emergency permit under this  
10 subsection shall be issued to a facility only if the persons  
11 providing child care services at the facility were employees of  
12 the temporarily closed day care center at the time it was  
13 closed. No investigation of an employee of a child care  
14 facility receiving an emergency permit under this subsection  
15 shall be required if that employee has previously been  
16 investigated at another child care facility. No emergency  
17 permit issued under this subsection shall be valid for more  
18 than 90 days after the date of issuance.

19           (g) During the hours of operation of any licensed child  
20 care facility, authorized representatives of the Department  
21 may without notice visit the facility for the purpose of  
22 determining its continuing compliance with this Act or  
23 regulations adopted pursuant thereto.

24           (h) Day care centers, day care homes, and group day care  
25 homes shall be monitored at least annually by a licensing  
26 representative from the Department or the agency that

1 recommended licensure.

2 (Source: P.A. 98-804, eff. 1-1-15.)

3 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

4 Sec. 5.1. (a) The Department shall ensure that no day care  
5 center, group home or child care institution as defined in this  
6 Act shall on a regular basis transport a child or children with  
7 any motor vehicle unless such vehicle is operated by a person  
8 who complies with the following requirements:

9 1. is 21 years of age or older;

10 2. currently holds a valid driver's license, which has  
11 not been revoked or suspended for one or more traffic  
12 violations during the 5 ~~3~~ years immediately prior to the  
13 date of application;

14 3. demonstrates physical fitness to operate vehicles  
15 by submitting the results of a medical examination  
16 conducted by a licensed physician;

17 4. has not been convicted of more than 2 offenses  
18 against traffic regulations governing the movement of  
19 vehicles within a twelve month period;

20 5. has not been convicted of reckless driving or  
21 driving under the influence or manslaughter or reckless  
22 homicide resulting from the operation of a motor vehicle  
23 within the past 3 years;

24 6. has signed and submitted a written statement  
25 certifying that he has not, through the unlawful operation

1 of a motor vehicle, caused an accident which resulted in  
2 the death of any person within the 5 years immediately  
3 prior to the date of application.

4 However, such day care centers, group homes and child care  
5 institutions may provide for transportation of a child or  
6 children for special outings, functions or purposes that are  
7 not scheduled on a regular basis without verification that  
8 drivers for such purposes meet the requirements of this  
9 Section.

10 (a-5) As a means of ensuring compliance with the  
11 requirements set forth in subsection (a), the Department shall  
12 implement appropriate measures to verify that every individual  
13 who is employed at a group home or child care institution meets  
14 those requirements.

15 For every individual employed at a group home or child care  
16 institution who regularly transports children in the course of  
17 performing his or her duties, the Department must make the  
18 verification every 2 years. Upon the Department's request, the  
19 Secretary of State shall provide the Department with the  
20 information necessary to enable the Department to make the  
21 verifications required under subsection (a).

22 In the case of an individual employed at a group home or  
23 child care institution who becomes subject to subsection (a)  
24 for the first time after the effective date of this amendatory  
25 Act of the 94th General Assembly, the Department must make that  
26 verification with the Secretary of State before the individual

1 operates a motor vehicle to transport a child or children under  
2 the circumstances described in subsection (a).

3 In the case of an individual employed at a group home or  
4 child care institution who is subject to subsection (a) on the  
5 effective date of this amendatory Act of the 94th General  
6 Assembly, the Department must make that verification with the  
7 Secretary of State within 30 days after that effective date.

8 If the Department discovers that an individual fails to  
9 meet the requirements set forth in subsection (a), the  
10 Department shall promptly notify the appropriate group home or  
11 child care institution.

12 (b) Any individual who holds a valid Illinois school bus  
13 driver permit issued by the Secretary of State pursuant to The  
14 Illinois Vehicle Code, and who is currently employed by a  
15 school district or parochial school, or by a contractor with a  
16 school district or parochial school, to drive a school bus  
17 transporting children to and from school, shall be deemed in  
18 compliance with the requirements of subsection (a).

19 (c) The Department may, pursuant to Section 8 of this Act,  
20 revoke the license of any day care center, group home or child  
21 care institution that fails to meet the requirements of this  
22 Section.

23 (d) A group home or child care institution that fails to  
24 meet the requirements of this Section is guilty of a petty  
25 offense and is subject to a fine of not more than \$1,000. Each  
26 day that a group home or child care institution fails to meet

1 the requirements of this Section is a separate offense.

2 (Source: P.A. 94-943, eff. 1-1-07.)

3 (225 ILCS 10/5.8)

4 Sec. 5.8. Radon testing of licensed day care centers,  
5 licensed day care homes, and licensed group day care homes.

6 (a) Licensed ~~Effective January 1, 2013,~~ licensed day care  
7 centers, licensed day care homes, and licensed group day care  
8 homes shall have the facility tested for radon at least once  
9 every 5 ~~3~~ years pursuant to rules established by the Illinois  
10 Emergency Management Agency.

11 (b) As ~~Effective January 1, 2014,~~ as part of an initial  
12 application or application for renewal of a license for day  
13 care centers, day care homes, and group day care homes, the  
14 Department shall require proof the facility has been tested  
15 within the last 5 ~~3~~ years for radon pursuant to rules  
16 established by the Illinois Emergency Management Agency.

17 (c) The report of the most current radon measurement shall  
18 be posted in the facility next to the license issued by the  
19 Department. Copies of the report shall be provided to parents  
20 or guardians upon request.

21 (d) Included with the report referenced in subsection (c)  
22 shall be the following statement:

23 "Every parent or guardian is notified that this  
24 facility has performed radon measurements to ensure the  
25 health and safety of the occupants. The Illinois Emergency



1 Management Agency (IEMA) recommends that all residential  
2 homes be tested and that corrective actions be taken at  
3 levels equal to or greater than 4.0 pCi/L. Radon is a Class  
4 A human carcinogen, the leading cause of lung cancer in  
5 non-smokers, and the second leading cause of lung cancer  
6 overall. For additional information about this facility  
7 contact the licensee and for additional information  
8 regarding radon contact the IEMA Radon Program at  
9 800-325-1245 or on the Internet at  
10 [www.radon.illinois.gov](http://www.radon.illinois.gov)."

11 (Source: P.A. 97-981, eff. 1-1-13.)