



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2121

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. Provides that an applicant for a school bus permit cannot be convicted of committing or attempting to commit the following offenses: (1) solicitation or solicitation of murder; (2) permitting sexual abuse of a child; (3) presence or loitering of a sexual predator or child sex offender in or near a public park; (4) aggravated battery; and (5) use of a dangerous place for the commission of a controlled substance or cannabis offense. Provides that an applicant for a school bus driver permit may not have been convicted of committing or attempting to commit a misdemeanor offense defined in specified Sections of the Cannabis Control Act within the last 20 years, or an offense in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses. From the list of offenses disqualifying the issuance of a school bus driver permit, removes specified offenses under the Wrongs to Children Act, the Criminal Code of 2012, the Liquor Control Act of 1934, and the Methamphetamine Precursor Control Act.

LRB101 06067 TAE 51088 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 Illinois Vehicle Code is amended by changing
5 Section 6-106.1 as follows:

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

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

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

1 submitting proof of successful completion of the annual
2 refresher course. Individuals who on July 1, 1995 (the
3 effective date of Public Act 88-612) possess a valid school bus
4 driver permit that has been previously issued by the
5 appropriate Regional School Superintendent are not subject to
6 the fingerprinting provisions of this Section as long as the
7 permit remains valid and does not lapse. The applicant shall be
8 required to pay all related application and fingerprinting fees
9 as established by rule including, but not limited to, the
10 amounts established by the Department of State Police and the
11 Federal Bureau of Investigation to process fingerprint based
12 criminal background investigations. All fees paid for
13 fingerprint processing services under this Section shall be
14 deposited into the State Police Services Fund for the cost
15 incurred in processing the fingerprint based criminal
16 background investigations. All other fees paid under this
17 Section shall be deposited into the Road Fund for the purpose
18 of defraying the costs of the Secretary of State in
19 administering this Section. All applicants must:

20 1. be 21 years of age or older;

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

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

1 disqualified within the 3 years immediately prior to the
2 date of application;

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

9 5. demonstrate ability to exercise reasonable care in
10 the operation of school buses in accordance with rules
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school
13 buses by submitting the results of a medical examination,
14 including tests for drug use for each applicant not subject
15 to such testing pursuant to federal law, conducted by a
16 licensed physician, a licensed advanced practice
17 registered nurse, or a licensed physician assistant within
18 90 days of the date of application according to standards
19 promulgated by the Secretary of State;

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

23 8. have completed an initial classroom course,
24 including first aid procedures, in school bus driver safety
25 as promulgated by the Secretary of State; and after
26 satisfactory completion of said initial course an annual

1 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 under an order of court supervision
7 for or convicted of 2 or more serious traffic offenses, as
8 defined by rule, within one year prior to the date of
9 application that may endanger the life or safety of any of
10 the driver's passengers within the duration of the permit
11 period;

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

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

1 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
3 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4, 12-4.1,
4 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
5 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3,
6 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,
7 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10,
8 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3,
9 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
10 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
11 24-3.5, 24-3.8, 24-3.9, ~~31A-1~~, 31A-1.1, 33A-2, and 33D-1,
12 ~~and in subsection (b) of Section 8-1, and in subdivisions~~
13 ~~(a) (1), (a) (2), (b) (1), (c) (1), (c) (2), (c) (3), (c) (4),~~
14 ~~and (f) (1) of Section 12-3.05, and in subsection (a) and~~
15 ~~subsection (b), clause (1), of Section 12-4, and in~~
16 subsection (A), clauses (a) and (b), of Section 24-3, and
17 those offenses contained in Article 29D of the Criminal
18 Code of 1961 or the Criminal Code of 2012; (ii) those
19 offenses defined in the Cannabis Control Act except those
20 offenses defined in subsections (a) and (b) of Section 4,
21 and subsection (a) of Section 5 of the Cannabis Control
22 Act; (iii) those offenses defined in the Illinois
23 Controlled Substances Act; (iv) those offenses defined in
24 the Methamphetamine Control and Community Protection Act;
25 and (v) any offense committed or attempted in any other
26 state or against the laws of the United States, which if

1 committed or attempted in this State would be punishable as
2 one or more of the foregoing offenses; ~~(vi) the offenses~~
3 ~~defined in Section 4.1 and 5.1 of the Wrongs to Children~~
4 ~~Act or Section 11-9.1A of the Criminal Code of 1961 or the~~
5 ~~Criminal Code of 2012;~~ (vii) those offenses defined in
6 ~~Section 6-16 of the Liquor Control Act of 1934; and (viii)~~
7 ~~those offenses defined in the Methamphetamine Precursor~~
8 ~~Control Act;~~

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

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

20 14. not have, within the last 5 years, been adjudged to
21 be afflicted with or suffering from any mental disability
22 or disease; ~~and~~

23 15. consent, in writing, to the release of results of
24 reasonable suspicion drug and alcohol testing under
25 Section 6-106.1c of this Code by the employer of the
26 applicant to the Secretary of State; and -

1 16. not have been convicted of committing or attempting
2 to commit: (i) a misdemeanor offense defined in Sections 4,
3 5, and 8 of the Cannabis Control Act within the last 20
4 years; or (ii) any offenses committed or attempted in any
5 other state or against the laws of the United States, which
6 if committed or attempted in this State would be punishable
7 as one or more of the foregoing offenses.

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

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

17 (d) The employer shall be responsible for conducting a
18 pre-employment interview with prospective school bus driver
19 candidates, distributing school bus driver applications and
20 medical forms to be completed by the applicant, and submitting
21 the applicant's fingerprint cards to the Department of State
22 Police that are required for the criminal background
23 investigations. The employer shall certify in writing to the
24 Secretary of State that all pre-employment conditions have been
25 successfully completed including the successful completion of
26 an Illinois specific criminal background investigation through

1 the Department of State Police and the submission of necessary
2 fingerprints to the Federal Bureau of Investigation for
3 criminal history information available through the Federal
4 Bureau of Investigation system. The applicant shall present the
5 certification to the Secretary of State at the time of
6 submitting the school bus driver permit application.

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

23 (f) A school bus driver permit holder shall notify the
24 employer and the Secretary of State if he or she is issued an
25 order of court supervision for or convicted in another state of
26 an offense that would make him or her ineligible for a permit

1 under subsection (a) of this Section. The written notification
2 shall be made within 5 days of the entry of the order of court
3 supervision or conviction. Failure of the permit holder to
4 provide the notification is punishable as a petty offense for a
5 first violation and a Class B misdemeanor for a second or
6 subsequent violation.

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

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

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

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

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

26 (5) The Secretary of State shall forthwith suspend a

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

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

10 (7) 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 refused to submit to an
13 alcohol or drug test as required by Section 6-106.1c or has
14 submitted to a test required by that Section which
15 disclosed an alcohol concentration of more than 0.00 or
16 disclosed a positive result on a National Institute on Drug
17 Abuse five-drug panel, utilizing federal standards set
18 forth in 49 CFR 40.87.

19 The Secretary of State shall notify the State
20 Superintendent of Education and the permit holder's
21 prospective or current employer that the applicant has (1) has
22 failed a criminal background investigation or (2) is no longer
23 eligible for a school bus driver permit; and of the related
24 cancellation of the applicant's provisional school bus driver
25 permit. The cancellation shall remain in effect pending the
26 outcome of a hearing pursuant to Section 2-118 of this Code.

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

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

18 (h) When a school bus driver permit holder who is a service
19 member is called to active duty, the employer of the permit
20 holder shall notify the Secretary of State, within 30 days of
21 notification from the permit holder, that the permit holder has
22 been called to active duty. Upon notification pursuant to this
23 subsection, (i) the Secretary of State shall characterize the
24 permit as inactive until a permit holder renews the permit as
25 provided in subsection (i) of this Section, and (ii) if a
26 permit holder fails to comply with the requirements of this

1 Section while called to active duty, the Secretary of State
2 shall not characterize the permit as invalid.

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

8 (j) For purposes of subsections (h) and (i) of this
9 Section:

10 "Active duty" means active duty pursuant to an executive
11 order of the President of the United States, an act of the
12 Congress of the United States, or an order of the Governor.

13 "Service member" means a member of the Armed Services or
14 reserve forces of the United States or a member of the Illinois
15 National Guard.

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

24 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
25 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)