

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 within the last 20 years: (i) an offense defined  
3           in subsection (c) of Section 4, subsection (b) of Section  
4           5, and subsection (a) of Section 8 of the Cannabis Control  
5           Act; or (ii) any offenses in any other state or against the  
6           laws of the United States that, if committed or attempted  
7           in this State, would be punishable as one or more of the  
8           foregoing offenses.

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

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

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

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

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

24 (f) A school bus driver permit holder shall notify the  
25 employer and the Secretary of State if he or she is issued an  
26 order of court supervision for or convicted in another state of



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

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

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

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

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

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

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

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

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

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

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

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

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

1 permit holder fails to comply with the requirements of this  
2 Section while called to active duty, the Secretary of State  
3 shall not characterize the permit as invalid.

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

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

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

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

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

25 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;  
26 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)