

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
5 changing Sections 1-217 and 6-106.1 as follows:

6 (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

7 Sec. 1-217. Vehicle. Every device, in, upon or by which
8 any person or property is or may be transported or drawn upon a
9 highway or requiring a certificate of title under Section
10 3-101(d) of this Code, except devices moved by human power,
11 devices used exclusively upon stationary rails or tracks, and
12 snowmobiles as defined in the Snowmobile Registration and
13 Safety Act.

14 For the purposes of this Code, unless otherwise
15 prescribed, a device shall be considered to be a vehicle until
16 such time it either comes within the definition of a junk
17 vehicle, as defined under this Code, or a junking certificate
18 is issued for it.

19 For this Code, vehicles are divided into 2 divisions:

20 First Division: Those motor vehicles which are designed
21 for the carrying of not more than 10 persons.

22 Second Division: Those vehicles which are designed for
23 carrying more than 10 persons, those designed or used for

1 living quarters and those vehicles which are designed for
2 pulling or carrying property, freight, or cargo and those
3 motor vehicles of the First Division remodelled for use and
4 used as motor vehicles of the Second Division, ~~and those motor~~
5 ~~vehicles of the First Division used and registered as school~~
6 ~~buses.~~

7 (Source: P.A. 92-812, eff. 8-21-02.)

8 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

10 (a) The Secretary of State shall issue a school bus driver
11 permit for the operation of first or second division vehicles
12 being operated as school buses or a permit valid only for the
13 operation of first division vehicles being operated as school
14 buses to those applicants who have met all the requirements of
15 the application and screening process under this Section to
16 insure the welfare and safety of children who are transported
17 on school buses throughout the State of Illinois. Applicants
18 shall obtain the proper application required by the Secretary
19 of State from their prospective or current employer and submit
20 the completed application to the prospective or current
21 employer along with the necessary fingerprint submission as
22 required by the Illinois State Police to conduct fingerprint
23 based criminal background checks on current and future
24 information available in the state system and current
25 information available through the Federal Bureau of

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

- 23 1. be 21 years of age or older;
- 24 2. possess a valid and properly classified driver's
25 license issued by the Secretary of State;
- 26 3. possess a valid driver's license, which has not

1 been revoked, suspended, or canceled for 3 years
2 immediately prior to the date of application, or have not
3 had his or her commercial motor vehicle driving privileges
4 disqualified within the 3 years immediately prior to the
5 date of application;

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

12 5. demonstrate ability to exercise reasonable care in
13 the operation of school buses in accordance with rules
14 promulgated by the Secretary of State;

15 6. demonstrate physical fitness to operate school
16 buses by submitting the results of a medical examination,
17 including tests for drug use for each applicant not
18 subject to such testing pursuant to federal law, conducted
19 by a licensed physician, a licensed advanced practice
20 registered nurse, or a licensed physician assistant within
21 90 days of the date of application according to standards
22 promulgated by the Secretary of State;

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

26 8. have completed an initial classroom course,

1 including first aid procedures, in school bus driver
2 safety as promulgated by the Secretary of State; and after
3 satisfactory completion of said initial course an annual
4 refresher course; such courses and the agency or
5 organization conducting such courses shall be approved by
6 the Secretary of State; failure to complete the annual
7 refresher course, shall result in cancellation of the
8 permit until such course is completed;

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

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

22 11. not have been convicted of committing or
23 attempting to commit any one or more of the following
24 offenses: (i) those offenses defined in Sections 8-1,
25 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
26 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
2 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
3 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
4 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
5 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
6 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
7 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
8 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
9 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
10 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
11 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
12 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
13 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
14 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
15 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
16 of Section 24-3, and those offenses contained in Article
17 29D of the Criminal Code of 1961 or the Criminal Code of
18 2012; (ii) those offenses defined in the Cannabis Control
19 Act except those offenses defined in subsections (a) and
20 (b) of Section 4, and subsection (a) of Section 5 of the
21 Cannabis Control Act; (iii) those offenses defined in the
22 Illinois Controlled Substances Act; (iv) those offenses
23 defined in the Methamphetamine Control and Community
24 Protection Act; ~~and~~ (v) any offense committed or attempted
25 in any other state or against the laws of the United
26 States, which if committed or attempted in this State

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

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

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

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

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

26 16. not have been convicted of committing or

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

8 (a-5) The Secretary of State, in conjunction with the
9 Illinois State Board of Education, shall develop a separate
10 classroom course and refresher course for operation of
11 vehicles of the first division being operated as school buses.
12 Regional superintendents of schools, working with the Illinois
13 State Board of Education, shall offer the course.

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

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

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

1 the applicant's fingerprint cards to the Illinois State Police
2 that are required for the criminal background investigations.
3 The employer shall certify in writing to the Secretary of
4 State that all pre-employment conditions have been
5 successfully completed including the successful completion of
6 an Illinois specific criminal background investigation through
7 the Illinois State Police and the submission of necessary
8 fingerprints to the Federal Bureau of Investigation for
9 criminal history information available through the Federal
10 Bureau of Investigation system. The applicant shall present
11 the certification to the Secretary of State at the time of
12 submitting the school bus driver permit application.

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

1 upon the applicant's successful completion of the Federal
2 Bureau of Investigation's criminal background investigation.

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

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

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

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

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

1 otherwise invalidated.

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

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

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

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

26 The Secretary of State shall notify the State

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

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

25 (h) When a school bus driver permit holder who is a service
26 member is called to active duty, the employer of the permit

1 holder shall notify the Secretary of State, within 30 days of
2 notification from the permit holder, that the permit holder
3 has been called to active duty. Upon notification pursuant to
4 this subsection, (i) the Secretary of State shall characterize
5 the permit as inactive until a permit holder renews the permit
6 as provided in subsection (i) of this Section, and (ii) if a
7 permit holder fails to comply with the requirements of this
8 Section while called to active duty, the Secretary of State
9 shall not characterize the permit as invalid.

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

15 (j) For purposes of subsections (h) and (i) of this
16 Section:

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

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

23 (k) A private carrier employer of a school bus driver
24 permit holder, having satisfied the employer requirements of
25 this Section, shall be held to a standard of ordinary care for
26 intentional acts committed in the course of employment by the

1 bus driver permit holder. This subsection (k) shall in no way
2 limit the liability of the private carrier employer for
3 violation of any provision of this Section or for the
4 negligent hiring or retention of a school bus driver permit
5 holder.

6 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
7 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
8 10-13-21.)

9 Section 99. Effective date. This Act takes effect July 1,
10 2023.