



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4230

Introduced 1/5/2022, by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. In provisions governing qualifications for the issuance of a school bus driver permit, provides that an applicant must not have lost his or her driving privileges within the last 3 years for a reason related to a violation of a traffic regulation governing the movement of vehicles (instead of for any reason).

LRB102 20958 HEP 29854 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
5 changing 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
10 of 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
4 bus 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
8 be required to pay all related application and fingerprinting
9 fees 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,
24 for a reason related to a violation of a traffic
25 regulation governing the movement of vehicles, been
26 revoked, suspended, or canceled for 3 years immediately

1 prior to the date of application, or have not had his or
2 her commercial motor vehicle driving privileges
3 disqualified, for a reason related to a violation of a
4 traffic regulation governing the movement of vehicles,
5 within the 3 years immediately prior to the date of
6 application;

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

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

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

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

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

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

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

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

1 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
3 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
4 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
5 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
6 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
7 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,
8 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
9 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,
10 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
11 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,
12 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
13 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
14 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
15 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
16 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
17 of Section 24-3, and those offenses contained in Article
18 29D of the Criminal Code of 1961 or the Criminal Code of
19 2012; (ii) those offenses defined in the Cannabis Control
20 Act except those offenses defined in subsections (a) and
21 (b) of Section 4, and subsection (a) of Section 5 of the
22 Cannabis Control Act; (iii) those offenses defined in the
23 Illinois Controlled Substances Act; (iv) those offenses
24 defined in the Methamphetamine Control and Community
25 Protection Act; and (v) any offense committed or attempted
26 in any other state or against the laws of the United

1 States, which if committed or attempted in this State
2 would be punishable as one or more of the foregoing
3 offenses; (vi) the offenses defined in Section 4.1 and 5.1
4 of the Wrongs to Children Act or Section 11-9.1A of the
5 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
6 those offenses defined in Section 6-16 of the Liquor
7 Control Act of 1934; and (viii) those offenses defined in
8 the Methamphetamine Precursor 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
18 motor vehicle, caused an accident resulting in the death
19 of any person;

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

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

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

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

25 (f) A school bus driver permit holder shall notify the
26 employer and the Secretary of State if he or she is issued an

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

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

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

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

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

24 (4) The Secretary of State may not issue a school bus
25 driver permit for a period of 3 years to an applicant who
26 fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

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

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

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

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

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

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

21 (h) When a school bus driver permit holder who is a service
22 member is called to active duty, the employer of the permit
23 holder shall notify the Secretary of State, within 30 days of
24 notification from the permit holder, that the permit holder
25 has been called to active duty. Upon notification pursuant to
26 this subsection, (i) the Secretary of State shall characterize

1 the permit as inactive until a permit holder renews the permit
2 as provided in subsection (i) of this Section, and (ii) if a
3 permit holder fails to comply with the requirements of this
4 Section while called to active duty, the Secretary of State
5 shall not characterize the permit as invalid.

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

11 (j) For purposes of subsections (h) and (i) of this
12 Section:

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

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

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

1 holder.

2 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)