



Rep. C.D. Davidsmeyer

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10200HB4230ham001

LRB102 20958 LNS 36786 a

1 AMENDMENT TO HOUSE BILL 4230

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4230 by replacing  
3 everything after the enacting clause with the following:

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

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

- 1           1. be 21 years of age or older;
- 2           2. possess a valid and properly classified driver's  
3 license issued by the Secretary of State;
- 4           3. possess a valid driver's license, which has not  
5 been revoked, suspended, or canceled for 3 years  
6 immediately prior to the date of application, or have not  
7 had his or her commercial motor vehicle driving privileges  
8 disqualified within the 3 years immediately prior to the  
9 date of application;
- 10          4. successfully pass a written test, administered by  
11 the Secretary of State, on school bus operation, school  
12 bus safety, and special traffic laws relating to school  
13 buses and submit to a review of the applicant's driving  
14 habits by the Secretary of State at the time the written  
15 test is given;
- 16          5. demonstrate ability to exercise reasonable care in  
17 the operation of school buses in accordance with rules  
18 promulgated by the Secretary of State;
- 19          6. demonstrate physical fitness to operate school  
20 buses by submitting the results of a medical examination,  
21 including tests for drug use for each applicant not  
22 subject to such testing pursuant to federal law, conducted  
23 by a licensed physician, a licensed advanced practice  
24 registered nurse, or a licensed physician assistant within  
25 90 days of the date of application according to standards  
26 promulgated by the Secretary of State;

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

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

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

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

26           11. not have been convicted of committing or

1 attempting to commit any one or more of the following  
2 offenses: (i) those offenses defined in Sections 8-1,  
3 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
4 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
6 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
7 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
8 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
9 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
10 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,  
11 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
12 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,  
13 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
14 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,  
15 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
16 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
17 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
18 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,  
19 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),  
20 of Section 24-3, and those offenses contained in Article  
21 29D of the Criminal Code of 1961 or the Criminal Code of  
22 2012; (ii) those offenses defined in the Cannabis Control  
23 Act except those offenses defined in subsections (a) and  
24 (b) of Section 4, and subsection (a) of Section 5 of the  
25 Cannabis Control Act; (iii) those offenses defined in the  
26 Illinois Controlled Substances Act; (iv) those offenses

1 defined in the Methamphetamine Control and Community  
2 Protection Act; ~~and~~ (v) any offense committed or attempted  
3 in any other state or against the laws of the United  
4 States, which if committed or attempted in this State  
5 would be punishable as one or more of the foregoing  
6 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
7 of the Wrongs to Children Act or Section 11-9.1A of the  
8 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
9 those offenses defined in Section 6-16 of the Liquor  
10 Control Act of 1934; and (viii) those offenses defined in  
11 the Methamphetamine Precursor Control Act;

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

20 13. not have, through the unlawful operation of a  
21 motor vehicle, caused an accident resulting in the death  
22 of any person;

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

26 15. consent, in writing, to the release of results of

1 reasonable suspicion drug and alcohol testing under  
2 Section 6-106.1c of this Code by the employer of the  
3 applicant to the Secretary of State; and

4 16. not have been convicted of committing or  
5 attempting to commit within the last 20 years: (i) an  
6 offense defined in subsection (c) of Section 4, subsection  
7 (b) of Section 5, and subsection (a) of Section 8 of the  
8 Cannabis Control Act; or (ii) any offenses in any other  
9 state or against the laws of the United States that, if  
10 committed or attempted in this State, would be punishable  
11 as one or more of the foregoing offenses.

12 (a-5) If an applicant's driver's license has been  
13 suspended within the 3 years immediately prior to the date of  
14 application for the sole reason of failure to pay child  
15 support, that suspension shall not bar the applicant from  
16 receiving a school bus driver permit.

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

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

26 (d) The employer shall be responsible for conducting a

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

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



1 Federal Bureau of Investigation shall report the findings  
2 directly to the Secretary of State. The Secretary of State  
3 shall remove the bus driver permit from provisional status  
4 upon the applicant's successful completion of the Federal  
5 Bureau of Investigation's criminal background investigation.

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

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

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

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

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

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

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

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

20          (7) The Secretary of State shall suspend a school bus  
21 driver permit for a period of 3 years upon receiving  
22 notice from the employer that the holder refused to submit  
23 to an alcohol or drug test as required by Section 6-106.1c  
24 or has submitted to a test required by that Section which  
25 disclosed an alcohol concentration of more than 0.00 or  
26 disclosed a positive result on a National Institute on

1 Drug Abuse five-drug panel, utilizing federal standards  
2 set forth in 49 CFR 40.87.

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

25 All valid school bus driver permits issued under this  
26 Section prior to January 1, 1995, shall remain effective until

1 their expiration date unless otherwise invalidated.

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

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

18 (j) For purposes of subsections (h) and (i) of this  
19 Section:

20 "Active duty" means active duty pursuant to an executive  
21 order of the President of the United States, an act of the  
22 Congress of the United States, or an order of the Governor.

23 "Service member" means a member of the Armed Services or  
24 reserve forces of the United States or a member of the Illinois  
25 National Guard.

26 (k) A private carrier employer of a school bus driver

1 permit holder, having satisfied the employer requirements of  
2 this Section, shall be held to a standard of ordinary care for  
3 intentional acts committed in the course of employment by the  
4 bus driver permit holder. This subsection (k) shall in no way  
5 limit the liability of the private carrier employer for  
6 violation of any provision of this Section or for the  
7 negligent hiring or retention of a school bus driver permit  
8 holder.

9 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;  
10 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised  
11 10-13-21.)".