



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5064

Introduced 1/27/2022, by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

20 ILCS 505/4f new

Amends the Children and Family Services Act. Provides that a purchase of service agency under contract with the Department of Children and Family Services to provide transportation services to children and families must comply with all applicable federal and State laws and regulations and Department rules and must certify in the signed purchased of service contract that: (i) the agency has trained all of its drivers on how to properly install and operate an approved child restraint system as defined in the Child Passenger Protection Act; (ii) all drivers possess a valid driver's license and have a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction; (iii) any motor vehicle operated by a driver during the transport of any child on behalf of the Department is insured and such insurance will be maintained throughout the period for which the motor vehicle is used to transport any child on behalf of the Department; and (iv) all vehicles used to transport children are properly maintained, clean, and smoke free with properly functioning heating and air conditioner systems that the driver has been instructed to utilize as appropriate for the weather conditions. Requires a purchase of service agency to provide a designated telephone number that drivers, parents, foster parents, and legal guardians can use to communicate with the agency at any point before or during a scheduled transport or family visit to notify the agency regarding a late pickup or arrival. Requires each agency driver to certify in a written statement that he or she will comply with all laws, regulations, and Department rules including requirements concerning child restraint systems, possession of a valid driver's license, completion of a fingerprint-based criminal history records check, and other matters. Requires the Department to conduct annual checks on purchase of service agencies and drivers to ensure compliance. Grants the Department rulemaking authority to implement the new provisions.

LRB102 23832 KTG 33024 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by adding Section 4f as follows:

6 (20 ILCS 505/4f new)

7 Sec. 4f. Transportation providers; compliance
8 requirements.

9 (a) A purchase of service agency under contract with the
10 Department to provide transportation services to children and
11 families under this Act must comply with all applicable
12 federal and State laws and regulations and Department rules.
13 When the purchase of service agency signs the purchase of
14 service contract, this signature shall be the agency's
15 certification of compliance with the applicable laws,
16 regulations, and rules. Additionally, the signed purchase of
17 service contract shall be the agency's certification that:

18 (1) the agency has trained all of its drivers who
19 transport children on behalf of the Department on how to
20 properly install and operate an approved child restraint
21 system as defined in the Child Passenger Protection Act;

22 (2) all drivers possess a valid driver's license and
23 have a driving record devoid of any convictions of traffic

1 violations or evidence of committing an offense for which
2 mandatory revocation would be required upon conviction in
3 accordance with Section 6-205 of the Illinois Vehicle
4 Code;

5 (3) any motor vehicle operated by a driver during the
6 transport of any child on behalf of the Department is
7 insured as required under the Illinois Vehicle Code and
8 such insurance will be maintained throughout the period
9 for which the motor vehicle is used to transport any child
10 on behalf of the Department, and the driver will not
11 operate the motor vehicle unless the required insurance is
12 in effect; and

13 (4) all vehicles used to transport children on behalf
14 of the Department are properly maintained, clean, and
15 smoke free with properly functioning heating and air
16 conditioner systems that the driver has been instructed to
17 utilize as appropriate for the weather conditions.

18 A purchase of service agency must provide a designated
19 telephone number that drivers, parents, foster parents, and
20 legal guardians can use to communicate with the agency at any
21 point before or during a scheduled transport or family visit
22 to notify the agency regarding a late pickup or arrival. The
23 agency must have staff available to accept all calls to the
24 designated telephone number.

25 (b) Every driver employed by a purchase of service agency
26 who transports children on behalf of the Department must

1 submit, as a condition of employment, a signed written
2 statement certifying that he or she will comply with all
3 applicable federal and State laws and regulations and
4 Department rules, and must attest to all of the following in
5 his or her signed written statement:

6 (1) that he or she possesses the requisite knowledge
7 to properly install and operate an approved child
8 restraint system as defined in the Child Passenger
9 Protection Act;

10 (2) that he or she possesses a valid driver's license
11 and has a driving record devoid of any convictions of
12 traffic violations or evidence of committing an offense
13 for which mandatory revocation would be required upon
14 conviction in accordance with Section 6-205 of the
15 Illinois Vehicle Code;

16 (3) that the motor vehicle he or she operates to
17 transport children on behalf of the Department is insured
18 as required under the Illinois Vehicle Code and such
19 insurance will be maintained throughout the period for
20 which the motor vehicle is used to transport any child on
21 behalf of the Department, and he or she will not operate
22 the motor vehicle unless the required insurance is in
23 effect;

24 (4) that the motor vehicle he or she operates to
25 transport children on behalf of the Department is properly
26 maintained, clean, and smoke free with properly

1 functioning heating and air conditioner systems that he or
2 she will utilize as appropriate for the weather
3 conditions;

4 (5) that he or she can effectively communicate with
5 the parents, foster parents, or legal guardians of the
6 children he or she transports; and

7 (3) that, as a condition of employment, he or she has
8 consented to and completed a fingerprint-based criminal
9 history records check performed by the Illinois State
10 Police and the Federal Bureau of Investigation, or some
11 other entity that has the ability to check his or her
12 fingerprints against the fingerprint records now and
13 hereafter filed in the Illinois State Police and Federal
14 Bureau of Investigation criminal history records
15 databases.

16 The Department must conduct annual checks on a purchase of
17 service agency and the drivers under the agency's employment
18 to ensure compliance with this Section and all applicable
19 laws, regulations, and Department rules. The Department may
20 adopt any rules necessary to implement the provisions of this
21 Section.