

SB3715



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3715

Introduced 1/21/2022, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.21 new
625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall accept all required school bus permit renewal materials and fees by electronic means. Provides that the Secretary, in accordance with established rules, shall establish an online or electronic renewal process. Amends the Illinois Administrative Procedure Act to allow the Secretary to adopt emergency rules. Effective immediately.

LRB102 22715 RAM 31861 b

A BILL FOR

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 Administrative Procedure Act is
5 amended by adding Section 5-45.21 as follows:

6 (5 ILCS 100/5-45.21 new)

7 Sec. 5-45.21. Emergency rulemaking; Secretary of State. To
8 provide for the expeditious and timely implementation of this
9 amendatory Act of the 102nd General Assembly, emergency rules
10 implementing this amendatory Act of the 102nd General Assembly
11 may be adopted in accordance with Section 5-45 by the
12 Secretary of State. The adoption of emergency rules authorized
13 by Section 5-45 and this Section is deemed to be necessary for
14 the public interest, safety, and welfare.

15 This Section is repealed 180 days after the effective date
16 of this amendatory Act of the 102nd General Assembly.

17 Section 10. The Illinois Vehicle Code is amended by
18 changing Section 6-106.1 as follows:

19 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

21 (a) The Secretary of State shall issue a school bus driver

1 permit to those applicants who have met all the requirements
2 of the application and screening process under this Section to
3 insure the welfare and safety of children who are transported
4 on school buses throughout the State of Illinois. Applicants
5 shall obtain the proper application required by the Secretary
6 of State from their prospective or current employer and submit
7 the completed application to the prospective or current
8 employer along with the necessary fingerprint submission as
9 required by the Illinois State Police to conduct fingerprint
10 based criminal background checks on current and future
11 information available in the state system and current
12 information available through the Federal Bureau of
13 Investigation's system. Applicants who have completed the
14 fingerprinting requirements shall not be subjected to the
15 fingerprinting process when applying for subsequent permits or
16 submitting proof of successful completion of the annual
17 refresher course. Individuals who on July 1, 1995 (the
18 effective date of Public Act 88-612) possess a valid school
19 bus driver permit that has been previously issued by the
20 appropriate Regional School Superintendent are not subject to
21 the fingerprinting provisions of this Section as long as the
22 permit remains valid and does not lapse. The applicant shall
23 be required to pay all related application and fingerprinting
24 fees as established by rule including, but not limited to, the
25 amounts established by the Illinois State Police and the
26 Federal Bureau of Investigation to process fingerprint based

1 criminal background investigations. All fees paid for
2 fingerprint processing services under this Section shall be
3 deposited into the State Police Services Fund for the cost
4 incurred in processing the fingerprint based criminal
5 background investigations. All other fees paid under this
6 Section shall be deposited into the Road Fund for the purpose
7 of defraying the costs of the Secretary of State in
8 administering this Section. All applicants must:

9 1. be 21 years of age or older;

10 2. possess a valid and properly classified driver's
11 license issued by the Secretary of State;

12 3. possess a valid driver's license, which has not
13 been revoked, suspended, or canceled for 3 years
14 immediately prior to the date of application, or have not
15 had his or her commercial motor vehicle driving privileges
16 disqualified within the 3 years immediately prior to the
17 date of application;

18 4. successfully pass a written test, administered by
19 the Secretary of State, on school bus operation, school
20 bus safety, and special traffic laws relating to school
21 buses and submit to a review of the applicant's driving
22 habits by the Secretary of State at the time the written
23 test is given;

24 5. demonstrate ability to exercise reasonable care in
25 the operation of school buses in accordance with rules
26 promulgated by the Secretary of State;

1 6. demonstrate physical fitness to operate school
2 buses by submitting the results of a medical examination,
3 including tests for drug use for each applicant not
4 subject to such testing pursuant to federal law, conducted
5 by a licensed physician, a licensed advanced practice
6 registered nurse, or a licensed physician assistant within
7 90 days of the date of application according to standards
8 promulgated by the Secretary of State;

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

12 8. have completed an initial classroom course,
13 including first aid procedures, in school bus driver
14 safety as promulgated by the Secretary of State; and after
15 satisfactory completion of said initial course an annual
16 refresher course; such courses and the agency or
17 organization conducting such courses shall be approved by
18 the Secretary of State; failure to complete the annual
19 refresher course, shall result in cancellation of the
20 permit until such course is completed;

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

1 10. not have been under an order of court supervision
2 for or convicted of reckless driving, aggravated reckless
3 driving, driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or
5 any combination thereof, or reckless homicide resulting
6 from the operation of a motor vehicle within 3 years of the
7 date of application;

8 11. not have been convicted of committing or
9 attempting to commit any one or more of the following
10 offenses: (i) those offenses defined in Sections 8-1,
11 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
12 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
14 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
15 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
16 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
17 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
18 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
19 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
20 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
21 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
23 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
24 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
25 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
26 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,

1 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
2 of Section 24-3, and those offenses contained in Article
3 29D of the Criminal Code of 1961 or the Criminal Code of
4 2012; (ii) those offenses defined in the Cannabis Control
5 Act except those offenses defined in subsections (a) and
6 (b) of Section 4, and subsection (a) of Section 5 of the
7 Cannabis Control Act; (iii) those offenses defined in the
8 Illinois Controlled Substances Act; (iv) those offenses
9 defined in the Methamphetamine Control and Community
10 Protection Act; ~~and~~ (v) any offense committed or attempted
11 in any other state or against the laws of the United
12 States, which if committed or attempted in this State
13 would be punishable as one or more of the foregoing
14 offenses; (vi) the offenses defined in Section 4.1 and 5.1
15 of the Wrongs to Children Act or Section 11-9.1A of the
16 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
17 those offenses defined in Section 6-16 of the Liquor
18 Control Act of 1934; and (viii) those offenses defined in
19 the Methamphetamine Precursor Control Act;

20 12. not have been repeatedly involved as a driver in
21 motor vehicle collisions or been repeatedly convicted of
22 offenses against laws and ordinances regulating the
23 movement of traffic, to a degree which indicates lack of
24 ability to exercise ordinary and reasonable care in the
25 safe operation of a motor vehicle or disrespect for the
26 traffic laws and the safety of other persons upon the

1 highway;

2 13. not have, through the unlawful operation of a
3 motor vehicle, caused an accident resulting in the death
4 of any person;

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

8 15. consent, in writing, to the release of results of
9 reasonable suspicion drug and alcohol testing under
10 Section 6-106.1c of this Code by the employer of the
11 applicant to the Secretary of State; and

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

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

24 (b-1) The Secretary of State shall accept all required
25 renewal materials and payments electronically. The Secretary,
26 in accordance with established rules, shall establish an

1 online or electronic renewal process. The Secretary may adopt
2 emergency rules under Section 5-45 of the Illinois
3 Administrative Procedure Act to implement this subsection.

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

9 (d) The employer shall be responsible for conducting a
10 pre-employment interview with prospective school bus driver
11 candidates, distributing school bus driver applications and
12 medical forms to be completed by the applicant, and submitting
13 the applicant's fingerprint cards to the Illinois State Police
14 that are required for the criminal background investigations.
15 The employer shall certify in writing to the Secretary of
16 State that all pre-employment conditions have been
17 successfully completed including the successful completion of
18 an Illinois specific criminal background investigation through
19 the Illinois State Police and the submission of necessary
20 fingerprints to the Federal Bureau of Investigation for
21 criminal history information available through the Federal
22 Bureau of Investigation system. The applicant shall present
23 the certification to the Secretary of State at the time of
24 submitting the school bus driver permit application.

25 (e) Permits shall initially be provisional upon receiving
26 certification from the employer that all pre-employment

1 conditions have been successfully completed, and upon
2 successful completion of all training and examination
3 requirements for the classification of the vehicle to be
4 operated, the Secretary of State shall provisionally issue a
5 School Bus Driver Permit. The permit shall remain in a
6 provisional status pending the completion of the Federal
7 Bureau of Investigation's criminal background investigation
8 based upon fingerprinting specimens submitted to the Federal
9 Bureau of Investigation by the Illinois State Police. The
10 Federal Bureau of Investigation shall report the findings
11 directly to the Secretary of State. The Secretary of State
12 shall remove the bus driver permit from provisional status
13 upon the applicant's successful completion of the Federal
14 Bureau of Investigation's criminal background investigation.

15 (f) A school bus driver permit holder shall notify the
16 employer and the Secretary of State if he or she is issued an
17 order of court supervision for or convicted in another state
18 of an offense that would make him or her ineligible for a
19 permit under subsection (a) of this Section. The written
20 notification shall be made within 5 days of the entry of the
21 order of court supervision or conviction. Failure of the
22 permit holder to provide the notification is punishable as a
23 petty offense for a first violation and a Class B misdemeanor
24 for a second or subsequent violation.

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

26 (1) The Secretary of State shall cancel a school bus

1 driver permit of an applicant whose criminal background
2 investigation discloses that he or she is not in
3 compliance with the provisions of subsection (a) of this
4 Section.

5 (2) The Secretary of State shall cancel a school bus
6 driver permit when he or she receives notice that the
7 permit holder fails to comply with any provision of this
8 Section or any rule promulgated for the administration of
9 this Section.

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

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

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

24 (6) The Secretary of State shall suspend a school bus
25 driver permit for a period of 3 years upon receiving
26 notice from the employer that the holder failed to perform

1 the inspection procedure set forth in subsection (a) or
2 (b) of Section 12-816 of this Code.

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

12 The Secretary of State shall notify the State
13 Superintendent of Education and the permit holder's
14 prospective or current employer that the applicant has (1) has
15 failed a criminal background investigation or (2) is no longer
16 eligible for a school bus driver permit; and of the related
17 cancellation of the applicant's provisional school bus driver
18 permit. The cancellation shall remain in effect pending the
19 outcome of a hearing pursuant to Section 2-118 of this Code.
20 The scope of the hearing shall be limited to the issuance
21 criteria contained in subsection (a) of this Section. A
22 petition requesting a hearing shall be submitted to the
23 Secretary of State and shall contain the reason the individual
24 feels he or she is entitled to a school bus driver permit. The
25 permit holder's employer shall notify in writing to the
26 Secretary of State that the employer has certified the removal

1 of the offending school bus driver from service prior to the
2 start of that school bus driver's next workshift. An employing
3 school board that fails to remove the offending school bus
4 driver from service is subject to the penalties defined in
5 Section 3-14.23 of the School Code. A school bus contractor
6 who violates a provision of this Section is subject to the
7 penalties defined in Section 6-106.11.

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

11 (h) When a school bus driver permit holder who is a service
12 member is called to active duty, the employer of the permit
13 holder shall notify the Secretary of State, within 30 days of
14 notification from the permit holder, that the permit holder
15 has been called to active duty. Upon notification pursuant to
16 this subsection, (i) the Secretary of State shall characterize
17 the permit as inactive until a permit holder renews the permit
18 as provided in subsection (i) of this Section, and (ii) if a
19 permit holder fails to comply with the requirements of this
20 Section while called to active duty, the Secretary of State
21 shall not characterize the permit as invalid.

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

1 (j) For purposes of subsections (h) and (i) of this
2 Section:

3 "Active duty" means active duty pursuant to an executive
4 order of the President of the United States, an act of the
5 Congress of the United States, or an order of the Governor.

6 "Service member" means a member of the Armed Services or
7 reserve forces of the United States or a member of the Illinois
8 National Guard.

9 (k) A private carrier employer of a school bus driver
10 permit holder, having satisfied the employer requirements of
11 this Section, shall be held to a standard of ordinary care for
12 intentional acts committed in the course of employment by the
13 bus driver permit holder. This subsection (k) shall in no way
14 limit the liability of the private carrier employer for
15 violation of any provision of this Section or for the
16 negligent hiring or retention of a school bus driver permit
17 holder.

18 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
19 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
20 10-13-21.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.