



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2618

Introduced 2/15/2023, by Rep. Amy Elik

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/4f

Amends the Children and Family Services Act. Requires every driver who applies for employment with a transportation provider under contract with the Department of Children and Family Services to have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. Provides that such fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation and shall be checked against the fingerprint records filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases, including, but not limited to, civil, criminal, and latent fingerprint databases. Requires the Illinois State Police to charge a fee for conducting the criminal history records check that does not exceed the actual cost of the records check. Provides that the Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions and shall forward the national criminal history record information to the Department of Children and Family Services. Requires every driver to submit, as a condition of employment, a signed written statement certifying that he or she has consented to and completed a fingerprint-based criminal history records check in accordance with the amendatory Act. Effective immediately.

LRB103 30936 KTG 57485 b

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 changing Section 4f as follows:

6 (20 ILCS 505/4f)

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

22 (c) Each applicant applying for employment under  
23 subsection (b) shall have his or her fingerprints submitted to  
24 the Illinois State Police in an electronic format that  
25 complies with the form and manner for requesting and  
26 furnishing criminal history record information as prescribed

1 by the Illinois State Police. Such fingerprints shall be  
2 transmitted through a live scan fingerprint vendor licensed by  
3 the Department of Financial and Professional Regulation. These  
4 fingerprints shall be checked against the fingerprint records  
5 now and hereafter filed in the Illinois State Police and  
6 Federal Bureau of Investigation criminal history records  
7 databases, including, but not limited to, civil, criminal, and  
8 latent fingerprint databases. The Illinois State Police shall  
9 charge a fee for conducting the criminal history records  
10 check, which shall be deposited into the State Police Services  
11 Fund and shall not exceed the actual cost of the records check.  
12 The Illinois State Police shall furnish, pursuant to positive  
13 identification, records of Illinois convictions and shall  
14 forward the national criminal history record information to  
15 the Department.

16 (Source: P.A. 102-795, eff. 1-1-23.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.