



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3476

Introduced 2/17/2023, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-217	from Ch. 95 1/2, par. 1-217
625 ILCS 5/6-106.1	
625 ILCS 5/13-109	from Ch. 95 1/2, par. 13-109

Amends the Illinois Vehicle Code. Removes language classifying motor vehicles of the first division used and registered as school buses as vehicles of the second division. In provisions concerning school bus driver permits, provides that the Secretary of State shall offer for issuance a separate permit valid only for the operation of first division vehicles being operated as school buses. Provides that the written test an applicant for a school bus driver permit must pass shall be a first division or second division written test. Requires the Secretary of State, in conjunction with the Illinois State Board of Education, to develop a separate classroom course and refresher course for operation of vehicles of the first division being operated as school buses. Provides that regional superintendents of schools, working with the Illinois State Board of Education, shall offer the course. Effective July 1, 2023.

LRB103 27485 MXP 53857 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 Sections 1-217, 6-106.1, and 13-109 as follows:

6 (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

7 Sec. 1-217. Vehicle. Every device, in, upon or by which
8 any person or property is or may be transported or drawn upon a
9 highway or requiring a certificate of title under Section
10 3-101(d) of this Code, except devices moved by human power,
11 devices used exclusively upon stationary rails or tracks, and
12 snowmobiles as defined in the Snowmobile Registration and
13 Safety Act.

14 For the purposes of this Code, unless otherwise
15 prescribed, a device shall be considered to be a vehicle until
16 such time it either comes within the definition of a junk
17 vehicle, as defined under this Code, or a junking certificate
18 is issued for it.

19 For this Code, vehicles are divided into 2 divisions:

20 First Division: Those motor vehicles which are designed
21 for the carrying of not more than 10 persons.

22 Second Division: Those vehicles which are designed for
23 carrying more than 10 persons, those designed or used for

1 living quarters and those vehicles which are designed for
2 pulling or carrying property, freight, or cargo and those
3 motor vehicles of the First Division remodelled for use and
4 used as motor vehicles of the Second Division, ~~and those motor~~
5 ~~vehicles of the First Division used and registered as school~~
6 ~~buses.~~

7 (Source: P.A. 92-812, eff. 8-21-02.)

8 (625 ILCS 5/6-106.1)

9 (Text of Section before amendment by P.A. 102-982)

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

11 (a) The Secretary of State shall issue a school bus driver
12 permit to those applicants who have met all the requirements
13 of the application and screening process under this Section to
14 insure the welfare and safety of children who are transported
15 on school buses throughout the State of Illinois. Applicants
16 shall obtain the proper application required by the Secretary
17 of State from their prospective or current employer and submit
18 the completed application to the prospective or current
19 employer along with the necessary fingerprint submission as
20 required by the Illinois State Police to conduct fingerprint
21 based criminal background checks on current and future
22 information available in the state system and current
23 information available through the Federal Bureau of
24 Investigation's system. Applicants who have completed the
25 fingerprinting requirements shall not be subjected to the

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

- 21 1. be 21 years of age or older;
- 22 2. possess a valid and properly classified driver's
23 license issued by the Secretary of State;
- 24 3. possess a valid driver's license, which has not
25 been revoked, suspended, or canceled for 3 years
26 immediately prior to the date of application, or have not

1 had his or her commercial motor vehicle driving privileges
2 disqualified within the 3 years immediately prior to the
3 date of application;

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

10 5. demonstrate ability to exercise reasonable care in
11 the operation of school buses in accordance with rules
12 promulgated by the Secretary of State;

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

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

24 8. have completed an initial classroom course,
25 including first aid procedures, in school bus driver
26 safety as promulgated by the Secretary of State; and after

1 satisfactory completion of said initial course an annual
2 refresher course; such courses and the agency or
3 organization conducting such courses shall be approved by
4 the Secretary of State; failure to complete the annual
5 refresher course, shall result in cancellation of the
6 permit until such course is completed;

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

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

20 11. not have been convicted of committing or
21 attempting to commit any one or more of the following
22 offenses: (i) those offenses defined in Sections 8-1,
23 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
24 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
26 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,

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

1 to Children Act or Section 11-9.1A of the Criminal Code of
2 1961 or the Criminal Code of 2012; (vii) those offenses
3 defined in Section 6-16 of the Liquor Control Act of 1934;
4 and (viii) those offenses defined in the Methamphetamine
5 Precursor Control Act;

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

14 13. not have, through the unlawful operation of a
15 motor vehicle, caused an accident resulting in the death
16 of any person;

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

20 15. consent, in writing, to the release of results of
21 reasonable suspicion drug and alcohol testing under
22 Section 6-106.1c of this Code by the employer of the
23 applicant to the Secretary of State; and

24 16. not have been convicted of committing or
25 attempting to commit within the last 20 years: (i) an
26 offense defined in subsection (c) of Section 4, subsection

1 (b) of Section 5, and subsection (a) of Section 8 of the
2 Cannabis Control Act; or (ii) any offenses in any other
3 state or against the laws of the United States that, if
4 committed or attempted in this State, would be punishable
5 as one or more of the foregoing offenses.

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

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

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

20 (d) The employer shall be responsible for conducting a
21 pre-employment interview with prospective school bus driver
22 candidates, distributing school bus driver applications and
23 medical forms to be completed by the applicant, and submitting
24 the applicant's fingerprint cards to the Illinois State Police
25 that are required for the criminal background investigations.
26 The employer shall certify in writing to the Secretary of

1 State that all pre-employment conditions have been
2 successfully completed including the successful completion of
3 an Illinois specific criminal background investigation through
4 the Illinois State Police and the submission of necessary
5 fingerprints to the Federal Bureau of Investigation for
6 criminal history information available through the Federal
7 Bureau of Investigation system. The applicant shall present
8 the certification to the Secretary of State at the time of
9 submitting the school bus driver permit application.

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

26 (f) A school bus driver permit holder shall notify the

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

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

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

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

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

25 (4) The Secretary of State may not issue a school bus
26 driver permit for a period of 3 years to an applicant who

1 fails to obtain a negative result on a drug test as
2 required in item 6 of subsection (a) of this Section or
3 under federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 negligent hiring or retention of a school bus driver permit
2 holder.

3 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
4 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
5 1-1-23; 102-813, eff. 5-13-22; revised 12-14-22.)

6 (Text of Section after amendment by P.A. 102-982)

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

8 (a) The Secretary of State shall issue a school bus driver
9 permit for the operation of first or second division vehicles
10 being operated as school buses or a permit valid only for the
11 operation of first division vehicles being operated as school
12 buses to those applicants who have met all the requirements of
13 the application and screening process under this Section to
14 insure the welfare and safety of children who are transported
15 on school buses throughout the State of Illinois. Applicants
16 shall obtain the proper application required by the Secretary
17 of State from their prospective or current employer and submit
18 the completed application to the prospective or current
19 employer along with the necessary fingerprint submission as
20 required by the Illinois State Police to conduct
21 fingerprint-based ~~fingerprint-based~~ criminal background checks
22 on current and future information available in the State ~~state~~
23 system and current information available through the Federal
24 Bureau of Investigation's system. Applicants who have
25 completed the fingerprinting requirements shall not be

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

- 23 1. be 21 years of age or older;
- 24 2. possess a valid and properly classified driver's
25 license issued by the Secretary of State;
- 26 3. possess a valid driver's license, which has not

1 been revoked, suspended, or canceled for 3 years
2 immediately prior to the date of application, or have not
3 had his or her commercial motor vehicle driving privileges
4 disqualified within the 3 years immediately prior to the
5 date of application;

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

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

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

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

26 8. have completed an initial classroom course,

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

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

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

22 11. not have been convicted of committing or
23 attempting to commit any one or more of the following
24 offenses: (i) those offenses defined in Sections 8-1,
25 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
26 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,

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

1 punishable as one or more of the foregoing offenses; (vi)
2 the offenses defined in Section 4.1 and 5.1 of the Wrongs
3 to Children Act or Section 11-9.1A of the Criminal Code of
4 1961 or the Criminal Code of 2012; (vii) those offenses
5 defined in Section 6-16 of the Liquor Control Act of 1934;
6 and (viii) those offenses defined in the Methamphetamine
7 Precursor Control Act;

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

16 13. not have, through the unlawful operation of a
17 motor vehicle, caused a crash resulting in the death of
18 any person;

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

22 15. consent, in writing, to the release of results of
23 reasonable suspicion drug and alcohol testing under
24 Section 6-106.1c of this Code by the employer of the
25 applicant to the Secretary of State; and

26 16. not have been convicted of committing or

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

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

13 (a-7) The Secretary of State, in conjunction with the
14 Illinois State Board of Education, shall develop a separate
15 classroom course and refresher course for operation of
16 vehicles of the first division being operated as school buses.
17 Regional superintendents of schools, working with the Illinois
18 State Board of Education, shall offer the course.

19 (a-10) All applicants to operate a first division vehicle
20 must:

21 (1) meet the requirements of paragraphs 1, 2, 3, 7,
22 and 9 through 16 of subsection (a); and

23 (2) complete the course developed and offered under
24 subsection (a-5), or complete a training course
25 administered by the service provider in which the
26 applicant will be employed by, or under contract with,

1 that covers safe driving practices with a first division
2 vehicle, special considerations for transporting students
3 with disabilities, emergency preparedness, and safe
4 pick-up and drop-off procedures.

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

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

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

1 Bureau of Investigation system. The applicant shall present
2 the certification to the Secretary of State at the time of
3 submitting the school bus driver permit application.

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

20 (f) A school bus driver permit holder shall notify the
21 employer and the Secretary of State if he or she is issued an
22 order of court supervision for or convicted in another state
23 of an offense that would make him or her ineligible for a
24 permit under subsection (a) of this Section. The written
25 notification shall be made within 5 days of the entry of the
26 order of court supervision or conviction. Failure of the

1 permit holder to provide the notification is punishable as a
2 petty offense for a first violation and a Class B misdemeanor
3 for a second or subsequent violation.

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

5 (1) The Secretary of State shall cancel a school bus
6 driver permit of an applicant whose criminal background
7 investigation discloses that he or she is not in
8 compliance with the provisions of subsection (a) of this
9 Section.

10 (2) The Secretary of State shall cancel a school bus
11 driver permit when he or she receives notice that the
12 permit holder fails to comply with any provision of this
13 Section or any rule promulgated for the administration of
14 this Section.

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

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

24 (5) The Secretary of State shall forthwith suspend a
25 school bus driver permit for a period of 3 years upon
26 receiving notice that the holder has failed to obtain a

1 negative result on a drug test as required in item 6 of
2 subsection (a) of this Section or under federal law.

3 (6) 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 failed to perform
6 the inspection procedure set forth in subsection (a) or
7 (b) of Section 12-816 of this Code.

8 (7) 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 refused to submit
11 to an alcohol or drug test as required by Section 6-106.1c
12 or has submitted to a test required by that Section which
13 disclosed an alcohol concentration of more than 0.00 or
14 disclosed a positive result on a National Institute on
15 Drug Abuse five-drug panel, utilizing federal standards
16 set forth in 49 CFR 40.87.

17 The Secretary of State shall notify the State
18 Superintendent of Education and the permit holder's
19 prospective or current employer that the applicant ~~has~~ (1) has
20 failed a criminal background investigation or (2) is no longer
21 eligible for a school bus driver permit; and of the related
22 cancellation of the applicant's provisional school bus driver
23 permit. The cancellation shall remain in effect pending the
24 outcome of a hearing pursuant to Section 2-118 of this Code.
25 The scope of the hearing shall be limited to the issuance
26 criteria contained in subsection (a) of this Section. A

1 petition requesting a hearing shall be submitted to the
2 Secretary of State and shall contain the reason the individual
3 feels he or she is entitled to a school bus driver permit. The
4 permit holder's employer shall notify in writing to the
5 Secretary of State that the employer has certified the removal
6 of the offending school bus driver from service prior to the
7 start of that school bus driver's next work shift ~~workshift~~.
8 An employing school board that fails to remove the offending
9 school bus driver from service is subject to the penalties
10 defined in Section 3-14.23 of the School Code. A school bus
11 contractor who violates a provision of this Section is subject
12 to the penalties defined in Section 6-106.11.

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

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

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

6 (j) For purposes of subsections (h) and (i) of this
7 Section:

8 "Active duty" means active duty pursuant to an executive
9 order of the President of the United States, an act of the
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or
12 reserve forces of the United States or a member of the Illinois
13 National Guard.

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

23 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
24 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
25 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; revised
26 12-14-22.)

1 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 13-109. Safety test prior to application for license
4 - Subsequent tests - Repairs - Retest.

5 (a) Except as otherwise provided in Chapter 13, each
6 second division vehicle, first division vehicle including a
7 taxi which is used for a purpose that requires a school bus
8 driver permit, and medical transport vehicle, except those
9 vehicles other than school buses or medical transport vehicles
10 owned or operated by a municipal corporation or political
11 subdivision having a population of 1,000,000 or more
12 inhabitants which are subjected to safety tests imposed by
13 local ordinance or resolution, operated in whole or in part
14 over the highways of this State, motor vehicle used for driver
15 education training, and each vehicle designed to carry 15 or
16 fewer passengers operated by a contract carrier transporting
17 employees in the course of their employment on a highway of
18 this State, shall be subjected to the safety test provided for
19 in Chapter 13 of this Code. Tests shall be conducted at an
20 official testing station within 6 months prior to the
21 application for registration as provided for in this Code.
22 Subsequently each vehicle shall be subject to tests (i) at
23 least every 6 months, (ii) in the case of school buses and
24 first division vehicles including taxis which are used for a
25 purpose that requires a school bus driver permit, at least

1 every 6 months or 10,000 miles, whichever occurs first, (iii)
2 in the case of driver education vehicles used by public high
3 schools, at least every 12 months for vehicles over 5 model
4 years of age or having an odometer reading of over 75,000
5 miles, whichever occurs first, or (iv) in the case of truck
6 tractors, semitrailers, and property-carrying vehicles
7 registered for a gross weight of more than 10,000 pounds but
8 less than 26,001 pounds, at least every 12 months, and
9 according to schedules established by rules and regulations
10 promulgated by the Department. Any component subject to
11 regular inspection which is damaged in a reportable accident
12 must be reinspected before the bus or first division vehicle
13 including a taxi which is used for a purpose that requires a
14 school bus driver permit is returned to service.

15 (b) The Department shall also conduct periodic
16 nonscheduled inspections of school buses, of buses registered
17 as charitable vehicles and of religious organization buses. If
18 such inspection reveals that a vehicle is not in substantial
19 compliance with the rules promulgated by the Department, the
20 Department shall remove the Certificate of Safety from the
21 vehicle, and shall place the vehicle out-of-service. A bright
22 orange, triangular decal shall be placed on an out-of-service
23 vehicle where the Certificate of Safety has been removed. The
24 vehicle must pass a safety test at an official testing station
25 before it is again placed in service.

26 (c) If the violation is not substantial a bright yellow,

1 triangular sticker shall be placed next to the Certificate of
2 Safety at the time the nonscheduled inspection is made. The
3 Department shall reinspect the vehicle after 3 working days to
4 determine that the violation has been corrected and remove the
5 yellow, triangular decal. If the violation is not corrected
6 within 3 working days, the Department shall place the vehicle
7 out-of-service in accordance with procedures in subsection
8 (b).

9 (d) If a violation is not substantial and does not
10 directly affect the safe operation of the vehicle, the
11 Department shall issue a warning notice requiring correction
12 of the violation. Such correction shall be accomplished as
13 soon as practicable and a report of the correction shall be
14 made to the Department within 30 days in a manner established
15 by the Department. If the Department has not been advised that
16 the corrections have been made, and the violations still
17 exist, the Department shall place the vehicle out-of-service
18 in accordance with procedures in subsection (b).

19 (e) The Department is authorized to promulgate regulations
20 to implement its program of nonscheduled inspections. Causing
21 or allowing the operation of an out-of-service vehicle with
22 passengers or unauthorized removal of an out-of-service
23 sticker is a Class 3 felony. Causing or allowing the operation
24 of a vehicle with a 3-day sticker for longer than 3 days with
25 the sticker attached or the unauthorized removal of a 3-day
26 sticker is a Class C misdemeanor.

1 (f) If a second division vehicle, first division vehicle
2 including a taxi which is used for a purpose that requires a
3 school bus driver permit, medical transport vehicle, or
4 vehicle operated by a contract carrier as provided in
5 subsection (a) of this Section is in safe mechanical
6 condition, as determined pursuant to Chapter 13, the operator
7 of the official testing station must at once issue to the
8 second division vehicle, first division vehicle including a
9 taxi which is used for a purpose that requires a school bus
10 driver permit, or medical transport vehicle a certificate of
11 safety, in the form and manner prescribed by the Department,
12 which shall be affixed to the vehicle by the certified safety
13 tester who performed the safety tests. The owner of the second
14 division vehicle, first division vehicle including a taxi
15 which is used for a purpose that requires a school bus driver
16 permit, or medical transport vehicle or the contract carrier
17 shall at all times display the Certificate of Safety on the
18 second division vehicle, first division vehicle including a
19 taxi which is used for a purpose that requires a school bus
20 driver permit, medical transport vehicle, or vehicle operated
21 by a contract carrier in the manner prescribed by the
22 Department.

23 (g) If a test shows that a second division vehicle, first
24 division vehicle including a taxi which is used for a purpose
25 that requires a school bus driver permit, medical transport
26 vehicle, or vehicle operated by a contract carrier is not in

1 safe mechanical condition as provided in this Section, it
2 shall not be operated on the highways until it has been
3 repaired and submitted to a retest at an official testing
4 station. If the owner or contract carrier submits the vehicle
5 to a retest at a different official testing station from that
6 where it failed to pass the first test, he or she shall present
7 to the operator of the second station the report of the
8 original test, and shall notify the Department in writing,
9 giving the name and address of the original testing station
10 and the defects which prevented the issuance of a Certificate
11 of Safety, and the name and address of the second official
12 testing station making the retest.

13 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

14 (Text of Section after amendment by P.A. 102-982)

15 Sec. 13-109. Safety test prior to application for license;
16 subsequent tests; repairs; retest ~~license~~ ~~Subsequent tests~~
17 ~~Repairs~~ ~~Retest~~.

18 (a) Except as otherwise provided in Chapter 13, each
19 second division vehicle, first division vehicle including a
20 taxi which is used for a purpose that requires a school bus
21 driver permit, and medical transport vehicle, except those
22 vehicles other than school buses or medical transport vehicles
23 owned or operated by a municipal corporation or political
24 subdivision having a population of 1,000,000 or more
25 inhabitants which are subjected to safety tests imposed by

1 local ordinance or resolution, operated in whole or in part
2 over the highways of this State, motor vehicle used for driver
3 education training, and each vehicle designed to carry 15 or
4 fewer passengers operated by a contract carrier transporting
5 employees in the course of their employment on a highway of
6 this State, shall be subjected to the safety test provided for
7 in Chapter 13 of this Code. Tests shall be conducted at an
8 official testing station within 6 months prior to the
9 application for registration as provided for in this Code.
10 Subsequently each vehicle shall be subject to tests (i) at
11 least every 6 months, (i.5) in the case of first division
12 vehicles, including taxis that are used for a purpose that
13 requires a school bus driver permit, at least every 12 months,
14 (ii) in the case of school buses ~~and first division vehicles~~
15 ~~including taxis which are used for a purpose that requires a~~
16 ~~school bus driver permit,~~ at least every 6 months or 10,000
17 miles, whichever occurs first, (iii) in the case of driver
18 education vehicles used by public high schools, at least every
19 12 months for vehicles over 5 model years of age or having an
20 odometer reading of over 75,000 miles, whichever occurs first,
21 or (iv) in the case of truck tractors, semitrailers, and
22 property-carrying vehicles registered for a gross weight of
23 more than 10,000 pounds but less than 26,001 pounds, at least
24 every 12 months, and according to schedules established by
25 rules and regulations promulgated by the Department. Any
26 component subject to regular inspection which is damaged in a

1 reportable crash must be reinspected before the bus or first
2 division vehicle including a taxi which is used for a purpose
3 that requires a school bus driver permit is returned to
4 service.

5 (b) The Department shall also conduct periodic
6 nonscheduled inspections of school buses, of buses registered
7 as charitable vehicles and of religious organization buses. If
8 such inspection reveals that a vehicle is not in substantial
9 compliance with the rules promulgated by the Department, the
10 Department shall remove the Certificate of Safety from the
11 vehicle, and shall place the vehicle out-of-service. A bright
12 orange, triangular decal shall be placed on an out-of-service
13 vehicle where the Certificate of Safety has been removed. The
14 vehicle must pass a safety test at an official testing station
15 before it is again placed in service.

16 (c) If the violation is not substantial a bright yellow,
17 triangular sticker shall be placed next to the Certificate of
18 Safety at the time the nonscheduled inspection is made. The
19 Department shall reinspect the vehicle after 3 working days to
20 determine that the violation has been corrected and remove the
21 yellow, triangular decal. If the violation is not corrected
22 within 3 working days, the Department shall place the vehicle
23 out-of-service in accordance with procedures in subsection
24 (b).

25 (d) If a violation is not substantial and does not
26 directly affect the safe operation of the vehicle, the

1 Department shall issue a warning notice requiring correction
2 of the violation. Such correction shall be accomplished as
3 soon as practicable and a report of the correction shall be
4 made to the Department within 30 days in a manner established
5 by the Department. If the Department has not been advised that
6 the corrections have been made, and the violations still
7 exist, the Department shall place the vehicle out-of-service
8 in accordance with procedures in subsection (b).

9 (e) The Department is authorized to promulgate regulations
10 to implement its program of nonscheduled inspections. Causing
11 or allowing the operation of an out-of-service vehicle with
12 passengers or unauthorized removal of an out-of-service
13 sticker is a Class 3 felony. Causing or allowing the operation
14 of a vehicle with a 3-day sticker for longer than 3 days with
15 the sticker attached or the unauthorized removal of a 3-day
16 sticker is a Class C misdemeanor.

17 (f) If a second division vehicle, first division vehicle
18 including a taxi which is used for a purpose that requires a
19 school bus driver permit, medical transport vehicle, or
20 vehicle operated by a contract carrier as provided in
21 subsection (a) of this Section is in safe mechanical
22 condition, as determined pursuant to Chapter 13, the operator
23 of the official testing station must at once issue to the
24 second division vehicle, first division vehicle including a
25 taxi which is used for a purpose that requires a school bus
26 driver permit, or medical transport vehicle a certificate of

1 safety, in the form and manner prescribed by the Department,
2 which shall be affixed to the vehicle by the certified safety
3 tester who performed the safety tests. The owner of the second
4 division vehicle, first division vehicle including a taxi
5 which is used for a purpose that requires a school bus driver
6 permit, or medical transport vehicle or the contract carrier
7 shall at all times display the Certificate of Safety on the
8 second division vehicle, first division vehicle including a
9 taxi which is used for a purpose that requires a school bus
10 driver permit, medical transport vehicle, or vehicle operated
11 by a contract carrier in the manner prescribed by the
12 Department.

13 (g) If a test shows that a second division vehicle, first
14 division vehicle including a taxi which is used for a purpose
15 that requires a school bus driver permit, medical transport
16 vehicle, or vehicle operated by a contract carrier is not in
17 safe mechanical condition as provided in this Section, it
18 shall not be operated on the highways until it has been
19 repaired and submitted to a retest at an official testing
20 station. If the owner or contract carrier submits the vehicle
21 to a retest at a different official testing station from that
22 where it failed to pass the first test, he or she shall present
23 to the operator of the second station the report of the
24 original test, and shall notify the Department in writing,
25 giving the name and address of the original testing station
26 and the defects which prevented the issuance of a Certificate

1 of Safety, and the name and address of the second official
2 testing station making the retest.

3 (Source: P.A. 102-982, eff. 7-1-23.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 99. Effective date. This Act takes effect July 1,
12 2023.