



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4135

Introduced 10/21/2005, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5c
225 ILCS 10/5.1

from Ch. 23, par. 2215.1

Amends the Children and Family Services Act and the Child Care Act of 1969. In provisions concerning licensure of direct child welfare service employees by DCFS: provides that if a direct child welfare service employee licensee is expected to transport a child or children with a motor vehicle in the course of performing his or her duties, DCFS must verify that the licensee holds a valid driver's license and meets certain other requirements; requires such verification every 2 years; and provides that transporting a child or children with a motor vehicle without having a valid driver's license is grounds for revoking an individual's direct child welfare service employee license. In provisions concerning transportation of children on a regular basis by a day care center, group home, or child care institution: provides that DCFS must verify that individuals who provide such transportation meet driver's license and other statutory requirements; provides that a child care facility that knowingly allows an individual who fails to meet any of those requirements to provide such transportation is guilty of a petty offense and subject to a fine of \$1,000; and provides that each day of such a violation is a separate offense.

LRB094 14037 DRJ 48920 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

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 5c as follows:

6 (20 ILCS 505/5c)

7 Sec. 5c. Direct child welfare service employee license.

8 (a) By January 1, 2000, the Department, in consultation
9 with private child welfare agencies, shall develop and
10 implement a direct child welfare service employee license. By
11 January 1, 2001 all child protective investigators and
12 supervisors and child welfare specialists and supervisors
13 employed by the Department or its contractors shall be required
14 to demonstrate sufficient knowledge and skills to obtain and
15 maintain the license. The Direct Child Welfare Service Employee
16 License Board of the Department shall have the authority to
17 revoke or suspend the license of anyone who after a hearing is
18 found to be guilty of misfeasance. The Department shall
19 promulgate such rules as necessary to implement this Section.

20 (b) If a direct child welfare service employee licensee is
21 expected to transport a child or children with a motor vehicle
22 in the course of performing his or her duties, the Department
23 must verify that the licensee meets the requirements set forth
24 in Section 5.1 of the Child Care Act of 1969. The Department
25 must make that verification as to each such licensee every 2
26 years. Upon the Department's request, the Secretary of State
27 shall provide the Department with the information necessary to
28 enable the Department to make the verifications required under
29 this subsection. If the Department discovers that a direct
30 child welfare service employee licensee has engaged in
31 transporting a child or children with a motor vehicle without
32 having a valid driver's license, the Department shall

1 immediately revoke the individual's direct child welfare
2 service employee license.

3 (c) On or before January 1, 2000, and every year
4 thereafter, the Department shall submit an annual report to the
5 General Assembly on the implementation of this Section.

6 (Source: P.A. 92-471, eff. 8-22-01.)

7 Section 10. The Child Care Act of 1969 is amended by
8 changing Section 5.1 as follows:

9 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

10 Sec. 5.1. (a) The Department shall ensure ~~assure~~ that no
11 day care center, group home or child care institution as
12 defined in this Act shall on a regular basis transport a child
13 or children with any motor vehicle unless such vehicle is
14 operated by a person who ~~that~~ complies with the following
15 requirements:

16 1. is 21 years of age or older;

17 2. currently holds a valid driver's license, which has
18 not been revoked or suspended for one or more traffic
19 violations during the 3 years immediately prior to the date
20 of application;

21 3. demonstrates physical fitness to operate vehicles
22 by submitting the results of a medical examination
23 conducted by a licensed physician;

24 4. has not been convicted of more than 2 offenses
25 against traffic regulations governing the movement of
26 vehicles within a twelve month period;

27 5. has not been convicted of reckless driving or
28 driving under the influence or manslaughter or reckless
29 homicide resulting from the operation of a motor vehicle
30 within the past 3 years;

31 6. has signed and submitted a written statement
32 certifying that he has not, through the unlawful operation
33 of a motor vehicle, caused an accident which resulted in
34 the death of any person within the 5 years immediately

1 prior to the date of application.

2 However, such day care centers, group homes and child care
3 institutions may provide for transportation of a child or
4 children for special outings, functions or purposes that are
5 not scheduled on a regular basis without verification that
6 drivers for such purposes meet the requirements of this
7 Section.

8 (a-5) As a means of ensuring compliance with the
9 requirements set forth in subsection (a), the Department shall
10 implement appropriate measures to verify that every individual
11 who is subject to subsection (a) meets those requirements. In
12 the case of an individual who becomes subject to subsection (a)
13 for the first time after the effective date of this amendatory
14 Act of the 94th General Assembly, the Department must make that
15 verification before the individual operates a motor vehicle to
16 transport a child or children under the circumstances described
17 in subsection (a). In the case of an individual who is subject
18 to subsection (a) on the effective date of this amendatory Act
19 of the 94th General Assembly, the Department must make that
20 verification within 30 days after that effective date. Upon the
21 Department's request, the Secretary of State shall provide the
22 Department with the information necessary to enable the
23 Department to make the verifications required under this
24 subsection. If the Department discovers that an individual
25 fails to meet the requirements set forth in subsection (a), the
26 Department shall promptly notify the appropriate day care
27 center, group home, or child care institution.

28 (b) Any individual who holds a valid Illinois school bus
29 driver permit issued by the Secretary of State pursuant to The
30 Illinois Vehicle Code, and who is currently employed by a
31 school district or parochial school, or by a contractor with a
32 school district or parochial school, to drive a school bus
33 transporting children to and from school, shall be deemed in
34 compliance with the requirements of subsection (a).

35 (c) The Department may, pursuant to Section 8 of this Act,
36 revoke the license of any day care center, group home or child

1 care institution that fails to meet the requirements of this
2 Section.

3 (d) A day care center, group home, or child care
4 institution that fails to meet the requirements of this Section
5 is guilty of a petty offense and is subject to a fine of not
6 more than \$1,000. Each day that a day care center, group home,
7 or child care institution fails to meet the requirements of
8 this Section is a separate offense.

9 (Source: P.A. 88-612, eff. 7-1-95.)