



Sen. Kirk W. Dillard

**Filed: 2/24/2006**

09400SB1835sam002

LRB094 10872 LJB 56411 a

1 AMENDMENT TO SENATE BILL 1835

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1835 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 4-4, 6-16 and 6-20 and by adding Section 6-33  
6 as follows:

7 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

8 Sec. 4-4. Each local liquor control commissioner shall also  
9 have the following powers, functions and duties with respect to  
10 licenses, other than licenses to manufacturers, importing  
11 distributors, distributors, foreign importers, non-resident  
12 dealers, non-beverage users, brokers, railroads, airplanes and  
13 boats.

14 1. To grant and or suspend for not more than thirty  
15 days or revoke for cause all local licenses issued to  
16 persons for premises within his jurisdiction;

17 2. To enter or to authorize any law enforcing officer  
18 to enter at any time upon any premises licensed hereunder  
19 to determine whether any of the provisions of this Act or  
20 any rules or regulations adopted by him or by the State  
21 Commission have been or are being violated, and at such  
22 time to examine said premises of said licensee in  
23 connection therewith;

24 3. To notify the Secretary of State where a club

1 incorporated under the General Not for Profit Corporation  
2 Act of 1986 or a foreign corporation functioning as a club  
3 in this State under a certificate of authority issued under  
4 that Act has violated this Act by selling or offering for  
5 sale at retail alcoholic liquors without a retailer's  
6 license;

7 4. To receive complaint from any citizen within his  
8 jurisdiction that any of the provisions of this Act, or any  
9 rules or regulations adopted pursuant hereto, have been or  
10 are being violated and to act upon such complaints in the  
11 manner hereinafter provided;

12 5. To receive local license fees and pay the same  
13 forthwith to the city, village, town or county treasurer as  
14 the case may be.

15 Each local liquor commissioner also has the duty to notify  
16 the Secretary of State of any convictions for a violation of  
17 Section 6-20 or 6-33 of this Act or a similar provision of a  
18 local ordinance.

19 In counties and municipalities, the local liquor control  
20 commissioners shall also have the power to levy fines in  
21 accordance with Section 7-5 of this Act.

22 (Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

23 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

24 Sec. 6-16. Prohibited sales and possession.

25 (a) (i) No licensee nor any officer, associate, member,  
26 representative, agent, or employee of such licensee shall sell,  
27 give, or deliver alcoholic liquor to any person under the age  
28 of 21 years or to any intoxicated person, except as provided in  
29 Section 6-16.1. (ii) No express company, common carrier, or  
30 contract carrier nor any representative, agent, or employee on  
31 behalf of an express company, common carrier, or contract  
32 carrier that carries or transports alcoholic liquor for  
33 delivery within this State shall knowingly give or knowingly

1 deliver to a residential address any shipping container clearly  
2 labeled as containing alcoholic liquor and labeled as requiring  
3 signature of an adult of at least 21 years of age to any person  
4 in this State under the age of 21 years. An express company,  
5 common carrier, or contract carrier that carries or transports  
6 such alcoholic liquor for delivery within this State shall  
7 obtain a signature at the time of delivery acknowledging  
8 receipt of the alcoholic liquor by an adult who is at least 21  
9 years of age. At no time while delivering alcoholic beverages  
10 within this State may any representative, agent, or employee of  
11 an express company, common carrier, or contract carrier that  
12 carries or transports alcoholic liquor for delivery within this  
13 State deliver the alcoholic liquor to a residential address  
14 without the acknowledgment of the consignee and without first  
15 obtaining a signature at the time of the delivery by an adult  
16 who is at least 21 years of age. A signature of a person on file  
17 with the express company, common carrier, or contract carrier  
18 does not constitute acknowledgement of the consignee. Any  
19 express company, common carrier, or contract carrier that  
20 transports alcoholic liquor for delivery within this State that  
21 violates this item (ii) of this subsection (a) by delivering  
22 alcoholic liquor without the acknowledgement of the consignee  
23 and without first obtaining a signature at the time of the  
24 delivery by an adult who is at least 21 years of age is guilty  
25 of a business offense for which the express company, common  
26 carrier, or contract carrier that transports alcoholic liquor  
27 within this State shall be fined not more than \$1,001 for a  
28 first offense, not more than \$5,000 for a second offense, and  
29 not more than \$10,000 for a third or subsequent offense. An  
30 express company, common carrier, or contract carrier shall be  
31 held vicariously liable for the actions of its representatives,  
32 agents, or employees. For purposes of this Act, in addition to  
33 other methods authorized by law, an express company, common  
34 carrier, or contract carrier shall be considered served with

1 process when a representative, agent, or employee alleged to  
2 have violated this Act is personally served. Each shipment of  
3 alcoholic liquor delivered in violation of this item (ii) of  
4 this subsection (a) constitutes a separate offense. ~~(iii) No~~  
5 ~~person, after purchasing or otherwise obtaining alcoholic~~  
6 ~~liquor, shall sell, give, or deliver such alcoholic liquor to~~  
7 ~~another person under the age of 21 years, except in the~~  
8 ~~performance of a religious ceremony or service.~~ Except as  
9 otherwise provided in item (ii), any express company, common  
10 carrier, or contract carrier that transports alcoholic liquor  
11 within this State that violates the provisions of item (i) or  
12 ~~(ii), or (iii)~~ of this paragraph of this subsection (a) is  
13 guilty of a Class A misdemeanor and the sentence shall include,  
14 but shall not be limited to, a fine of not less than \$500. ~~Any~~  
15 ~~person who violates the provisions of item (iii) of this~~  
16 ~~paragraph of this subsection (a) is guilty of a Class A~~  
17 ~~misdemeanor and the sentence shall include, but shall not be~~  
18 ~~limited to a fine of not less than \$500 for a first offense and~~  
19 ~~not less than \$2,000 for a second or subsequent offense. Any~~  
20 ~~person who knowingly violates the provisions of item (iii) of~~  
21 ~~this paragraph of this subsection (a) is guilty of a Class 4~~  
22 ~~felony if a death occurs as the result of the violation.~~

23 If a licensee or officer, associate, member,  
24 representative, agent, or employee of the licensee, or a  
25 representative, agent, or employee of an express company,  
26 common carrier, or contract carrier that carries or transports  
27 alcoholic liquor for delivery within this State, is prosecuted  
28 under this paragraph of this subsection (a) for selling,  
29 giving, or delivering alcoholic liquor to a person under the  
30 age of 21 years, the person under 21 years of age who attempted  
31 to buy or receive the alcoholic liquor may be prosecuted  
32 pursuant to Section 6-20 of this Act, unless the person under  
33 21 years of age was acting under the authority of a law  
34 enforcement agency, the Illinois Liquor Control Commission, or

1 a local liquor control commissioner pursuant to a plan or  
2 action to investigate, patrol, or conduct any similar  
3 enforcement action.

4 For the purpose of preventing the violation of this  
5 Section, any licensee, or his agent or employee, or a  
6 representative, agent, or employee of an express company,  
7 common carrier, or contract carrier that carries or transports  
8 alcoholic liquor for delivery within this State, shall refuse  
9 to sell, deliver, or serve alcoholic beverages to any person  
10 who is unable to produce adequate written evidence of identity  
11 and of the fact that he or she is over the age of 21 years, if  
12 requested by the licensee, agent, employee, or representative.

13 Adequate written evidence of age and identity of the person  
14 is a document issued by a federal, state, county, or municipal  
15 government, or subdivision or agency thereof, including, but  
16 not limited to, a motor vehicle operator's license, a  
17 registration certificate issued under the Federal Selective  
18 Service Act, or an identification card issued to a member of  
19 the Armed Forces. Proof that the defendant-licensee, or his  
20 employee or agent, or the representative, agent, or employee of  
21 the express company, common carrier, or contract carrier that  
22 carries or transports alcoholic liquor for delivery within this  
23 State demanded, was shown and reasonably relied upon such  
24 written evidence in any transaction forbidden by this Section  
25 is an affirmative defense in any criminal prosecution therefor  
26 or to any proceedings for the suspension or revocation of any  
27 license based thereon. It shall not, however, be an affirmative  
28 defense if the agent or employee accepted the written evidence  
29 knowing it to be false or fraudulent. If a false or fraudulent  
30 Illinois driver's license or Illinois identification card is  
31 presented by a person less than 21 years of age to a licensee  
32 or the licensee's agent or employee for the purpose of  
33 ordering, purchasing, attempting to purchase, or otherwise  
34 obtaining or attempting to obtain the serving of any alcoholic

1 beverage, the law enforcement officer or agency investigating  
2 the incident shall, upon the conviction of the person who  
3 presented the fraudulent license or identification, make a  
4 report of the matter to the Secretary of State on a form  
5 provided by the Secretary of State.

6 However, no agent or employee of the licensee or employee  
7 of an express company, common carrier, or contract carrier that  
8 carries or transports alcoholic liquor for delivery within this  
9 State shall be disciplined or discharged for selling or  
10 furnishing liquor to a person under 21 years of age if the  
11 agent or employee demanded and was shown, before furnishing  
12 liquor to a person under 21 years of age, adequate written  
13 evidence of age and identity of the person issued by a federal,  
14 state, county or municipal government, or subdivision or agency  
15 thereof, including but not limited to a motor vehicle  
16 operator's license, a registration certificate issued under  
17 the Federal Selective Service Act, or an identification card  
18 issued to a member of the Armed Forces. This paragraph,  
19 however, shall not apply if the agent or employee accepted the  
20 written evidence knowing it to be false or fraudulent.

21 Any person who sells, gives, or furnishes to any person  
22 under the age of 21 years any false or fraudulent written,  
23 printed, or photostatic evidence of the age and identity of  
24 such person or who sells, gives or furnishes to any person  
25 under the age of 21 years evidence of age and identification of  
26 any other person is guilty of a Class A misdemeanor and the  
27 person's sentence shall include, but shall not be limited to, a  
28 fine of not less than \$500.

29 Any person under the age of 21 years who presents or offers  
30 to any licensee, his agent or employee, any written, printed or  
31 photostatic evidence of age and identity that is false,  
32 fraudulent, or not actually his or her own for the purpose of  
33 ordering, purchasing, attempting to purchase or otherwise  
34 procuring or attempting to procure, the serving of any

1 alcoholic beverage, who falsely states in writing that he or  
2 she is at least 21 years of age when receiving alcoholic liquor  
3 from a representative, agent, or employee of an express  
4 company, common carrier, or contract carrier, or who has in his  
5 or her possession any false or fraudulent written, printed, or  
6 photostatic evidence of age and identity, is guilty of a Class  
7 A misdemeanor and the person's sentence shall include, but  
8 shall not be limited to, the following: a fine of not less than  
9 \$500 and at least 25 hours of community service. If possible,  
10 any community service shall be performed for an alcohol abuse  
11 prevention program.

12 Any person under the age of 21 years who has any alcoholic  
13 beverage in his or her possession on any street or highway or  
14 in any public place or in any place open to the public is  
15 guilty of a Class A misdemeanor. This Section does not apply to  
16 possession by a person under the age of 21 years making a  
17 delivery of an alcoholic beverage in pursuance of the order of  
18 his or her parent or in pursuance of his or her employment.

19 (a-1) It is unlawful for any parent or guardian to permit  
20 his or her residence to be used by an invitee of the parent's  
21 child or the guardian's ward, if the invitee is under the age  
22 of 21, in a manner that constitutes a violation of this Section  
23 or Section 6-33 of this Act. A parent or guardian is deemed to  
24 have permitted his or her residence to be used in violation of  
25 this Section if he or she knowingly authorizes, enables, or  
26 permits such use to occur by failing to control access to  
27 either the residence or the alcoholic liquor maintained in the  
28 residence. Any person who violates this subsection (a-1) is  
29 guilty of a Class A misdemeanor and the person's sentence shall  
30 include, but shall not be limited to, a fine of not less than  
31 \$500. Nothing in this subsection (a-1) shall be construed to  
32 prohibit the giving of alcoholic liquor to a person under the  
33 age of 21 years in the performance of a religious ceremony or  
34 service or as authorized by Section 6-33 of this Act.

1           (b) Except as otherwise provided in this Section whoever  
2 violates this Section shall, in addition to other penalties  
3 provided for in this Act, be guilty of a Class A misdemeanor.

4           (c) Any person shall be guilty of a Class A misdemeanor  
5 where he or she knowingly permits a gathering at a residence  
6 which he or she occupies of two or more persons where any one  
7 or more of the persons is under 21 years of age and the  
8 following factors also apply:

9                 (1) the person occupying the residence knows that any  
10 such person under the age of 21 is in possession of or is  
11 consuming any alcoholic beverage; and

12                 (2) the possession or consumption of the alcohol by the  
13 person under 21 is not otherwise permitted by this Act; and

14                 (3) the person occupying the residence knows that the  
15 person under the age of 21 leaves the residence in an  
16 intoxicated condition.

17           For the purposes of this subsection (c) where the residence  
18 has an owner and a tenant or lessee, there is a rebuttable  
19 presumption that the residence is occupied only by the tenant  
20 or lessee.

21           (d) Any person who rents a hotel or motel room from the  
22 proprietor or agent thereof for the purpose of or with the  
23 knowledge that such room shall be used for the consumption of  
24 alcoholic liquor by persons under the age of 21 years shall be  
25 guilty of a Class A misdemeanor.

26           (e) Except as otherwise provided in this Act, any person  
27 who has alcoholic liquor in his or her possession on public  
28 school district property on school days or at events on public  
29 school district property when children are present is guilty of  
30 a petty offense, unless the alcoholic liquor (i) is in the  
31 original container with the seal unbroken and is in the  
32 possession of a person who is not otherwise legally prohibited  
33 from possessing the alcoholic liquor or (ii) is in the  
34 possession of a person in or for the performance of a religious



1 service or ceremony authorized by the school board.

2 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507,  
3 eff. 1-1-02; 92-651, eff. 7-11-02; 92-687, eff. 1-1-03.)

4 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

5 Sec. 6-20. Any person to whom the sale, gift or delivery of  
6 any alcoholic liquor is prohibited because of age shall not  
7 purchase, or accept a gift of such alcoholic liquor or have  
8 such alcoholic liquor in his possession.

9 If a licensee or his or her agents or employees believes or  
10 has reason to believe that a sale or delivery of any alcoholic  
11 liquor is prohibited because of the non-age of the prospective  
12 recipient, he or she shall, before making such sale or delivery  
13 demand presentation of some form of positive identification,  
14 containing proof of age, issued by a public officer in the  
15 performance of his or her official duties.

16 No person shall transfer, alter, or deface such an  
17 identification card; use the identification card of another;  
18 carry or use a false or forged identification card; or obtain  
19 an identification card by means of false information. No person  
20 shall purchase, accept delivery or have possession of alcoholic  
21 liquor in violation of this Section. The consumption of  
22 alcoholic liquor by any person under 21 years of age is  
23 forbidden. Whoever violates any provisions of this Section  
24 shall be guilty of a Class A misdemeanor. If a person is  
25 convicted of a violation of this Section, the Secretary of  
26 State shall suspend the person's driving privileges for a  
27 period of one year for a first offense and for a period of 2  
28 years for a second or subsequent offense.

29 The possession and dispensing, or consumption by a person  
30 under 21 years of age of alcoholic liquor as provided in  
31 subsections (b) and (c) of Section 6-33 of this Act ~~in the~~  
32 ~~performance of a religious service or ceremony, or the~~  
33 ~~consumption by a person under 21 years of age under the direct~~

1 ~~supervision and approval of the parents or parent or those~~  
2 ~~persons standing in loco parentis of such person under 21 years~~  
3 ~~of age in the privacy of a home,~~ is not prohibited by this Act.

4 (Source: P.A. 90-432, eff. 1-1-98.)

5 (235 ILCS 5/6-33 new)

6 Sec. 6-33. Transfer of alcoholic liquor to minors.

7 (a) Any person who, after purchasing or otherwise obtaining  
8 alcoholic liquor, sells, gives, or delivers for use as a  
9 beverage any alcoholic liquor to any person under the age of 21  
10 years is guilty of a Class A misdemeanor and the sentence shall  
11 include, but not be limited to, a fine of not less than \$500  
12 for a first offense and not less than \$2,000 for a second or  
13 subsequent offense. However, any person who knowingly violates  
14 the provisions of this Section is guilty of a Class 4 felony if  
15 a death occurs as the result of the violation.

16 (b) The provisions of subsection (a) of this Section do not  
17 apply to any of the following persons:

18 (1) to a person licensed under Section 5-1 of this Act  
19 or to an officer, employee, associate, representative,  
20 agent, or shareholder of a business licensed under Section  
21 5-1 of this Act who is acting within the scope of his or  
22 her employment;

23 (2) to a parent or guardian 21 years of age or older  
24 giving alcoholic liquor to his or her children or wards  
25 under the age of 21 years in their home;

26 (3) to a person giving alcoholic liquor to another  
27 person under the age of 21 years in conjunction with a  
28 religious ceremony or purpose if the alcoholic liquor was  
29 lawfully purchased; or

30 (4) to any express company, common carrier, or contract  
31 carrier or any representative, agent, or employee acting on  
32 behalf of an express company, common carrier, or contract  
33 carrier that carries or transports alcoholic liquor for

1 delivery within this State that must comply with item (ii)  
2 of subsection (a) of Section 6-16 of this Act.

3 (c) The provisions of subsection (a) of this Section do not  
4 apply to a person who gives, serves, or permits to be served  
5 any alcoholic liquor to a student under the age of 21 years if  
6 all of the following conditions are met:

7 (1) the person is an authorized instructor of the  
8 culinary arts of an accredited college or university, as  
9 defined by the State Commission, and is 21 years of age or  
10 older;

11 (2) the student is 18 years of age or older, is  
12 enrolled in the accredited college or university, and is a  
13 student in a culinary course, and the alcoholic liquor is  
14 delivered as part of the student's required curriculum and  
15 is used only for instructional purposes during classes  
16 conducted pursuant to the curriculum;

17 (3) the student is required to taste, but not consume  
18 or imbibe, the alcoholic liquor during classes conducted  
19 under the supervision of the authorized instructor  
20 pursuant to the curriculum;

21 (4) the alcoholic liquor is never offered solely for  
22 consumption or imbibed by the student; and

23 (5) the alcoholic liquor at all times remains in the  
24 possession and control of the authorized instructor,  
25 except for uses authorized pursuant to this subsection (c).

26 (d) If a person is convicted of a violation of this  
27 Section, the Secretary of State shall suspend the person's  
28 driving privileges for a period of one year for a first offense  
29 and for a period of 2 years for a second or subsequent offense.

30 Section 10. The Illinois Vehicle Code is amended by  
31 changing Sections 6-106.1, 6-206, and 6-508 as follows:

32 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

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

1 Secretary of State in administering this Section. All  
2 applicants must:

3 1. be 21 years of age or older;

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

6 3. possess a valid driver's license, which has not been  
7 revoked, suspended, or canceled for 3 years immediately  
8 prior to the date of application, or have not had his or  
9 her commercial motor vehicle driving privileges  
10 disqualified within the 3 years immediately prior to the  
11 date of application;

12 4. successfully pass a written test, administered by  
13 the Secretary of State, on school bus operation, school bus  
14 safety, and special traffic laws relating to school buses  
15 and submit to a review of the applicant's driving habits by  
16 the Secretary of State at the time the written test is  
17 given;

18 5. demonstrate ability to exercise reasonable care in  
19 the operation of school buses in accordance with rules  
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school  
22 buses by submitting the results of a medical examination,  
23 including tests for drug use for each applicant not subject  
24 to such testing pursuant to federal law, conducted by a  
25 licensed physician, an advanced practice nurse who has a  
26 written collaborative agreement with a collaborating  
27 physician which authorizes him or her to perform medical  
28 examinations, or a physician assistant who has been  
29 delegated the performance of medical examinations by his or  
30 her supervising physician within 90 days of the date of  
31 application according to standards promulgated by the  
32 Secretary of State;

33 7. affirm under penalties of perjury that he or she has  
34 not made a false statement or knowingly concealed a

1 material fact in any application for permit;

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

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

16 10. not have been convicted of reckless driving,  
17 driving while intoxicated, 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 attempting  
21 to commit any one or more of the following offenses: (i)  
22 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
23 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
24 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
25 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
26 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
27 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
28 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
29 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
30 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
31 33A-2, and in subsection (a) and subsection (b), clause  
32 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
33 those offenses defined in the Cannabis Control Act except  
34 those offenses defined in subsections (a) and (b) of

1 Section 4, and subsection (a) of Section 5 of the Cannabis  
2 Control Act; (iii) those offenses defined in the Illinois  
3 Controlled Substances Act; (iv) those offenses defined in  
4 the Methamphetamine Control and Community Protection Act;  
5 (v) any offense committed or attempted in any other state  
6 or against the laws of the United States, which if  
7 committed or attempted in this State would be punishable as  
8 one or more of the foregoing offenses; (vi) the offenses  
9 defined in Section 4.1 and 5.1 of the Wrongs to Children  
10 Act and (vii) those offenses defined in Sections ~~Section~~  
11 6-16 and 6-33 of the Liquor Control Act of 1934;

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

20 13. not have, through the unlawful operation of a motor  
21 vehicle, caused an accident resulting in the death of any  
22 person; and

23 14. not have, within the last 5 years, been adjudged to  
24 be afflicted with or suffering from any mental disability  
25 or disease.

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

30 (c) A school bus driver permit shall contain the holder's  
31 driver's license number, legal name, residence address, zip  
32 code, social security number and date of birth, a brief  
33 description of the holder and a space for signature. The  
34 Secretary of State may require a suitable photograph of the

1 holder.

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

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

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



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

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

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

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

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

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

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

33 The Secretary of State shall notify the State  
34 Superintendent of Education and the permit holder's

1 prospective or current employer that the applicant has (1) has  
2 failed a criminal background investigation or (2) is no longer  
3 eligible for a school bus driver permit; and of the related  
4 cancellation of the applicant's provisional school bus driver  
5 permit. The cancellation shall remain in effect pending the  
6 outcome of a hearing pursuant to Section 2-118 of this Code.  
7 The scope of the hearing shall be limited to the issuance  
8 criteria contained in subsection (a) of this Section. A  
9 petition requesting a hearing shall be submitted to the  
10 Secretary of State and shall contain the reason the individual  
11 feels he or she is entitled to a school bus driver permit. The  
12 permit holder's employer shall notify in writing to the  
13 Secretary of State that the employer has certified the removal  
14 of the offending school bus driver from service prior to the  
15 start of that school bus driver's next workshift. An employing  
16 school board that fails to remove the offending school bus  
17 driver from service is subject to the penalties defined in  
18 Section 3-14.23 of the School Code. A school bus contractor who  
19 violates a provision of this Section is subject to the  
20 penalties defined in Section 6-106.11.

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

24 (Source: P.A. 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

25 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

26 Sec. 6-206. Discretionary authority to suspend or revoke  
27 license or permit; Right to a hearing.

28 (a) The Secretary of State is authorized to suspend or  
29 revoke the driving privileges of any person without preliminary  
30 hearing upon a showing of the person's records or other  
31 sufficient evidence that the person:

32 1. Has committed an offense for which mandatory  
33 revocation of a driver's license or permit is required upon

1 conviction;

2 2. Has been convicted of not less than 3 offenses  
3 against traffic regulations governing the movement of  
4 vehicles committed within any 12 month period. No  
5 revocation or suspension shall be entered more than 6  
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor  
8 vehicle collisions or has been repeatedly convicted of  
9 offenses against laws and ordinances regulating the  
10 movement of traffic, to a degree that indicates lack of  
11 ability to exercise ordinary and reasonable care in the  
12 safe operation of a motor vehicle or disrespect for the  
13 traffic laws and the safety of other persons upon the  
14 highway;

15 4. Has by the unlawful operation of a motor vehicle  
16 caused or contributed to an accident resulting in death or  
17 injury requiring immediate professional treatment in a  
18 medical facility or doctor's office to any person, except  
19 that any suspension or revocation imposed by the Secretary  
20 of State under the provisions of this subsection shall  
21 start no later than 6 months after being convicted of  
22 violating a law or ordinance regulating the movement of  
23 traffic, which violation is related to the accident, or  
24 shall start not more than one year after the date of the  
25 accident, whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a  
27 driver's license, identification card, or permit;

28 6. Has been lawfully convicted of an offense or  
29 offenses in another state, including the authorization  
30 contained in Section 6-203.1, which if committed within  
31 this State would be grounds for suspension or revocation;

32 7. Has refused or failed to submit to an examination  
33 provided for by Section 6-207 or has failed to pass the  
34 examination;

1           8. Is ineligible for a driver's license or permit under  
2 the provisions of Section 6-103;

3           9. Has made a false statement or knowingly concealed a  
4 material fact or has used false information or  
5 identification in any application for a license,  
6 identification card, or permit;

7           10. Has possessed, displayed, or attempted to  
8 fraudulently use any license, identification card, or  
9 permit not issued to the person;

10           11. Has operated a motor vehicle upon a highway of this  
11 State when the person's driving privilege or privilege to  
12 obtain a driver's license or permit was revoked or  
13 suspended unless the operation was authorized by a judicial  
14 driving permit, probationary license to drive, or a  
15 restricted driving permit issued under this Code;

16           12. Has submitted to any portion of the application  
17 process for another person or has obtained the services of  
18 another person to submit to any portion of the application  
19 process for the purpose of obtaining a license,  
20 identification card, or permit for some other person;

21           13. Has operated a motor vehicle upon a highway of this  
22 State when the person's driver's license or permit was  
23 invalid under the provisions of Sections 6-107.1 and 6-110;

24           14. Has committed a violation of Section 6-301,  
25 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
26 of the Illinois Identification Card Act;

27           15. Has been convicted of violating Section 21-2 of the  
28 Criminal Code of 1961 relating to criminal trespass to  
29 vehicles in which case, the suspension shall be for one  
30 year;

31           16. Has been convicted of violating Section 11-204 of  
32 this Code relating to fleeing from a peace officer;

33           17. Has refused to submit to a test, or tests, as  
34 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section  
2 11-501.1;

3 18. Has, since issuance of a driver's license or  
4 permit, been adjudged to be afflicted with or suffering  
5 from any mental disability or disease;

6 19. Has committed a violation of paragraph (a) or (b)  
7 of Section 6-101 relating to driving without a driver's  
8 license;

9 20. Has been convicted of violating Section 6-104  
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of  
12 this Code relating to leaving the scene of an accident  
13 resulting in damage to a vehicle in excess of \$1,000, in  
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
17 the Criminal Code of 1961 relating to unlawful use of  
18 weapons, in which case the suspension shall be for one  
19 year;

20 23. Has, as a driver, been convicted of committing a  
21 violation of paragraph (a) of Section 11-502 of this Code  
22 for a second or subsequent time within one year of a  
23 similar violation;

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois of or  
27 for a traffic related offense that is the same as or  
28 similar to an offense specified under Section 6-205 or  
29 6-206 of this Code;

30 25. Has permitted any form of identification to be used  
31 by another in the application process in order to obtain or  
32 attempt to obtain a license, identification card, or  
33 permit;

34 26. Has altered or attempted to alter a license or has

1        possessed an altered license, identification card, or  
2        permit;

3            27. Has violated Section 6-16 of the Liquor Control Act  
4        of 1934;

5            28. Has been convicted of the illegal possession, while  
6        operating or in actual physical control, as a driver, of a  
7        motor vehicle, of any controlled substance prohibited  
8        under the Illinois Controlled Substances Act, any cannabis  
9        prohibited under the Cannabis Control Act, or any  
10       methamphetamine prohibited under the Methamphetamine  
11       Control and Community Protection Act, in which case the  
12       person's driving privileges shall be suspended for one  
13       year, and any driver who is convicted of a second or  
14       subsequent offense, within 5 years of a previous  
15       conviction, for the illegal possession, while operating or  
16       in actual physical control, as a driver, of a motor  
17       vehicle, of any controlled substance prohibited under the  
18       Illinois Controlled Substances Act, any cannabis  
19       prohibited under the Cannabis Control Act, or any  
20       methamphetamine prohibited under the Methamphetamine  
21       Control and Community Protection Act shall be suspended for  
22       5 years. Any defendant found guilty of this offense while  
23       operating a motor vehicle, shall have an entry made in the  
24       court record by the presiding judge that this offense did  
25       occur while the defendant was operating a motor vehicle and  
26       order the clerk of the court to report the violation to the  
27       Secretary of State;

28            29. Has been convicted of the following offenses that  
29        were committed while the person was operating or in actual  
30        physical control, as a driver, of a motor vehicle: criminal  
31        sexual assault, predatory criminal sexual assault of a  
32        child, aggravated criminal sexual assault, criminal sexual  
33        abuse, aggravated criminal sexual abuse, juvenile pimping,  
34        soliciting for a juvenile prostitute and the manufacture,

1 sale or delivery of controlled substances or instruments  
2 used for illegal drug use or abuse in which case the  
3 driver's driving privileges shall be suspended for one  
4 year;

5 30. Has been convicted a second or subsequent time for  
6 any combination of the offenses named in paragraph 29 of  
7 this subsection, in which case the person's driving  
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by  
10 Section 11-501.6 or has submitted to a test resulting in an  
11 alcohol concentration of 0.08 or more or any amount of a  
12 drug, substance, or compound resulting from the unlawful  
13 use or consumption of cannabis as listed in the Cannabis  
14 Control Act, a controlled substance as listed in the  
15 Illinois Controlled Substances Act, or an intoxicating  
16 compound as listed in the Use of Intoxicating Compounds  
17 Act, in which case the penalty shall be as prescribed in  
18 Section 6-208.1;

19 32. Has been convicted of Section 24-1.2 of the  
20 Criminal Code of 1961 relating to the aggravated discharge  
21 of a firearm if the offender was located in a motor vehicle  
22 at the time the firearm was discharged, in which case the  
23 suspension shall be for 3 years;

24 33. Has as a driver, who was less than 21 years of age  
25 on the date of the offense, been convicted a first time of  
26 a violation of paragraph (a) of Section 11-502 of this Code  
27 or a similar provision of a local ordinance;

28 34. Has committed a violation of Section 11-1301.5 of  
29 this Code;

30 35. Has committed a violation of Section 11-1301.6 of  
31 this Code;

32 36. Is under the age of 21 years at the time of arrest  
33 and has been convicted of not less than 2 offenses against  
34 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of  
5 Section 11-907 of this Code;

6 38. Has been convicted of a violation of Section 6-20  
7 of the Liquor Control Act of 1934 or a similar provision of  
8 a local ordinance;

9 39. Has committed a second or subsequent violation of  
10 Section 11-1201 of this Code;

11 40. Has committed a violation of subsection (a-1) of  
12 Section 11-908 of this Code; or

13 41. Has committed a second or subsequent violation of  
14 Section 11-605.1 of this Code within 2 years of the date of  
15 the previous violation, in which case the suspension shall  
16 be for 90 days.

17 42. Has been convicted of a violation of Section 6-33  
18 of the Liquor Control Act of 1934.

19 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
20 and 27 of this subsection, license means any driver's license,  
21 any traffic ticket issued when the person's driver's license is  
22 deposited in lieu of bail, a suspension notice issued by the  
23 Secretary of State, a duplicate or corrected driver's license,  
24 a probationary driver's license or a temporary driver's  
25 license.

26 (b) If any conviction forming the basis of a suspension or  
27 revocation authorized under this Section is appealed, the  
28 Secretary of State may rescind or withhold the entry of the  
29 order of suspension or revocation, as the case may be, provided  
30 that a certified copy of a stay order of a court is filed with  
31 the Secretary of State. If the conviction is affirmed on  
32 appeal, the date of the conviction shall relate back to the  
33 time the original judgment of conviction was entered and the 6  
34 month limitation prescribed shall not apply.



1 (c) 1. Upon suspending or revoking the driver's license or  
2 permit of any person as authorized in this Section, the  
3 Secretary of State shall immediately notify the person in  
4 writing of the revocation or suspension. The notice to be  
5 deposited in the United States mail, postage prepaid, to  
6 the last known address of the person.

7 2. If the Secretary of State suspends the driver's  
8 license of a person under subsection 2 of paragraph (a) of  
9 this Section, a person's privilege to operate a vehicle as  
10 an occupation shall not be suspended, provided an affidavit  
11 is properly completed, the appropriate fee received, and a  
12 permit issued prior to the effective date of the  
13 suspension, unless 5 offenses were committed, at least 2 of  
14 which occurred while operating a commercial vehicle in  
15 connection with the driver's regular occupation. All other  
16 driving privileges shall be suspended by the Secretary of  
17 State. Any driver prior to operating a vehicle for  
18 occupational purposes only must submit the affidavit on  
19 forms to be provided by the Secretary of State setting  
20 forth the facts of the person's occupation. The affidavit  
21 shall also state the number of offenses committed while  
22 operating a vehicle in connection with the driver's regular  
23 occupation. The affidavit shall be accompanied by the  
24 driver's license. Upon receipt of a properly completed  
25 affidavit, the Secretary of State shall issue the driver a  
26 permit to operate a vehicle in connection with the driver's  
27 regular occupation only. Unless the permit is issued by the  
28 Secretary of State prior to the date of suspension, the  
29 privilege to drive any motor vehicle shall be suspended as  
30 set forth in the notice that was mailed under this Section.  
31 If an affidavit is received subsequent to the effective  
32 date of this suspension, a permit may be issued for the  
33 remainder of the suspension period.

34 The provisions of this subparagraph shall not apply to

1 any driver required to possess a CDL for the purpose of  
2 operating a commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit  
4 required herein shall be guilty of perjury under Section  
5 6-302 and upon conviction thereof shall have all driving  
6 privileges revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118  
8 of this Code, the Secretary of State shall either rescind  
9 or continue an order of revocation or shall substitute an  
10 order of suspension; or, good cause appearing therefor,  
11 rescind, continue, change, or extend the order of  
12 suspension. If the Secretary of State does not rescind the  
13 order, the Secretary may upon application, to relieve undue  
14 hardship, issue a restricted driving permit granting the  
15 privilege of driving a motor vehicle between the  
16 petitioner's residence and petitioner's place of  
17 employment or within the scope of his employment related  
18 duties, or to allow transportation for the petitioner, or a  
19 household member of the petitioner's family, to receive  
20 necessary medical care and if the professional evaluation  
21 indicates, provide transportation for alcohol remedial or  
22 rehabilitative activity, or for the petitioner to attend  
23 classes, as a student, in an accredited educational  
24 institution; if the petitioner is able to demonstrate that  
25 no alternative means of transportation is reasonably  
26 available and the petitioner will not endanger the public  
27 safety or welfare.

28 If a person's license or permit has been revoked or  
29 suspended due to 2 or more convictions of violating Section  
30 11-501 of this Code or a similar provision of a local  
31 ordinance or a similar out-of-state offense, arising out of  
32 separate occurrences, that person, if issued a restricted  
33 driving permit, may not operate a vehicle unless it has  
34 been equipped with an ignition interlock device as defined

1 in Section 1-129.1.

2 If a person's license or permit has been revoked or  
3 suspended 2 or more times within a 10 year period due to a  
4 single conviction of violating Section 11-501 of this Code  
5 or a similar provision of a local ordinance or a similar  
6 out-of-state offense, and a statutory summary suspension  
7 under Section 11-501.1, or 2 or more statutory summary  
8 suspensions, or combination of 2 offenses, or of an offense  
9 and a statutory summary suspension, arising out of separate  
10 occurrences, that person, if issued a restricted driving  
11 permit, may not operate a vehicle unless it has been  
12 equipped with an ignition interlock device as defined in  
13 Section 1-129.1. The person must pay to the Secretary of  
14 State DUI Administration Fund an amount not to exceed \$20  
15 per month. The Secretary shall establish by rule the amount  
16 and the procedures, terms, and conditions relating to these  
17 fees. If the restricted driving permit was issued for  
18 employment purposes, then this provision does not apply to  
19 the operation of an occupational vehicle owned or leased by  
20 that person's employer. In each case the Secretary may  
21 issue a restricted driving permit for a period deemed  
22 appropriate, except that all permits shall expire within  
23 one year from the date of issuance. The Secretary may not,  
24 however, issue a restricted driving permit to any person  
25 whose current revocation is the result of a second or  
26 subsequent conviction for a violation of Section 11-501 of  
27 this Code or a similar provision of a local ordinance  
28 relating to the offense of operating or being in physical  
29 control of a motor vehicle while under the influence of  
30 alcohol, other drug or drugs, intoxicating compound or  
31 compounds, or any similar out-of-state offense, or any  
32 combination of those offenses, until the expiration of at  
33 least one year from the date of the revocation. A  
34 restricted driving permit issued under this Section shall

1 be subject to cancellation, revocation, and suspension by  
2 the Secretary of State in like manner and for like cause as  
3 a driver's license issued under this Code may be cancelled,  
4 revoked, or suspended; except that a conviction upon one or  
5 more offenses against laws or ordinances regulating the  
6 movement of traffic shall be deemed sufficient cause for  
7 the revocation, suspension, or cancellation of a  
8 restricted driving permit. The Secretary of State may, as a  
9 condition to the issuance of a restricted driving permit,  
10 require the applicant to participate in a designated driver  
11 remedial or rehabilitative program. The Secretary of State  
12 is authorized to cancel a restricted driving permit if the  
13 permit holder does not successfully complete the program.

14 (c-5) The Secretary of State may, as a condition of the  
15 reissuance of a driver's license or permit to an applicant  
16 whose driver's license or permit has been suspended before he  
17 or she reached the age of 18 years pursuant to any of the  
18 provisions of this Section, require the applicant to  
19 participate in a driver remedial education course and be  
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the  
22 Drivers License Compact.

23 (e) The Secretary of State shall not issue a restricted  
24 driving permit to a person under the age of 16 years whose  
25 driving privileges have been suspended or revoked under any  
26 provisions of this Code.

27 (f) In accordance with 49 C.F.R. 384, the Secretary of  
28 State may not issue a restricted driving permit for the  
29 operation of a commercial motor vehicle to a person holding a  
30 CDL whose driving privileges have been revoked under any  
31 provisions of this Code.

32 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
33 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
34 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

1 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
2 Sec. 6-508. Commercial Driver's License (CDL) -  
3 qualification standards.

4 (a) Testing.

5 (1) General. No person shall be issued an original or  
6 renewal CDL unless that person is domiciled in this State.  
7 The Secretary shall cause to be administered such tests as  
8 the Secretary deems necessary to meet the requirements of  
9 49 C.F.R. Part 383, subparts G and H.

10 (2) Third party testing. The Secretary of state may  
11 authorize a "third party tester", pursuant to 49 C.F.R.  
12 Part 383.75, to administer the skills test or tests  
13 specified by Federal Highway Administration pursuant to  
14 the Commercial Motor Vehicle Safety Act of 1986 and any  
15 appropriate federal rule.

16 (b) Waiver of Skills Test. The Secretary of State may waive  
17 the skills test specified in this Section for a commercial  
18 driver license applicant who meets the requirements of 49  
19 C.F.R. Part 383.77 and Part 383.123.

20 (c) Limitations on issuance of a CDL. A CDL, or a  
21 commercial driver instruction permit, shall not be issued to a  
22 person while the person is subject to a disqualification from  
23 driving a commercial motor vehicle, or unless otherwise  
24 permitted by this Code, while the person's driver's license is  
25 suspended, revoked or cancelled in any state, or any territory  
26 or province of Canada; nor may a CDL be issued to a person who  
27 has a CDL issued by any other state, or foreign jurisdiction,  
28 unless the person first surrenders all such licenses. No CDL  
29 shall be issued to or renewed for a person who does not meet  
30 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
31 met with the aid of a hearing aid.

32 (c-1) The Secretary may issue a CDL with a school bus  
33 driver endorsement to allow a person to drive the type of bus

1 described in subsection (d-5) of Section 6-104 of this Code.  
2 The CDL with a school bus driver endorsement may be issued only  
3 to a person meeting the following requirements:

4 (1) the person has submitted his or her fingerprints to  
5 the Department of State Police in the form and manner  
6 prescribed by the Department of State Police. These  
7 fingerprints shall be checked against the fingerprint  
8 records now and hereafter filed in the Department of State  
9 Police and Federal Bureau of Investigation criminal  
10 history records databases;

11 (2) the person has passed a written test, administered  
12 by the Secretary of State, on charter bus operation,  
13 charter bus safety, and certain special traffic laws  
14 relating to school buses determined by the Secretary of  
15 State to be relevant to charter buses, and submitted to a  
16 review of the applicant's driving habits by the Secretary  
17 of State at the time the written test is given;

18 (3) the person has demonstrated physical fitness to  
19 operate school buses by submitting the results of a medical  
20 examination, including tests for drug use; and

21 (4) the person has not been convicted of committing or  
22 attempting to commit any one or more of the following  
23 offenses: (i) those offenses defined in Sections 9-1,  
24 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
25 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,  
26 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
27 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
28 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,  
29 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
30 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
31 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
32 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
33 subsection (b), clause (1), of Section 12-4 of the Criminal  
34 Code of 1961; (ii) those offenses defined in the Cannabis

1 Control Act except those offenses defined in subsections  
2 (a) and (b) of Section 4, and subsection (a) of Section 5  
3 of the Cannabis Control Act; (iii) those offenses defined  
4 in the Illinois Controlled Substances Act; (iv) those  
5 offenses defined in the Methamphetamine Control and  
6 Community Protection Act; (v) any offense committed or  
7 attempted in any other state or against the laws of the  
8 United States, which if committed or attempted in this  
9 State would be punishable as one or more of the foregoing  
10 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
11 of the Wrongs to Children Act; and (vii) those offenses  
12 defined in Sections ~~Section~~ 6-16 and 6-33 of the Liquor  
13 Control Act of 1934.

14 The Department of State Police shall charge a fee for  
15 conducting the criminal history records check, which shall be  
16 deposited into the State Police Services Fund and may not  
17 exceed the actual cost of the records check.

18 (c-2) The Secretary shall issue a CDL with a school bus  
19 endorsement to allow a person to drive a school bus as defined  
20 in this Section. The CDL shall be issued according to the  
21 requirements outlined in 49 C.F.R. 383. A person may not  
22 operate a school bus as defined in this Section without a  
23 school bus endorsement. The Secretary of State may adopt rules  
24 consistent with Federal guidelines to implement this  
25 subsection (c-2).

26 (d) Commercial driver instruction permit. A commercial  
27 driver instruction permit may be issued to any person holding a  
28 valid Illinois driver's license if such person successfully  
29 passes such tests as the Secretary determines to be necessary.  
30 A commercial driver instruction permit shall not be issued to a  
31 person who does not meet the requirements of 49 CFR 391.41  
32 (b)(11), except for the renewal of a commercial driver  
33 instruction permit for a person who possesses a commercial  
34 instruction permit prior to the effective date of this

1 amendatory Act of 1999.

2 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307,  
3 eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

4 Section 99. Effective date. This Act takes effect January  
5 1, 2007."