



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3583

Introduced 2/28/2007, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. Provides that, if the employer of a school bus driver reporting to work has a substantiated reason to suspect that the driver is under the influence of alcohol, the employer may require the driver to submit to testing for alcohol at a licensed testing facility before he or she is allowed to drive a school bus. Provides that the employer shall immediately notify the Secretary of State if the school bus driver refuses to submit to the testing or tests positive for the presence of alcohol or other drugs or intoxicating compounds.

LRB095 07008 DRH 27127 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 changing
5 Section 6-106.1 as follows:

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

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

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

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

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

1 disqualified within the 3 years immediately prior to the
2 date of application;

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

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

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

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

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

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

15 10. not have been convicted of reckless driving,
16 driving while intoxicated, or reckless homicide resulting
17 from the operation of a motor vehicle within 3 years of the
18 date of application;

19 11. not have been convicted of committing or attempting
20 to commit any one or more of the following offenses: (i)
21 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
22 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
23 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
24 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
25 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
26 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,

1 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
2 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
3 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and
4 33A-2, and in subsection (a) and subsection (b), clause
5 (1), of Section 12-4 of the Criminal Code of 1961; (ii)
6 those offenses defined in the Cannabis Control Act except
7 those offenses defined in subsections (a) and (b) of
8 Section 4, and subsection (a) of Section 5 of the Cannabis
9 Control Act; (iii) those offenses defined in the Illinois
10 Controlled Substances Act; (iv) those offenses defined in
11 the Methamphetamine Control and Community Protection Act;
12 (v) any offense committed or attempted in any other state
13 or against the laws of the United States, which if
14 committed or attempted in this State would be punishable as
15 one or more of the foregoing offenses; (vi) the offenses
16 defined in Section 4.1 and 5.1 of the Wrongs to Children
17 Act and (vii) those offenses defined in Section 6-16 of the
18 Liquor Control Act of 1934;

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

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

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

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

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

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

1 the Department of State Police and the submission of necessary
2 fingerprints to the Federal Bureau of Investigation for
3 criminal history information available through the Federal
4 Bureau of Investigation system. The applicant shall present the
5 certification to the Secretary of State at the time of
6 submitting the school bus driver permit application.

7 (d-5) If the employer has a substantiated reason to suspect
8 that a school bus driver reporting to work is under the
9 influence of alcohol, the employer may require that the school
10 bus driver submit to testing for alcohol at a licensed testing
11 facility before he or she is allowed to drive a school bus. The
12 employer shall immediately notify the Secretary of State if the
13 school bus driver refuses to submit to the testing or tests
14 positive for the presence of alcohol, other drug or drugs,
15 intoxicating compound or compounds, or any combination
16 thereof.

17 As used in this subsection (d-5) a "substantiated reason"
18 would include, but would not be limited to, a report from law
19 enforcement officers or officials of the Department of Children
20 and Family Services that the school bus driver was seen to be
21 staggering or weaving or was noticed to have the smell of
22 alcohol on his or her breath.

23 (e) Permits shall initially be provisional upon receiving
24 certification from the employer that all pre-employment
25 conditions have been successfully completed, and upon
26 successful completion of all training and examination

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

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

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

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

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

6 (3) The Secretary of State shall cancel a school bus
7 driver permit if the permit holder's restricted commercial
8 or commercial driving privileges are withdrawn or
9 otherwise invalidated.

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

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

20 The Secretary of State shall notify the State
21 Superintendent of Education and the permit holder's
22 prospective or current employer that the applicant has (1) has
23 failed a criminal background investigation or (2) is no longer
24 eligible for a school bus driver permit; and of the related
25 cancellation of the applicant's provisional school bus driver
26 permit. The cancellation shall remain in effect pending the

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

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

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