



Filed: 2/17/2010

09600HB5120ham001

LRB096 16496 AJT 36735 a

1 AMENDMENT TO HOUSE BILL 5120

2 AMENDMENT NO. _____. Amend House Bill 5120 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-106.1, 12-813.1, and 12-816 and by adding
6 Section 12-811.5 as follows:

7 (625 ILCS 5/12-813.1)

8 Sec. 12-813.1. School bus driver communication devices.

9 (a) In this Section:

10 "School bus driver" means a person operating a school bus
11 who has a valid school bus driver permit as required under
12 Sections 6-104 and 6-106.1 of this Code.

13 "Cellular radio telecommunication device" means a device
14 capable of sending or receiving telephone communications
15 without an access line for service and which requires the
16 operator to dial numbers manually. It does not, however,

1 include citizens band radios or citizens band radio hybrids.

2 "Possession of a school bus" means the period of time from
3 which a bus driver takes possession until the school bus driver
4 returns possession of the school bus, whether or not the school
5 bus driver is operating the school bus.

6 "Using a cellular radio telecommunication device" means
7 talking or listening to or dialing a cellular radio
8 telecommunication device.

9 To "operate" means to have the vehicle in motion while it
10 contains one or more passengers.

11 (b) A school bus driver may not operate a school bus while
12 using a cellular radio telecommunication device.

13 (c) Subsection (b) of this Section does not apply:

14 (1) To the use of a cellular radio telecommunication
15 device for the purpose of communicating with any of the
16 following regarding an emergency situation:

17 (A) an emergency response operator;

18 (B) a hospital;

19 (C) a physician's office or health clinic;

20 (D) an ambulance service;

21 (E) a fire department, fire district, or fire
22 company; or

23 (F) a police department.

24 (2) To the use of a cellular radio telecommunication
25 device to call for assistance in the event that there is a
26 mechanical breakdown or other mechanical problem that

1 impairs the safe operation of the bus or to communicate
2 with school authorities or their designees about any other
3 issue relating to the operation of the school bus or the
4 welfare and safety of any passenger thereon. In no case may
5 a cellular radio telecommunication device be used for
6 anything not provided for in this Section, including but
7 not limited to, personal use.

8 (3) (Blank). ~~To the use of a cellular radio~~
9 ~~telecommunication device that has a digital two-way radio~~
10 ~~service capability owned and operated by the school~~
11 ~~district, when that device is being used as a digital~~
12 ~~two-way radio.~~

13 (4) When the school bus is parked.

14 (d) A school bus driver who violates subsection (b) of this
15 Section is guilty of a petty offense punishable by a fine of
16 not less than \$100 and not more than \$250.

17 (e) A school bus must contain either an operating cellular
18 radio telecommunication device or two-way radio while the
19 school bus driver is in possession of a school bus. The
20 cellular radio telecommunication device or two-way radio in
21 this subsection must be turned on and adjusted in a manner that
22 would alert the school bus driver of an incoming communication
23 request.

24 (Source: P.A. 96-818, eff. 11-17-09.)

1 Sec. 12-816. Pre and post-trip inspection policy for school
2 buses.

3 (a) In order to provide for the welfare and safety of
4 children who are transported on school buses throughout the
5 State of Illinois, each school district shall have in place, by
6 January 1, 2008, a policy to ensure that the school bus driver
7 is the last person leaving the bus and that no passenger is
8 left behind or remains on the vehicle at the end of a route, a
9 work shift, or the work day. This policy and procedure shall,
10 at a minimum, require the school bus driver (i) to test the
11 cellular radio telecommunication device or two-way radio and
12 ensure that it is functioning properly before the bus is
13 operated and (ii) before leaving the bus at the end of each
14 route, work shift, or work day, to walk to the rear of the bus
15 and check the bus for children or other passengers in the bus.

16 (b) If a school district has a contract with a private
17 sector school bus company for the transportation of the
18 district's students, the school district shall require in the
19 contract with the private sector company that the company have
20 a post-trip inspection policy in place. This policy and
21 procedure shall, at a minimum, require the school bus driver
22 (i) to test the cellular radio telecommunication device or
23 two-way radio and ensure that it is functioning properly before
24 the bus is operated and (ii) before leaving the bus at the end
25 of each route, work shift, or work day, to walk to the rear of
26 the bus and check the bus for children or other passengers in

1 the bus.

2 (c) Before this inspection, the school bus driver shall
3 activate the interior lights of the bus to assist the driver in
4 seeing in and under the seats during a visual sweep of the bus.

5 (d) This policy may include, at the discretion of the
6 school district, the installation of a mechanical or electronic
7 post-trip inspection reminder system which requires the school
8 bus driver to walk to the rear of the bus to deactivate the
9 system before the driver leaves the bus. The system shall
10 require that when the driver turns off the vehicle's ignition
11 system, the vehicle's interior lights must illuminate to assist
12 the driver in seeing in and under the seats during a visual
13 sweep of the bus.

14 (Source: P.A. 95-260, eff. 8-17-07; 96-818, eff. 11-17-09.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."