

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 Sections 6-106.1, 12-813.1, and 12-816 and by adding Section
6 12-811.5 as follows:

7 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

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

1 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 bus
6 safety, and special traffic laws relating to school buses
7 and submit to a review of the applicant's driving habits by
8 the Secretary of State at the time the written test is
9 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 subject
16 to such testing pursuant to federal law, conducted by a
17 licensed physician, an advanced practice nurse who has a
18 written collaborative agreement with a collaborating
19 physician which authorizes him or her to perform medical
20 examinations, or a physician assistant who has been
21 delegated the performance of medical examinations by his or
22 her supervising physician within 90 days of the date of
23 application according to standards promulgated by the
24 Secretary of State;

25 7. affirm under penalties of perjury that he or she has
26 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,

1 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,
2 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
3 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
4 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and
5 33A-2, and in subsection (a) and subsection (b), clause
6 (1), of Section 12-4 of the Criminal Code of 1961; (ii)
7 those offenses defined in the Cannabis Control Act except
8 those offenses defined in subsections (a) and (b) of
9 Section 4, and subsection (a) of Section 5 of the Cannabis
10 Control Act; (iii) those offenses defined in the Illinois
11 Controlled Substances Act; (iv) those offenses defined in
12 the Methamphetamine Control and Community Protection Act;
13 (v) any offense committed or attempted in any other state
14 or against the laws of the United States, which if
15 committed or attempted in this State would be punishable as
16 one or more of the foregoing offenses; (vi) the offenses
17 defined in Section 4.1 and 5.1 of the Wrongs to Children
18 Act and (vii) those offenses defined in Section 6-16 of the
19 Liquor Control Act of 1934;

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

1 highway;

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

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

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

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

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

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

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

24 (f) A school bus driver permit holder shall notify the
25 employer and the Secretary of State if he or she is convicted
26 in another state of an offense that would make him or her

1 ineligible for a permit under subsection (a) of this Section.
2 The written notification shall be made within 5 days of the
3 entry of the conviction. Failure of the permit holder to
4 provide the notification is punishable as a petty offense for a
5 first violation and a Class B misdemeanor for a second or
6 subsequent violation.

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

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

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

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

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

26 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon
2 receiving notice that the holder has failed to obtain a
3 negative result on a drug test as required in item 6 of
4 subsection (a) of this Section or under federal law.

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

10 The Secretary of State shall notify the State
11 Superintendent of Education and the permit holder's
12 prospective or current employer that the applicant has (1) has
13 failed a criminal background investigation or (2) is no longer
14 eligible for a school bus driver permit; and of the related
15 cancellation of the applicant's provisional school bus driver
16 permit. The cancellation shall remain in effect pending the
17 outcome of a hearing pursuant to Section 2-118 of this Code.
18 The scope of the hearing shall be limited to the issuance
19 criteria contained in subsection (a) of this Section. A
20 petition requesting a hearing shall be submitted to the
21 Secretary of State and shall contain the reason the individual
22 feels he or she is entitled to a school bus driver permit. The
23 permit holder's employer shall notify in writing to the
24 Secretary of State that the employer has certified the removal
25 of the offending school bus driver from service prior to the
26 start of that school bus driver's next workshift. An employing

1 school board that fails to remove the offending school bus
2 driver from service is subject to the penalties defined in
3 Section 3-14.23 of the School Code. A school bus contractor who
4 violates a provision of this Section is subject to the
5 penalties defined in Section 6-106.11.

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

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

10 (625 ILCS 5/12-813.1)

11 Sec. 12-813.1. School bus driver communication devices.
12 ~~Operation of a school bus while using a cellular radio~~
13 ~~telecommunication device.~~

14 (a) In this Section:

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

18 "Cellular radio telecommunication device" means a device
19 capable of sending or receiving telephone communications
20 without an access line for service and which requires the
21 operator to dial numbers manually. It does not, however,
22 include citizens band radios or citizens band radio hybrids.

23 "Possession of a school bus" means the period of time from
24 which a bus driver takes possession until the school bus driver
25 returns possession of the school bus, whether or not the school

1 bus driver is operating the school bus.

2 "Using a cellular radio telecommunication device" means
3 talking or listening to or dialing a cellular radio
4 telecommunication device.

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

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

9 (c) Subsection (b) of this ~~This~~ Section does not apply:

10 (1) To the use of a cellular radio telecommunication
11 device for the purpose of communicating with any of the
12 following regarding an emergency situation:

13 (A) an emergency response operator;

14 (B) a hospital;

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

16 (D) an ambulance service;

17 (E) a fire department, fire district, or fire
18 company; or

19 (F) a police department.

20 (2) To the use of a cellular radio telecommunication
21 device to call for assistance in the event that there is a
22 mechanical breakdown or other mechanical problem that
23 impairs the safe operation of the bus.

24 (3) To the use of a cellular radio telecommunication
25 device that has a digital two-way radio service capability
26 owned and operated by the school district, when that device

1 is being used as a digital two-way radio.

2 (4) When the school bus is parked.

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

6 (e) A school bus must contain an operating two-way radio
7 while the school bus driver is in possession of a school bus.
8 The two-way radio in this subsection must be turned on and
9 adjusted in a manner that would alert the school bus driver of
10 an incoming communication request.

11 (Source: P.A. 92-730, eff. 1-1-03.)

12 (625 ILCS 5/12-816)

13 Sec. 12-816. Pre and post-trip ~~Post-trip~~ inspection policy
14 for school buses.

15 (a) In order to provide for the welfare and safety of
16 children who are transported on school buses throughout the
17 State of Illinois, each school district shall have in place, by
18 January 1, 2008, a policy to ensure that the school bus driver
19 is the last person leaving the bus and that no passenger is
20 left behind or remains on the vehicle at the end of a route, a
21 work shift, or the work day. This policy and procedure shall,
22 at a minimum, require the school bus driver (i) to test the
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

1 the bus and check the bus for children or other passengers in
2 the bus.

3 (b) If a school district has a contract with a private
4 sector school bus company for the transportation of the
5 district's students, the school district shall require in the
6 contract with the private sector company that the company have
7 a post-trip inspection policy in place. This policy and
8 procedure shall, at a minimum, require the school bus driver
9 (i) to test the two-way radio and ensure that it is functioning
10 properly before the bus is operated and (ii) ~~7~~ before leaving
11 the bus at the end of each route, work shift, or work day, to
12 walk to the rear of the bus and check the bus for children or
13 other passengers in the bus ~~in and under each seat for sleeping~~
14 children.

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

18 (d) This policy may include, at the discretion of the
19 school district, the installation of a mechanical or electronic
20 post-trip inspection reminder system which requires the school
21 bus driver to walk to the rear of the bus to deactivate the
22 system before the driver leaves the bus. The system shall
23 require that when the driver turns off the vehicle's ignition
24 system, the vehicle's interior lights must illuminate to assist
25 the driver in seeing in and under the seats during a visual
26 sweep of the bus.

1 (Source: P.A. 95-260, eff. 8-17-07.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.