



Sen. James A. DeLeo

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1 AMENDMENT TO SENATE BILL 932

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 932 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 5/6-106.1) (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

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

1 applicants must:

2 1. be 21 years of age or older;

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

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

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

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

20 6. demonstrate physical fitness to operate school  
21 buses by submitting the results of a medical examination,  
22 including tests for drug use for each applicant not subject  
23 to such testing pursuant to federal law, conducted by a  
24 licensed physician, an advanced practice nurse who has a  
25 written collaborative agreement with a collaborating  
26 physician which authorizes him or her to perform medical

1 examinations, or a physician assistant who has been  
2 delegated the performance of medical examinations by his or  
3 her supervising physician within 90 days of the date of  
4 application according to standards promulgated by the  
5 Secretary of State;

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

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

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

23 10. not have been convicted of reckless driving,  
24 driving while intoxicated, or reckless homicide resulting  
25 from the operation of a motor vehicle within 3 years of the  
26 date of application;

1           11. not have been convicted of committing or attempting  
2 to commit any one or more of the following offenses: (i)  
3 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
4 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
5 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
6 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
7 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
8 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
9 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
10 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
11 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
12 33A-2, and in subsection (a) and subsection (b), clause  
13 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
14 those offenses defined in the Cannabis Control Act except  
15 those offenses defined in subsections (a) and (b) of  
16 Section 4, and subsection (a) of Section 5 of the Cannabis  
17 Control Act; (iii) those offenses defined in the Illinois  
18 Controlled Substances Act; (iv) those offenses defined in  
19 the Methamphetamine Control and Community Protection Act;  
20 (v) any offense committed or attempted in any other state  
21 or against the laws of the United States, which if  
22 committed or attempted in this State would be punishable as  
23 one or more of the foregoing offenses; (vi) the offenses  
24 defined in Section 4.1 and 5.1 of the Wrongs to Children  
25 Act and (vii) those offenses defined in Section 6-16 of the  
26 Liquor Control Act of 1934;

1           12. not have been repeatedly involved as a driver in  
2           motor vehicle collisions or been repeatedly convicted of  
3           offenses against laws and ordinances regulating the  
4           movement of traffic, to a degree which indicates lack of  
5           ability to exercise ordinary and reasonable care in the  
6           safe operation of a motor vehicle or disrespect for the  
7           traffic laws and the safety of other persons upon the  
8           highway;

9           13. not have, through the unlawful operation of a motor  
10          vehicle, caused an accident resulting in the death of any  
11          person; and

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

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

19          (c) A school bus driver permit shall contain the holder's  
20          driver's license number, legal name, residence address, zip  
21          code, social security number and date of birth, a brief  
22          description of the holder and a space for signature. The  
23          Secretary of State may require a suitable photograph of the  
24          holder.

25          (d) The employer shall be responsible for conducting a  
26          pre-employment interview with prospective school bus driver

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

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

1 the Secretary of State. The Secretary of State shall remove the  
2 bus driver permit from provisional status upon the applicant's  
3 successful completion of the Federal Bureau of Investigation's  
4 criminal background investigation.

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

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

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

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

24 (3) The Secretary of State shall cancel a school bus  
25 driver permit if the permit holder's restricted commercial  
26 or commercial driving privileges are withdrawn or



1 otherwise invalidated.

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

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

12 (6) The Secretary of State shall cancel a school bus  
13 driver permit if the permit holder fails to perform the  
14 inspection procedure set forth in subsection (a) or (b) of  
15 Section 12-816 of this Code.

16 (7) The Secretary of State shall cancel a school bus  
17 driver permit if the permit holder fails to carry an  
18 operating communication device as set forth in subsection  
19 (e) of Section 12-813.1 of this Code.

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.)

20 (625 ILCS 5/12-811.5 new)

21 Sec. 12-811.5. Global Positioning System.

22 Each school bus shall be equipped with a Global Positioning  
23 System that allows the location of the school bus to be  
24 tracked.

1 (625 ILCS 5/12-813.1)

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

5 (a) In this Section:

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

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

14 "Possession of a school bus" means the period of time from  
15 which a bus driver takes possession until the school bus driver  
16 returns possession of the school bus, whether or not the school  
17 bus driver is operating the school bus.

18 "Using a cellular radio telecommunication device" means  
19 talking or listening to or dialing a cellular radio  
20 telecommunication device.

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

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

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

26 (1) To the use of a cellular radio telecommunication

1 device for the purpose of communicating with any of the  
2 following regarding an emergency situation:

3 (A) an emergency response operator;

4 (B) a hospital;

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

6 (D) an ambulance service;

7 (E) a fire department, fire district, or fire  
8 company; or

9 (F) a police department.

10 (2) To the use of a cellular radio telecommunication  
11 device to call for assistance in the event that there is a  
12 mechanical breakdown or other mechanical problem that  
13 impairs the safe operation of the bus.

14 (3) To the use of a cellular radio telecommunication  
15 device that has a digital two-way radio service capability  
16 owned and operated by the school district, when that device  
17 is being used as a digital two-way radio.

18 (4) When the school bus is parked.

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

22 (e) A school bus driver must carry an operating cellular  
23 radio telecommunication device or an operating digital two-way  
24 radio while the school bus driver is in possession of a school  
25 bus. The cellular radio telecommunication device or digital  
26 two-way radio in this subsection must be turned on and adjusted

1 in a manner that would alert the school bus driver of an  
2 incoming communication request.

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

4 (625 ILCS 5/12-816)

5 Sec. 12-816. Post-trip inspection policy for school buses.

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

17 (b) If a school district has a contract with a private  
18 sector school bus company for the transportation of the  
19 district's students, the school district shall require in the  
20 contract with the private sector company that the company have  
21 a post-trip inspection policy in place. This policy and  
22 procedure shall, at a minimum, require the school bus driver,  
23 before leaving the bus at the end of each route, work shift, or  
24 work day, to walk to the rear of the bus and check the bus for  
25 children or other passengers in the bus ~~in and under each seat~~

1 ~~for sleeping children.~~

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.)

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