



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3199

Introduced 2/9/2010, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-813.1
625 ILCS 5/12-816

Amends the Illinois Vehicle Code. Provides that a school bus must contain either an operating cellular radio telecommunication device (cell phone) or two-way radio (rather than just a two-way radio) while the school bus driver is in possession of a school bus and provides that the cell phone or two-way radio must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. Provides that a school bus driver may use a cell phone to communicate with school authorities or their designees about any other issue relating to the operation of the school bus or the welfare and safety of any passenger. Deletes a provision concerning the use of cell phone that has a digital two-way radio. Makes corresponding changes in a provision concerning post-trip inspections of school busses. Effective immediately.

LRB096 19406 AJT 34797 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 Sections 6-106.1, 12-813.1, and 12-816 and by adding Section
6 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,
17 include citizens band radios or citizens band radio hybrids.

18 "Possession of a school bus" means the period of time from
19 which a bus driver takes possession until the school bus driver
20 returns possession of the school bus, whether or not the school
21 bus driver is operating the school bus.

22 "Using a cellular radio telecommunication device" means
23 talking or listening to or dialing a cellular radio

1 telecommunication device.

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

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

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

7 (1) To the use of a cellular radio telecommunication
8 device for the purpose of communicating with any of the
9 following regarding an emergency situation:

10 (A) an emergency response operator;

11 (B) a hospital;

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

13 (D) an ambulance service;

14 (E) a fire department, fire district, or fire
15 company; or

16 (F) a police department.

17 (2) To the use of a cellular radio telecommunication
18 device to call for assistance in the event that there is a
19 mechanical breakdown or other mechanical problem that
20 impairs the safe operation of the bus or to communicate
21 with school authorities or their designees about any other
22 issue relating to the operation of the school bus or the
23 welfare and safety of any passenger thereon.

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

1 ~~district, when that device is being used as a digital~~
2 ~~two-way radio.~~

3 (4) When the school bus is parked.

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

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

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

15 (625 ILCS 5/12-816)

16 Sec. 12-816. Pre and post-trip inspection policy for school
17 buses.

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

1 cellular radio telecommunication device or two-way radio and
2 ensure that it is functioning properly before the bus is
3 operated and (ii) before leaving the bus at the end of each
4 route, work shift, or work day, to walk to the rear of the bus
5 and check the bus for children or other passengers in the bus.

6 (b) If a school district has a contract with a private
7 sector school bus company for the transportation of the
8 district's students, the school district shall require in the
9 contract with the private sector company that the company have
10 a post-trip inspection policy in place. This policy and

11 procedure shall, at a minimum, require the school bus driver
12 (i) to test the cellular radio telecommunication device or
13 two-way radio and ensure that it is functioning properly before
14 the bus is operated and (ii) before leaving the bus at the end
15 of each route, work shift, or work day, to walk to the rear of
16 the bus and check the bus for children or other passengers in
17 the bus.

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

21 (d) This policy may include, at the discretion of the
22 school district, the installation of a mechanical or electronic
23 post-trip inspection reminder system which requires the school
24 bus driver to walk to the rear of the bus to deactivate the
25 system before the driver leaves the bus. The system shall
26 require that when the driver turns off the vehicle's ignition

1 system, the vehicle's interior lights must illuminate to assist
2 the driver in seeing in and under the seats during a visual
3 sweep of the bus.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.