

HB3138



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3138

Introduced 2/23/2011, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

Amends the Illinois Vehicle Code. Provides that an applicant for a school bus driver permit must have no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

LRB097 09309 HEP 49444 b

A BILL FOR

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)

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 6.5. have no established medical history or clinical
25 diagnosis of diabetes mellitus currently requiring insulin
26 for control;

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

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

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

18 10. not have been convicted of reckless driving,
19 aggravated reckless driving, driving while under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds or any combination thereof, or
22 reckless homicide resulting from the operation of a motor
23 vehicle within 3 years of the date of application;

24 11. not have been convicted of committing or attempting
25 to commit any one or more of the following offenses: (i)
26 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,

1 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
2 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,
3 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,
4 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
5 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,
6 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
7 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
8 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 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, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
11 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
12 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
13 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
14 Section 8-1, and in subsection (a) and subsection (b),
15 clause (1), of Section 12-4, and in subsection (A), clauses
16 (a) and (b), of Section 24-3, and those offenses contained
17 in Article 29D of the Criminal Code of 1961; (ii) those
18 offenses defined in the Cannabis Control Act except those
19 offenses defined in subsections (a) and (b) of Section 4,
20 and subsection (a) of Section 5 of the Cannabis Control
21 Act; (iii) those offenses defined in the Illinois
22 Controlled Substances Act; (iv) those offenses defined in
23 the Methamphetamine Control and Community Protection Act;
24 (v) any offense committed or attempted in any other state
25 or against the laws of the United States, which if
26 committed or attempted in this State would be punishable as

1 one or more of the foregoing offenses; (vi) the offenses
2 defined in Section 4.1 and 5.1 of the Wrongs to Children
3 Act; (vii) those offenses defined in Section 6-16 of the
4 Liquor Control Act of 1934; and (viii) those offenses
5 defined in the Methamphetamine Precursor Control Act; ~~and~~

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

14 13. not have, through the unlawful operation of a motor
15 vehicle, caused an accident resulting in the death of any
16 person; and

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

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

24 (c) A school bus driver permit shall contain the holder's
25 driver's license number, legal name, residence address, zip
26 code, social security number and date of birth, a brief

1 description of the holder and a space for signature. The
2 Secretary of State may require a suitable photograph of the
3 holder.

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

20 (e) Permits shall initially be provisional upon receiving
21 certification from the employer that all pre-employment
22 conditions have been successfully completed, and upon
23 successful completion of all training and examination
24 requirements for the classification of the vehicle to be
25 operated, the Secretary of State shall provisionally issue a
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau
2 of Investigation's criminal background investigation based
3 upon fingerprinting specimens submitted to the Federal Bureau
4 of Investigation by the Department of State Police. The Federal
5 Bureau of Investigation shall report the findings directly to
6 the Secretary of State. The Secretary of State shall remove the
7 bus driver permit from provisional status upon the applicant's
8 successful completion of the Federal Bureau of Investigation's
9 criminal background investigation.

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

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

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

24 (2) The Secretary of State shall cancel a school bus
25 driver permit when he or she receives notice that the
26 permit holder fails to comply with any provision of this

1 Section or any rule promulgated for the administration of
2 this Section.

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

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

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

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

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

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

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

21 (h) When a school bus driver permit holder who is a service
22 member is called to active duty, the employer of the permit
23 holder shall notify the Secretary of State, within 30 days of
24 notification from the permit holder, that the permit holder has
25 been called to active duty. Upon notification pursuant to this
26 subsection, (i) the Secretary of State shall characterize the

1 permit as inactive until a permit holder renews the permit as
2 provided in subsection (i) of this Section, and (ii) if a
3 permit holder fails to comply with the requirements of this
4 Section while called to active duty, the Secretary of State
5 shall not characterize the permit as invalid.

6 (i) A school bus driver permit holder who is a service
7 member returning from active duty must, within 90 days, renew a
8 permit characterized as inactive pursuant to subsection (h) of
9 this Section by complying with the renewal requirements of
10 subsection (b) of this Section.

11 (j) For purposes of subsections (h) and (i) of this
12 Section:

13 "Active duty" means active duty pursuant to an executive
14 order of the President of the United States, an act of the
15 Congress of the United States, or an order of the Governor.

16 "Service member" means a member of the Armed Services or
17 reserve forces of the United States or a member of the Illinois
18 National Guard.

19 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
20 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
21 7-22-10; revised 9-2-10.)