

SB3373



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3373

Introduced 2/14/2014, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-508

from Ch. 95 1/2, par. 6-508

Amends the Illinois Vehicle Code. Requires the Secretary of State and third party testers to provide written commercial driver's license tests in English, Spanish, Polish, and Mandarin.

LRB098 19564 MLW 54754 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 6-508 as follows:

6 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

7 (Text of Section before amendment by P.A. 98-176)

8 Sec. 6-508. Commercial Driver's License (CDL) -
9 qualification standards.

10 (a) Testing.

11 (1) General. No person shall be issued an original or
12 renewal CDL unless that person is domiciled in this State.
13 The Secretary shall cause to be administered such tests as
14 the Secretary deems necessary to meet the requirements of
15 49 C.F.R. Part 383, subparts F, G, H, and J.

16 (2) Third party testing. The Secretary of State ~~state~~
17 may authorize a "third party tester", pursuant to 49 C.F.R.
18 ~~Part~~ 383.75, to administer the skills test or tests
19 specified by the Federal Motor Carrier Safety
20 Administration pursuant to the Commercial Motor Vehicle
21 Safety Act of 1986 and any appropriate federal rule.

22 (b) Waiver of Skills Test. The Secretary of State may waive
23 the skills test specified in this Section for a driver

1 applicant for a commercial driver license who meets the
2 requirements of 49 C.F.R. ~~Part~~ 383.77 and ~~Part~~ 383.123. The
3 Secretary of State shall waive the skills tests specified in
4 this Section for a driver applicant who has military commercial
5 motor vehicle experience, subject to the requirements of 49
6 C.F.R. 383.77.

7 (b-1) No person shall be issued a commercial driver
8 instruction permit or CDL unless the person certifies to the
9 Secretary one of the following types of driving operations in
10 which he or she will be engaged:

- 11 (1) non-excepted interstate;
- 12 (2) non-excepted intrastate;
- 13 (3) excepted interstate; or
- 14 (4) excepted intrastate.

15 (b-2) Persons who hold a commercial driver instruction
16 permit or CDL on January 30, 2012 must certify to the Secretary
17 no later than January 30, 2014 one of the following applicable
18 self-certifications:

- 19 (1) non-excepted interstate;
- 20 (2) non-excepted intrastate;
- 21 (3) excepted interstate; or
- 22 (4) excepted intrastate.

23 (c) Limitations on issuance of a CDL. A CDL, or a
24 commercial driver instruction permit, shall not be issued to a
25 person while the person is subject to a disqualification from
26 driving a commercial motor vehicle, or unless otherwise

1 permitted by this Code, while the person's driver's license is
2 suspended, revoked or cancelled in any state, or any territory
3 or province of Canada; nor may a CDL be issued to a person who
4 has a CDL issued by any other state, or foreign jurisdiction,
5 unless the person first surrenders all such licenses. No CDL
6 shall be issued to or renewed for a person who does not meet
7 the requirement of 49 CFR 391.41(b)(11). The requirement may be
8 met with the aid of a hearing aid.

9 (c-1) The Secretary may issue a CDL with a school bus
10 driver endorsement to allow a person to drive the type of bus
11 described in subsection (d-5) of Section 6-104 of this Code.
12 The CDL with a school bus driver endorsement may be issued only
13 to a person meeting the following requirements:

14 (1) the person has submitted his or her fingerprints to
15 the Department of State Police in the form and manner
16 prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint
18 records now and hereafter filed in the Department of State
19 Police and Federal Bureau of Investigation criminal
20 history records databases;

21 (2) the person has passed a written test, administered
22 by the Secretary of State, on charter bus operation,
23 charter bus safety, and certain special traffic laws
24 relating to school buses determined by the Secretary of
25 State to be relevant to charter buses, and submitted to a
26 review of the driver applicant's driving habits by the

1 Secretary of State at the time the written test is given;

2 (3) the person has demonstrated physical fitness to
3 operate school buses by submitting the results of a medical
4 examination, including tests for drug use; and

5 (4) the person has not been convicted of committing or
6 attempting to commit any one or more of the following
7 offenses: (i) those offenses defined in Sections 8-1.2,
8 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
9 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
10 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
11 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
12 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
13 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
15 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
16 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
17 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
18 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
19 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
20 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
21 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
22 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
23 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
24 (b) of Section 8-1, and in subdivisions (a) (1), (a) (2),
25 (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of
26 Section 12-3.05, and in subsection (a) and subsection (b),

1 clause (1), of Section 12-4, and in subsection (A), clauses
2 (a) and (b), of Section 24-3, and those offenses contained
3 in Article 29D of the Criminal Code of 1961 or the Criminal
4 Code of 2012; (ii) those offenses defined in the Cannabis
5 Control Act except those offenses defined in subsections
6 (a) and (b) of Section 4, and subsection (a) of Section 5
7 of the Cannabis Control Act; (iii) those offenses defined
8 in the Illinois Controlled Substances Act; (iv) those
9 offenses defined in the Methamphetamine Control and
10 Community Protection Act; (v) any offense committed or
11 attempted in any other state or against the laws of the
12 United States, which if committed or attempted in this
13 State would be punishable as one or more of the foregoing
14 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
15 of the Wrongs to Children Act or Section 11-9.1A of the
16 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
17 those offenses defined in Section 6-16 of the Liquor
18 Control Act of 1934; and (viii) those offenses defined in
19 the Methamphetamine Precursor Control Act.

20 The Department of State Police shall charge a fee for
21 conducting the criminal history records check, which shall be
22 deposited into the State Police Services Fund and may not
23 exceed the actual cost of the records check.

24 (c-2) The Secretary shall issue a CDL with a school bus
25 endorsement to allow a person to drive a school bus as defined
26 in this Section. The CDL shall be issued according to the

1 requirements outlined in 49 C.F.R. 383. A person may not
2 operate a school bus as defined in this Section without a
3 school bus endorsement. The Secretary of State may adopt rules
4 consistent with Federal guidelines to implement this
5 subsection (c-2).

6 (d) Commercial driver instruction permit. A commercial
7 driver instruction permit may be issued to any person holding a
8 valid Illinois driver's license if such person successfully
9 passes such tests as the Secretary determines to be necessary.
10 A commercial driver instruction permit shall not be issued to a
11 person who does not meet the requirements of 49 CFR 391.41
12 (b)(11), except for the renewal of a commercial driver
13 instruction permit for a person who possesses a commercial
14 instruction permit prior to the effective date of this
15 amendatory Act of 1999.

16 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
17 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
18 1-1-14; revised 9-19-13.)

19 (Text of Section after amendment by P.A. 98-176)

20 Sec. 6-508. Commercial Driver's License (CDL) -
21 qualification standards.

22 (a) Testing.

23 (1) General. No person shall be issued an original or
24 renewal CDL unless that person is domiciled in this State
25 or is applying for a non-domiciled CDL under Sections 6-509

1 and 6-510 of this Code. The Secretary shall cause to be
2 administered such tests as the Secretary deems necessary to
3 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
4 H, and J. Written tests must be available in English,
5 Spanish, Polish, and Mandarin.

6 (1.5) Effective July 1, 2014, no person shall be issued
7 an original CDL or an upgraded CDL that requires a skills
8 test unless that person has held a CLP, for a minimum of 14
9 calendar days, for the classification of vehicle and
10 endorsement, if any, for which the person is seeking a CDL.

11 (2) Third party testing. The Secretary of State ~~state~~
12 may authorize a "third party tester", pursuant to 49 C.F.R.
13 ~~Part~~ 383.75 and 49 C.F.R. 384.228 and 384.229, to
14 administer the skills test or tests specified by the
15 Federal Motor Carrier Safety Administration pursuant to
16 the Commercial Motor Vehicle Safety Act of 1986 and any
17 appropriate federal rule, if that third party tester offers
18 written tests in English, Spanish, Polish, and Mandarin..

19 (b) Waiver of Skills Test. The Secretary of State may waive
20 the skills test specified in this Section for a driver
21 applicant for a commercial driver license who meets the
22 requirements of 49 C.F.R. ~~Part~~ 383.77. The Secretary of State
23 shall waive the skills tests specified in this Section for a
24 driver applicant who has military commercial motor vehicle
25 experience, subject to the requirements of 49 C.F.R. 383.77.

26 (b-1) No person shall be issued a CDL unless the person

1 certifies to the Secretary one of the following types of
2 driving operations in which he or she will be engaged:

- 3 (1) non-excepted interstate;
4 (2) non-excepted intrastate;
5 (3) excepted interstate; or
6 (4) excepted intrastate.

7 (b-2) (Blank).

8 (c) Limitations on issuance of a CDL. A CDL shall not be
9 issued to a person while the person is subject to a
10 disqualification from driving a commercial motor vehicle, or
11 unless otherwise permitted by this Code, while the person's
12 driver's license is suspended, revoked or cancelled in any
13 state, or any territory or province of Canada; nor may a CLP or
14 CDL be issued to a person who has a CLP or CDL issued by any
15 other state, or foreign jurisdiction, nor may a CDL be issued
16 to a person who has an Illinois CLP unless the person first
17 surrenders all of these licenses or permits. However, a person
18 may hold an Illinois CLP and an Illinois CDL providing the CLP
19 is necessary to train or practice for an endorsement or vehicle
20 classification not present on the current CDL. No CDL shall be
21 issued to or renewed for a person who does not meet the
22 requirement of 49 CFR 391.41(b)(11). The requirement may be met
23 with the aid of a hearing aid.

24 (c-1) The Secretary may issue a CDL with a school bus
25 driver endorsement to allow a person to drive the type of bus
26 described in subsection (d-5) of Section 6-104 of this Code.

1 The CDL with a school bus driver endorsement may be issued only
2 to a person meeting the following requirements:

3 (1) the person has submitted his or her fingerprints to
4 the Department of State Police in the form and manner
5 prescribed by the Department of State Police. These
6 fingerprints shall be checked against the fingerprint
7 records now and hereafter filed in the Department of State
8 Police and Federal Bureau of Investigation criminal
9 history records databases;

10 (2) the person has passed a written test, administered
11 by the Secretary of State, on charter bus operation,
12 charter bus safety, and certain special traffic laws
13 relating to school buses determined by the Secretary of
14 State to be relevant to charter buses, and submitted to a
15 review of the driver applicant's driving habits by the
16 Secretary of State at the time the written test is given;

17 (3) the person has demonstrated physical fitness to
18 operate school buses by submitting the results of a medical
19 examination, including tests for drug use; and

20 (4) the person has not been convicted of committing or
21 attempting to commit any one or more of the following
22 offenses: (i) those offenses defined in Sections 8-1.2,
23 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
24 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
25 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
26 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,

1 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
2 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
3 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
4 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
5 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
6 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
7 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
8 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
9 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
10 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
11 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
12 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
13 (b) of Section 8-1, and in subdivisions (a) (1), (a) (2),
14 (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of
15 Section 12-3.05, and in subsection (a) and subsection (b),
16 clause (1), of Section 12-4, and in subsection (A), clauses
17 (a) and (b), of Section 24-3, and those offenses contained
18 in Article 29D of the Criminal Code of 1961 or the Criminal
19 Code of 2012; (ii) those offenses defined in the Cannabis
20 Control Act except those offenses defined in subsections
21 (a) and (b) of Section 4, and subsection (a) of Section 5
22 of the Cannabis Control Act; (iii) those offenses defined
23 in the Illinois Controlled Substances Act; (iv) those
24 offenses defined in the Methamphetamine Control and
25 Community Protection Act; (v) any offense committed or
26 attempted in any other state or against the laws of the

1 United States, which if committed or attempted in this
2 State would be punishable as one or more of the foregoing
3 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
4 of the Wrongs to Children Act or Section 11-9.1A of the
5 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
6 those offenses defined in Section 6-16 of the Liquor
7 Control Act of 1934; and (viii) those offenses defined in
8 the Methamphetamine Precursor Control Act.

9 The Department of State Police shall charge a fee for
10 conducting the criminal history records check, which shall be
11 deposited into the State Police Services Fund and may not
12 exceed the actual cost of the records check.

13 (c-2) The Secretary shall issue a CDL with a school bus
14 endorsement to allow a person to drive a school bus as defined
15 in this Section. The CDL shall be issued according to the
16 requirements outlined in 49 C.F.R. 383. A person may not
17 operate a school bus as defined in this Section without a
18 school bus endorsement. The Secretary of State may adopt rules
19 consistent with Federal guidelines to implement this
20 subsection (c-2).

21 (d) (Blank).

22 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
23 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
24 1-1-14; 98-176, eff. 7-1-14; revised 9-19-13.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.