



Rep. Ed Sullivan

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1 AMENDMENT TO HOUSE BILL 1665

2 AMENDMENT NO. _____. Amend House Bill 1665 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

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

- 1 1. be 21 years of age or older;
- 2 2. possess a valid and properly classified driver's
3 license issued by the Secretary of State;
- 4 3. possess a valid driver's license, which has not been
5 revoked, suspended, or canceled for 3 years immediately
6 prior to the date of application, or have not had his or
7 her commercial motor vehicle driving privileges
8 disqualified within the 3 years immediately prior to the
9 date of application;
- 10 4. successfully pass a written test, administered by
11 the Secretary of State, on school bus operation, school bus
12 safety, and special traffic laws relating to school buses
13 and submit to a review of the applicant's driving habits by
14 the Secretary of State at the time the written test is
15 given;
- 16 5. demonstrate ability to exercise reasonable care in
17 the operation of school buses in accordance with rules
18 promulgated by the Secretary of State;
- 19 6. demonstrate physical fitness to operate school
20 buses by submitting the results of a medical examination,
21 including tests for drug use for each applicant not subject
22 to such testing pursuant to federal law, conducted by a
23 licensed physician, an advanced practice nurse who has a
24 written collaborative agreement with a collaborating
25 physician which authorizes him or her to perform medical
26 examinations, or a physician assistant who has been

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

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

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

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

23 10. not have been under an order of court supervision
24 for or convicted of reckless driving, aggravated reckless
25 driving, driving while under the influence of alcohol,
26 other drug or drugs, intoxicating compound or compounds or

1 any combination thereof, or reckless homicide resulting
2 from the operation of a motor vehicle within 3 years of the
3 date of application;

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

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

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

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

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

7 15. consent, in writing, to the release of results of
8 reasonable suspicion drug and alcohol testing under
9 Section 6-106.1c of this Code by the employer of the
10 applicant to the Secretary of State.

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

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

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

1 Secretary of State that all pre-employment conditions have been
2 successfully completed including the successful completion of
3 an Illinois specific criminal background investigation through
4 the Department of State Police and the submission of necessary
5 fingerprints to the Federal Bureau of Investigation for
6 criminal history information available through the Federal
7 Bureau of Investigation system. The applicant shall present the
8 certification to the Secretary of State at the time of
9 submitting the school bus driver permit application.

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

26 (f) A school bus driver permit holder shall notify the

1 employer and the Secretary of State if he or she is issued an
2 order of court supervision for or convicted in another state of
3 an offense that would make him or her ineligible for a permit
4 under subsection (a) of this Section. The written notification
5 shall be made within 5 days of the entry of the order of court
6 supervision or conviction. Failure of the permit holder to
7 provide the notification is punishable as a petty offense for a
8 first violation and a Class B misdemeanor for a second or
9 subsequent violation.

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

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

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

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

24 (4) The Secretary of State may not issue a school bus
25 driver permit for a period of 3 years to an applicant who
26 fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

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

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

13 (7) The Secretary of State shall suspend a school bus
14 driver permit for a period of 3 years upon receiving notice
15 from the employer that the holder refused to submit to an
16 alcohol or drug test as required by Section 6-106.1c or has
17 submitted to a test required by that Section which
18 disclosed an alcohol concentration of more than 0.00 or
19 disclosed a positive result on a National Institute on Drug
20 Abuse five-drug panel, utilizing federal standards set
21 forth in 49 CFR 40.87.

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 (k) A private carrier employer of a school bus driver
20 permit holder, having satisfied the employer requirements of
21 this Section, shall be held to a standard of ordinary care for
22 intentional acts committed in the course of employment by the
23 bus driver permit holder. This subsection (k) shall in no way
24 limit the liability of the private carrier employer for
25 violation of any provision of this Section or for the negligent
26 hiring or retention of a school bus driver permit holder.

1 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
2 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
3 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
4 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
5 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
6 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
7 eff. 1-25-13.)".