

1 AN ACT concerning health examinations, amending named
2 Acts.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The School Code is amended by changing
6 Section 27-8.1 as follows:

7 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

8 Sec. 27-8.1. Health examinations and immunizations.

9 (1) In compliance with rules and regulations which the
10 Department of Public Health shall promulgate, and except as
11 hereinafter provided, all children in Illinois shall have a
12 health examination as follows: within one year prior to
13 entering kindergarten or the first grade of any public,
14 private, or parochial elementary school; upon entering the
15 fifth and ninth grades of any public, private, or parochial
16 school; prior to entrance into any public, private, or
17 parochial nursery school; and, irrespective of grade,
18 immediately prior to or upon entrance into any public,
19 private, or parochial school or nursery school, each child
20 shall present proof of having been examined in accordance
21 with this Section and the rules and regulations promulgated
22 hereunder.

23 A tuberculosis skin test screening shall be included as a
24 required part of each health examination included under this
25 Section if the child resides in an area designated by the
26 Department of Public Health as having a high incidence of
27 tuberculosis. Additional health examinations of pupils,
28 including dental and vision examinations, may be required
29 when deemed necessary by school authorities. Parents are
30 encouraged to have their children undergo dental examinations
31 at the same points in time required for health examinations.

1 (2) The Department of Public Health shall promulgate
2 rules and regulations specifying the examinations and
3 procedures that constitute a health examination and may
4 recommend by rule that certain additional examinations be
5 performed. The rules and regulations of the Department of
6 Public Health shall specify that a tuberculosis skin test
7 screening shall be included as a required part of each health
8 examination included under this Section if the child resides
9 in an area designated by the Department of Public Health as
10 having a high incidence of tuberculosis.

11 Physicians licensed to practice medicine in all of its
12 branches shall be responsible for the performance of the
13 health examinations, other than dental examinations and
14 vision and hearing screening, and shall sign all report forms
15 required by subsection (4) of this Section that pertain to
16 those portions of the health examination for which the
17 physician is responsible. The physician may delegate the
18 performance of the health examination and the signing of the
19 required forms to his or her assigned physician assistant.

20 If a registered nurse performs any part of a health
21 examination, then a physician licensed to practice medicine
22 in all of its branches must review and sign all required
23 report forms. Licensed dentists shall perform all dental
24 examinations and shall sign all report forms required by
25 subsection (4) of this Section that pertain to the dental
26 examinations. Physicians licensed to practice medicine in
27 all its branches, or licensed optometrists, shall perform all
28 vision exams required by school authorities and shall sign
29 all report forms required by subsection (4) of this Section
30 that pertain to the vision exam. Vision and hearing
31 screening tests, which shall not be considered examinations
32 as that term is used in this Section, shall be conducted in
33 accordance with rules and regulations of the Department of
34 Public Health, and by individuals whom the Department of

1 Public Health has certified.

2 (3) Every child shall, at or about the same time as he
3 or she receives a health examination required by subsection
4 (1) of this Section, present to the local school proof of
5 having received such immunizations against preventable
6 communicable diseases as the Department of Public Health
7 shall require by rules and regulations promulgated pursuant
8 to this Section and the Communicable Disease Prevention Act.

9 (4) The individuals conducting the health examination
10 shall record the fact of having conducted the examination,
11 and such additional information as required, on uniform forms
12 which the Department of Public Health and the State Board of
13 Education shall prescribe for statewide use. The examiner
14 shall summarize on the report form any condition that he or
15 she suspects indicates a need for special services. The
16 individuals confirming the administration of required
17 immunizations shall record as indicated on the form that the
18 immunizations were administered.

19 (5) If a child does not submit proof of having had
20 either the health examination or the immunization as
21 required, then the child shall be examined or receive the
22 immunization, as the case may be, and present proof by
23 October 15 of the current school year, or by an earlier date
24 of the current school year established by a school district.
25 To establish a date before October 15 of the current school
26 year for the health examination or immunization as required,
27 a school district must give notice of the requirements of
28 this Section 60 days prior to the earlier established date.
29 If for medical reasons one or more of the required
30 immunizations must be given after October 15 of the current
31 school year, or after an earlier established date of the
32 current school year, then the child shall present, by October
33 15, or by the earlier established date, a schedule for the
34 administration of the immunizations and a statement of the

1 medical reasons causing the delay, both the schedule and the
2 statement being issued by the physician, registered nurse, or
3 local health department that will be responsible for
4 administration of the remaining required immunizations. If a
5 child does not comply by October 15, or by the earlier
6 established date of the current school year, with the
7 requirements of this subsection, then the local school
8 authority shall exclude that child from school until such
9 time as the child presents proof of having had the health
10 examination as required and presents proof of having received
11 those required immunizations which are medically possible to
12 receive immediately. During a child's exclusion from school
13 for noncompliance with this subsection, the child's parents
14 or legal guardian shall be considered in violation of Section
15 26-1 and subject to any penalty imposed by Section 26-10.

16 (6) Every school shall report to the State Board of
17 Education by November 15, in the manner which that agency
18 shall require, the number of children who have received the
19 necessary immunizations and the health examination as
20 required, indicating, of those who have not received the
21 immunizations and examination as required, the number of
22 children who are exempt from health examination and
23 immunization requirements on religious or medical grounds as
24 provided in subsection (8). This reported information shall
25 be provided to the Department of Public Health by the State
26 Board of Education.

27 (7) Upon determining that the number of pupils who are
28 required to be in compliance with subsection (5) of this
29 Section is below 90% of the number of pupils enrolled in the
30 school district, 10% of each State aid payment made pursuant
31 to Section 18-8 to the school district for such year shall be
32 withheld by the regional superintendent until the number of
33 students in compliance with subsection (5) is the applicable
34 specified percentage or higher.

1 (8) Parents or legal guardians who object to health
2 examinations or any part thereof, or to immunizations, on
3 religious grounds shall not be required to submit their
4 children or wards to the examinations or immunizations to
5 which they so object if such parents or legal guardians
6 present to the appropriate local school authority a signed
7 statement of objection, detailing the grounds for the
8 objection. If the physical condition of the child is such
9 that any one or more of the immunizing agents should not be
10 administered, the examining physician responsible for the
11 performance of the health examination shall endorse that fact
12 upon the health examination form. Exempting a child from the
13 health examination does not exempt the child from
14 participation in the program of physical education training
15 provided in Sections 27-5 through 27-7 of this Code.

16 (9) For the purposes of this Section, "nursery schools"
17 means those nursery schools operated by elementary school
18 systems or secondary level school units or institutions of
19 higher learning.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Sections 6-106.1, 6-901, and 18b-105 as follows:

23 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

24 Sec. 6-106.1. School bus driver permit.

25 (a) The Secretary of State shall issue a school bus
26 driver permit to those applicants who have met all the
27 requirements of the application and screening process under
28 this Section to insure the welfare and safety of children who
29 are transported on school buses throughout the State of
30 Illinois. Applicants shall obtain the proper application
31 required by the Secretary of State from their prospective or
32 current employer and submit the completed application to the

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

- 28 1. be 21 years of age or older;
- 29 2. possess a valid and properly classified driver's
30 license issued by the Secretary of State;
- 31 3. possess a valid driver's license, which has not
32 been revoked, suspended, or canceled for 3 years
33 immediately prior to the date of application, or have not
34 had his or her commercial motor vehicle driving

1 privileges disqualified within the 3 years immediately
2 prior to the date of application;

3 4. successfully pass a written test, administered
4 by the Secretary of State, on school bus operation,
5 school bus safety, and special traffic laws relating to
6 school buses and submit to a review of the applicant's
7 driving habits by the Secretary of State at the time the
8 written test is given;

9 5. demonstrate ability to exercise reasonable care
10 in 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
15 subject to such testing pursuant to federal law,
16 conducted by a licensed physician (or by a physician
17 assistant to whom the performance of the examination has
18 been delegated by a licensed physician) within 90 days of
19 the date of application according to standards
20 promulgated by the Secretary of State;

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

24 8. have completed an initial classroom course,
25 including first aid procedures, in school bus driver
26 safety as promulgated by the Secretary of State; and
27 after satisfactory completion of said initial course an
28 annual refresher course; such courses and the agency or
29 organization conducting such courses shall be approved by
30 the Secretary of State; failure to complete the annual
31 refresher course, shall result in cancellation of the
32 permit until such course is completed;

33 9. not have been convicted of 2 or more serious
34 traffic offenses, as defined by rule, within one year

1 prior to the date of application that may endanger the
2 life or safety of any of the driver's passengers within
3 the duration of the permit period;

4 10. not have been convicted of reckless driving,
5 driving while intoxicated, or reckless homicide resulting
6 from the operation of a motor vehicle within 3 years of
7 the date of application;

8 11. not have been convicted of committing or
9 attempting to commit any one or more of the following
10 offenses: (i) those offenses defined in Sections 9-1,
11 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
12 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
13 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
14 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
15 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
16 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
18 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
19 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
20 subsection (b), clause (1), of Section 12-4 of the
21 Criminal Code of 1961; (ii) those offenses defined in the
22 Cannabis Control Act except those offenses defined in
23 subsections (a) and (b) of Section 4, and subsection (a)
24 of Section 5 of the Cannabis Control Act; (iii) those
25 offenses defined in the Illinois Controlled Substances
26 Act; (iv) any offense committed or attempted in any other
27 state or against the laws of the United States, which if
28 committed or attempted in this State would be punishable
29 as one or more of the foregoing offenses; (v) the
30 offenses defined in Section 4.1 and 5.1 of the Wrongs to
31 Children Act and (vi) those offenses defined in Section
32 6-16 of the Liquor Control Act of 1934;

33 12. not have been repeatedly involved as a driver
34 in motor vehicle collisions or been repeatedly convicted

1 of offenses against laws and ordinances regulating the
2 movement of traffic, to a degree which indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

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

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

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

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

22 (d) The employer shall be responsible for conducting a
23 pre-employment interview with prospective school bus driver
24 candidates, distributing school bus driver applications and
25 medical forms to be completed by the applicant, and
26 submitting the applicant's fingerprint cards to the
27 Department of State Police that are required for the criminal
28 background investigations. The employer shall certify in
29 writing to the Secretary of State that all pre-employment
30 conditions have been successfully completed including the
31 successful completion of an Illinois specific criminal
32 background investigation through the Department of State
33 Police and the submission of necessary fingerprints to the
34 Federal Bureau of Investigation for criminal history

1 information available through the Federal Bureau of
2 Investigation system. The applicant shall present the
3 certification to the Secretary of State at the time of
4 submitting the school bus driver permit application.

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

22 (f) A school bus driver permit holder shall notify the
23 employer and the Secretary of State if he or she is convicted
24 in another state of an offense that would make him or her
25 ineligible for a permit under subsection (a) of this Section.
26 The written notification shall be made within 5 days of the
27 entry of the conviction. Failure of the permit holder to
28 provide the notification is punishable as a petty offense for
29 a first violation and a Class B misdemeanor for a second or
30 subsequent violation.

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

32 (1) The Secretary of State shall cancel a school
33 bus driver permit of an applicant whose criminal
34 background investigation discloses that he or she is not

1 in compliance with the provisions of subsection (a) of
2 this Section.

3 (2) The Secretary of State shall cancel a school
4 bus driver permit when he or she receives notice that the
5 permit holder fails to comply with any provision of this
6 Section or any rule promulgated for the administration of
7 this Section.

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

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

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

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)
25 has failed a criminal background investigation or (2) is no
26 longer eligible for a school bus driver permit; and of the
27 related cancellation of the applicant's provisional school
28 bus driver permit. The cancellation shall remain in effect
29 pending the outcome of a hearing pursuant to Section 2-118
30 of this Code. The scope of the hearing shall be limited to
31 the issuance criteria contained in subsection (a) of this
32 Section. A petition requesting a hearing shall be submitted
33 to the Secretary of State and shall contain the reason the
34 individual feels he or she is entitled to a school bus driver

1 permit. The permit holder's employer shall notify in writing
 2 to the Secretary of State that the employer has certified the
 3 removal of the offending school bus driver from service prior
 4 to the start of that school bus driver's next workshift. An
 5 employing school board that fails to remove the offending
 6 school bus driver from service is subject to the penalties
 7 defined in Section 3-14.23 of the School Code. A school bus
 8 contractor who violates a provision of this Section is
 9 subject to the penalties defined in Section 6-106.11.

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

13 (Source: P.A. 90-191, eff. 1-1-98; 91-500, eff. 8-13-99.)

14 (625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)

15 Sec. 6-901. Definitions ~~Definition~~. For the purposes of
 16 this Article:

17 "Board" means the Driver's License Medical Advisory
 18 Board.

19 "Medical examiner" or "medical practitioner" means any
 20 person licensed to practice medicine in all its branches in
 21 the State of Illinois.

22 (Source: P.A. 90-89, eff. 1-1-98.)

23 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

24 Sec. 18b-105. Rules and Regulations.

25 (a) The Department is authorized to make and adopt
 26 reasonable rules and regulations and orders consistent with
 27 law necessary to carry out the provisions of this Chapter.

28 (b) The following parts of Title 49 of the Code of
 29 Federal Regulations, as now in effect, are hereby adopted by
 30 reference as though they were set out in full:

31 Part 383-Commercial Driver's License Standards,
 32 Requirements, and Penalties;

- 1 Part 385-Safety Fitness Procedures;
- 2 Part 390-Federal Motor Carrier Safety Regulations:
- 3 General;
- 4 Part 391-Qualifications of Drivers;
- 5 Part 392-Driving of Motor Vehicles;
- 6 Part 393-Parts and Accessories Necessary for Safe
- 7 Operation;
- 8 Part 395-Hours of Service of Drivers, except as provided
- 9 in Section 18b-106.1; and
- 10 Part 396-Inspection, Repair and Maintenance.

11 (b-5) Individuals who meet the requirements set forth in
12 the definition of "medical examiner" in Section 390.5 of Part
13 390 of Title 49 of the Code of Federal Regulations may act as
14 medical examiners in accordance with Part 391 of Title 49 of
15 the Code of Federal Regulations.

16 (c) The following parts and Sections of the Federal
17 Motor Carrier Safety Regulations shall not apply to those
18 intrastate carriers, drivers or vehicles subject to
19 subsection (b).

20 (1) Section 393.93 of Part 393 for those vehicles
21 manufactured before June 30, 1972.

22 (2) Section 393.86 of Part 393 for those vehicles
23 which are registered as farm trucks under subsection (c)
24 of Section 3-815 of The Illinois Vehicle Code.

25 (3) (Blank).

26 (4) (Blank).

27 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

28 (6) All of Part 395 for all agricultural movements
29 as defined in Chapter 1, between the period of February 1
30 through November 30 each year, and all farm to market
31 agricultural transportation as defined in Chapter 1 and
32 for grain hauling operations within a radius of 200 air
33 miles of the normal work reporting location.

34 (7) Paragraphs (b)(3) (insulin dependent diabetic)

1 and (b)(10) (minimum visual acuity) of Section 391.41 of
2 part 391, but only for any driver who immediately prior
3 to July 29, 1986 was eligible and licensed to operate a
4 motor vehicle subject to this Section and was engaged in
5 operating such vehicles, and who was disqualified on July
6 29, 1986 by the adoption of Part 391 by reason of the
7 application of paragraphs (b)(3) and (b)(10) of Section
8 391.41 with respect to a physical condition existing at
9 that time unless such driver has a record of accidents
10 which would indicate a lack of ability to operate a motor
11 vehicle in a safe manner.

12 (d) Intrastate carriers subject to the recording
13 provisions of Section 395.8 of Part 395 of the Federal Motor
14 Carrier Safety Regulations shall be exempt as established
15 under paragraph (1) of Section 395.8; provided, however, for
16 the purpose of this Code, drivers shall operate within a 150
17 air-mile radius of the normal work reporting location to
18 qualify for exempt status.

19 (e) Regulations adopted by the Department subsequent to
20 those adopted under subsection (b) hereof shall be identical
21 in substance to the Federal Motor Carrier Safety Regulations
22 of the United States Department of Transportation and adopted
23 in accordance with the procedures for rulemaking in Section
24 5-35 of the Illinois Administrative Procedure Act.

25 (Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02;
26 92-249; eff. 1-1-02; revised 10-12-01.)

27 (625 ILCS 5/1-142.1a rep.)

28 Section 15. The Illinois Vehicle Code is amended by
29 repealing Section 1-142.1a.