

# HB4334



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4334**

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

Amends the Illinois Vehicle Code. Provides that an applicant for a school bus driver permit who is unable to submit fingerprints due to a condition that has removed his or her fingerprints shall submit to a non-fingerprint based criminal background check. Provides that non-fingerprint based criminal background checks shall be conducted through a search of the Illinois State Police's computerized criminal history record files using identifiers such as the name, sex, race, and date of birth of the applicant. Makes conforming changes.

LRB100 16808 AXK 31949 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) (from Ch. 95 1/2, par. 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. An applicant who is unable to submit  
22 fingerprints due to a condition that has removed his or her  
23 fingerprints shall submit to a non-fingerprint based criminal

1 background check. The non-fingerprint based criminal  
2 background check shall result in a search of the Illinois State  
3 Police's computerized criminal history record files using  
4 identifiers such as the name, sex, race, and date of birth of  
5 the applicant. Applicants who have completed the  
6 fingerprinting or non-fingerprinting requirements shall not be  
7 subjected to the fingerprinting or non-fingerprinting process  
8 when applying for subsequent permits or submitting proof of  
9 successful completion of the annual refresher course.  
10 Individuals who on July 1, 1995 (the effective date of Public  
11 Act 88-612) possess a valid school bus driver permit that has  
12 been previously issued by the appropriate Regional School  
13 Superintendent are not subject to the fingerprinting or  
14 non-fingerprinting provisions of this Section as long as the  
15 permit remains valid and does not lapse. The applicant shall be  
16 required to pay all related application and fingerprinting or  
17 non-fingerprinting fees as established by rule including, but  
18 not limited to, the amounts established by the Department of  
19 State Police and the Federal Bureau of Investigation to process  
20 fingerprint or non-fingerprint based criminal background  
21 investigations. All fees paid for fingerprint or  
22 non-fingerprint processing services under this Section shall  
23 be deposited into the State Police Services Fund for the cost  
24 incurred in processing the fingerprint or non-fingerprint  
25 based criminal background investigations. All other fees paid  
26 under this Section shall be deposited into the Road Fund for

1 the purpose of defraying the costs of the Secretary of State in  
2 administering this Section. All applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's  
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not been  
7 revoked, suspended, or canceled for 3 years immediately  
8 prior to the date of application, or have not had his or  
9 her commercial motor vehicle driving privileges  
10 disqualified within the 3 years immediately prior to the  
11 date of application;

12 4. successfully pass a written test, administered by  
13 the Secretary of State, on school bus operation, school bus  
14 safety, and special traffic laws relating to school buses  
15 and submit to a review of the applicant's driving habits by  
16 the Secretary of State at the time the written test is  
17 given;

18 5. demonstrate ability to exercise reasonable care in  
19 the operation of school buses in accordance with rules  
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school  
22 buses by submitting the results of a medical examination,  
23 including tests for drug use for each applicant not subject  
24 to such testing pursuant to federal law, conducted by a  
25 licensed physician, a licensed advanced practice  
26 registered nurse, or a licensed physician assistant within

1 90 days of the date of application according to standards  
2 promulgated by the Secretary of State;

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

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

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

21 10. not have been under an order of court supervision  
22 for or convicted of reckless driving, aggravated reckless  
23 driving, driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or  
25 any combination thereof, or reckless homicide resulting  
26 from the operation of a motor vehicle within 3 years of the

1 date of application;

2 11. not have been convicted of committing or attempting  
3 to commit any one or more of the following offenses: (i)  
4 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
5 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
6 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
7 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
8 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
9 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
10 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
11 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
12 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
13 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
14 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
15 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
16 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
17 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
18 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
19 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,  
20 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
21 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
22 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and  
23 in subsection (a) and subsection (b), clause (1), of  
24 Section 12-4, and in subsection (A), clauses (a) and (b),  
25 of Section 24-3, and those offenses contained in Article  
26 29D of the Criminal Code of 1961 or the Criminal Code of

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

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

25                13. not have, through the unlawful operation of a motor  
26                vehicle, caused an accident resulting in the death of any

1 person;

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

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

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

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

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



1 successful completion of an Illinois specific criminal  
2 background investigation through the Department of State  
3 Police and the submission of necessary fingerprints to the  
4 Federal Bureau of Investigation for criminal history  
5 information available through the Federal Bureau of  
6 Investigation system, if applicable. The applicant shall  
7 present the certification to the Secretary of State at the time  
8 of submitting the school bus driver permit application.

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

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

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

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

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

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

25           (4) The Secretary of State may not issue a school bus  
26 driver permit for a period of 3 years to an applicant who

1 fails to obtain a negative result on a drug test as  
2 required in item 6 of subsection (a) of this Section or  
3 under federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 hiring or retention of a school bus driver permit holder.  
2 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;  
3 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)