

AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended by changing Section 4f as follows:

(20 ILCS 505/4f)

Sec. 4f. Transportation providers; compliance requirements.

(a) A purchase of service agency under contract with the Department to provide transportation services to children and families under this Act must comply with all applicable federal and State laws and regulations and Department rules. When the purchase of service agency signs the purchase of service contract, this signature shall be the agency's certification of compliance with the applicable laws, regulations, and rules. Additionally, the signed purchase of service contract shall be the agency's certification that:

(1) the agency has trained all of its drivers who transport children on behalf of the Department on how to properly install and operate an approved child restraint system as defined in the Child Passenger Protection Act;

(2) all drivers possess a valid driver's license and have a driving record devoid of any convictions of traffic

violations or evidence of committing an offense for which mandatory revocation would be required upon conviction in accordance with Section 6-205 of the Illinois Vehicle Code;

(3) any motor vehicle operated by a driver during the transport of any child on behalf of the Department is insured as required under the Illinois Vehicle Code and such insurance will be maintained throughout the period for which the motor vehicle is used to transport any child on behalf of the Department, and the driver will not operate the motor vehicle unless the required insurance is in effect; and

(4) all vehicles used to transport children on behalf of the Department are properly maintained, clean, and smoke free with properly functioning heating and air conditioner systems that the driver has been instructed to utilize as appropriate for the weather conditions.

A purchase of service agency must provide a designated telephone number that drivers, parents, foster parents, and legal guardians can use to communicate with the agency at any point before or during a scheduled transport or family visit to notify the agency regarding a late pickup or arrival. The agency must have staff available to accept all calls to the designated telephone number.

(b) Every driver employed by a purchase of service agency who transports children on behalf of the Department must

submit, as a condition of employment, a signed written statement certifying that he or she will comply with all applicable federal and State laws and regulations and Department rules, and must attest to all of the following in his or her signed written statement:

(1) that he or she possesses the requisite knowledge to properly install and operate an approved child restraint system as defined in the Child Passenger Protection Act;

(2) that he or she possesses a valid driver's license and has a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction in accordance with Section 6-205 of the Illinois Vehicle Code;

(3) that the motor vehicle he or she operates to transport children on behalf of the Department is insured as required under the Illinois Vehicle Code and such insurance will be maintained throughout the period for which the motor vehicle is used to transport any child on behalf of the Department, and he or she will not operate the motor vehicle unless the required insurance is in effect;

(4) that the motor vehicle he or she operates to transport children on behalf of the Department is properly maintained, clean, and smoke free with properly

functioning heating and air conditioner systems that he or she will utilize as appropriate for the weather conditions;

(5) that he or she can effectively communicate with the parents, foster parents, or legal guardians of the children he or she transports; and

(6) that, as a condition of employment, he or she has consented to and completed a fingerprint-based criminal history records check in accordance with subsection (c) ~~performed by the Illinois State Police and the Federal Bureau of Investigation, or some other entity that has the ability to check his or her fingerprints against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases.~~

The Department must conduct annual checks on a purchase of service agency and the drivers under the agency's employment to ensure compliance with this Section and all applicable laws, regulations, and Department rules. The Department may adopt any rules necessary to implement the provisions of this Section.

(c) Each applicant applying for employment under subsection (b) shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed

by the Illinois State Police. Such fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions and shall forward the national criminal history record information to the Department.

(Source: P.A. 102-795, eff. 1-1-23.)

Section 99. Effective date. This Act takes effect upon becoming law.