

SB3003



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3003

Introduced 2/15/2018, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-195

from Ch. 95 1/2, par. 1-195

625 ILCS 5/6-106.1

from Ch. 95 1/2, par. 6-106.1

Amends the Illinois Vehicle Code. Adds a state of Mexico to the definition of "state". Provides that an applicant for a school bus driving permit cannot have been convicted of committing or attempting to commit specific offenses under the Criminal Code of 2012. Provides that an applicant cannot have been convicted of committing or attempting to commit a felony under the Cannabis Control Act. Provides that an applicant cannot have been convicted of committing or attempting to commit a felony under the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Methamphetamine Precursor Control Act. Provides that an applicant cannot have been convicted of committing or attempting to commit a felony under the Liquor Control Act of 1934.

LRB100 17975 LNS 33159 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 Sections 1-195 and 6-106.1 as follows:

6 (625 ILCS 5/1-195) (from Ch. 95 1/2, par. 1-195)
7 Sec. 1-195. State.

8 A state, territory or possession of the United States, the
9 District of Columbia, the Commonwealth of Puerto Rico, a state
10 of Mexico, or a province of the Dominion of Canada.

11 (Source: P.A. 76-1586.)

12 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)
13 Sec. 6-106.1. School bus driver permit.

14 (a) The Secretary of State shall issue a school bus driver
15 permit to those applicants who have met all the requirements of
16 the application and screening process under this Section to
17 insure the welfare and safety of children who are transported
18 on school buses throughout the State of Illinois. Applicants
19 shall obtain the proper application required by the Secretary
20 of State from their prospective or current employer and submit
21 the completed application to the prospective or current
22 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 July 1, 1995 (the
10 effective date of Public Act 88-612) possess a valid school bus
11 driver permit that has been previously issued by the
12 appropriate Regional School Superintendent are not subject to
13 the fingerprinting provisions of this Section as long as the
14 permit remains valid and does not lapse. The applicant shall be
15 required to pay all related application and fingerprinting fees
16 as established by rule including, but not limited to, the
17 amounts established by the Department of State Police and the
18 Federal Bureau of Investigation to process fingerprint based
19 criminal background investigations. All fees paid for
20 fingerprint processing services under this Section shall be
21 deposited into the State Police Services Fund for the cost
22 incurred in processing the fingerprint based criminal
23 background investigations. All other fees paid under this
24 Section shall be deposited into the Road Fund for the purpose
25 of defraying the costs of the Secretary of State in
26 administering this Section. All 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, a licensed advanced practice
24 registered nurse, or a licensed physician assistant within
25 90 days of the date of application according to standards
26 promulgated by the Secretary of State;

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

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

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

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

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: ~~(i)~~
2 ~~those offenses~~ defined in Sections 8-1, 8-1.2, 9-1, 9-1.2,
3 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4,
4 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, ~~11-9~~, 11-9.1,
6 11-9.1A, 11-9.3, 11-9.4-1, ~~11-9.4~~, 11-14, 11-14.1,
7 11-14.3, 11-14.4, ~~11-15~~, ~~11-15.1~~, ~~11-16~~, ~~11-17~~, ~~11-17.1~~,
8 11-18, 11-18.1, ~~11-19~~, ~~11-19.1~~, ~~11-19.2~~, 11-20, 11-20.1,
9 ~~11-20.1B~~, ~~11-20.3~~, 11-21, 11-22, 11-23, 11-24, 11-25,
10 11-26, 11-30, 12-3.05, ~~12-2.6~~, 12-3.1, ~~12-4~~, ~~12-4.1~~,
11 ~~12-4.2~~, ~~12-4.2-5~~, ~~12-4.3~~, ~~12-4.4~~, 12-4.5, ~~12-4.6~~, ~~12-4.7~~,
12 ~~12-4.9~~, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3,
13 12-7.4, 12-7.5, ~~12-11~~, ~~12-13~~, ~~12-14~~, ~~12-14.1~~, ~~12-15~~,
14 ~~12-16~~, ~~12-16.2~~, ~~12-21.5~~, ~~12-21.6~~, 12-33, 12C-5, 12C-10,
15 12C-20, 12C-30, 12C-45, ~~16-16~~, ~~16-16.1~~, 18-1, 18-2, 18-3,
16 18-4, ~~18-5~~, 19-6, 20-1, 20-1.1, ~~20-1.2~~, ~~20-1.3~~, 20-2, 24-1,
17 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
18 24-3.5, 24-3.8, 24-3.9, ~~31A-1~~, 31A-1.1, 33A-2, and ~~33D-1~~,
19 and in subsection (b) of Section 8-1, and in subdivisions
20 (a) (1), (a) (2), (b) (1), (c) (1), (c) (2), (c) (3), (c) (4),
21 and (f) (1) of Section 12-3.05, and in subsection (a) and
22 subsection (b), clause (1), of Section 12-4, and in
23 subsection (A), clauses (a) and (b), of Section 24-3, and
24 those offenses contained in Article 29D of the Criminal
25 Code of 1961 or the Criminal Code of 2012; ~~(ii)~~ those
26 ~~offenses defined in the Cannabis Control Act except those~~

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

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

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

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

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

8 16. not have been convicted of committing or attempting
9 to commit a felony for any one or more of offenses defined
10 in the Cannabis Control Act or 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;

15 17. not have been convicted of committing or attempting
16 to commit a felony for any one or more of offenses defined
17 in the Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act, the
19 Methamphetamine Precursor Control Act, or any offense
20 committed or attempted in any other state or against the
21 laws of the United States, which if committed or attempted
22 in this State would be punishable as one or more of the
23 foregoing offenses;

24 18. not have been convicted of committing or attempting
25 to commit a felony for any one or more of offenses defined
26 in Section 6-16 of the Liquor Control Act of 1934 or any

1 offense committed or attempted in any other state or
2 against the laws of the United States, which if committed
3 or attempted in this State would be punishable as one or
4 more of the foregoing offenses;

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

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

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

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

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

20 (f) A school bus driver permit holder shall notify the
21 employer and the Secretary of State if he or she is issued an
22 order of court supervision for or convicted in another state of
23 an offense that would make him or her ineligible for a permit
24 under subsection (a) of this Section. The written notification
25 shall be made within 5 days of the entry of the order of court
26 supervision or conviction. Failure of the permit holder to

1 provide the notification is punishable as a petty offense for a
2 first violation and a Class B misdemeanor for a second or
3 subsequent violation.

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

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

9 (2) The Secretary of State shall cancel a school bus
10 driver permit when he or she receives notice that the
11 permit holder fails to comply with any provision of this
12 Section or any rule promulgated for the administration of
13 this Section.

14 (3) The Secretary of State shall cancel a school bus
15 driver permit if the permit holder's restricted commercial
16 or commercial driving privileges are withdrawn or
17 otherwise invalidated.

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

23 (5) The Secretary of State shall forthwith suspend a
24 school bus driver permit for a period of 3 years upon
25 receiving notice that the holder has failed to obtain a
26 negative result on a drug test as required in item 6 of

1 subsection (a) of this Section or under federal law.

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

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

16 The Secretary of State shall notify the State
17 Superintendent of Education and the permit holder's
18 prospective or current employer that the applicant has (1) has
19 failed a criminal background investigation or (2) is no longer
20 eligible for a school bus driver permit; and of the related
21 cancellation of the applicant's provisional school bus driver
22 permit. The cancellation shall remain in effect pending the
23 outcome of a hearing pursuant to Section 2-118 of this Code.
24 The scope of the hearing shall be limited to the issuance
25 criteria contained in subsection (a) of this Section. A
26 petition requesting a hearing shall be submitted to the

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

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

15 (h) When a school bus driver permit holder who is a service
16 member is called to active duty, the employer of the permit
17 holder shall notify the Secretary of State, within 30 days of
18 notification from the permit holder, that the permit holder has
19 been called to active duty. Upon notification pursuant to this
20 subsection, (i) the Secretary of State shall characterize the
21 permit as inactive until a permit holder renews the permit as
22 provided in subsection (i) of this Section, and (ii) if a
23 permit holder fails to comply with the requirements of this
24 Section while called to active duty, the Secretary of State
25 shall not characterize the permit as invalid.

26 (i) A school bus driver permit holder who is a service

1 member returning from active duty must, within 90 days, renew a
2 permit characterized as inactive pursuant to subsection (h) of
3 this Section by complying with the renewal requirements of
4 subsection (b) of this Section.

5 (j) For purposes of subsections (h) and (i) of this
6 Section:

7 "Active duty" means active duty pursuant to an executive
8 order of the President of the United States, an act of the
9 Congress of the United States, or an order of the Governor.

10 "Service member" means a member of the Armed Services or
11 reserve forces of the United States or a member of the Illinois
12 National Guard.

13 (k) A private carrier employer of a school bus driver
14 permit holder, having satisfied the employer requirements of
15 this Section, shall be held to a standard of ordinary care for
16 intentional acts committed in the course of employment by the
17 bus driver permit holder. This subsection (k) shall in no way
18 limit the liability of the private carrier employer for
19 violation of any provision of this Section or for the negligent
20 hiring or retention of a school bus driver permit holder.

21 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
22 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)