

HB5536



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5536

Introduced 1/31/2022, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-217
625 ILCS 5/6-104

from Ch. 95 1/2, par. 1-217
from Ch. 95 1/2, par. 6-104

Amends the Illinois Vehicle Code. Removes language classifying motor vehicles of the first division used and registered as school buses as vehicles of the second division. Provides that no person shall drive a motor vehicle of the first division used and registered as a school bus when transporting school children unless the person meets certain requirements.

LRB102 25449 RAM 34735 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
5 changing Sections 1-217 and 6-104 as follows:

6 (625 ILCS 5/1-217) (from Ch. 95 1/2, par. 1-217)

7 Sec. 1-217. Vehicle. Every device, in, upon or by which
8 any person or property is or may be transported or drawn upon a
9 highway or requiring a certificate of title under Section
10 3-101(d) of this Code, except devices moved by human power,
11 devices used exclusively upon stationary rails or tracks, and
12 snowmobiles as defined in the Snowmobile Registration and
13 Safety Act.

14 For the purposes of this Code, unless otherwise
15 prescribed, a device shall be considered to be a vehicle until
16 such time it either comes within the definition of a junk
17 vehicle, as defined under this Code, or a junking certificate
18 is issued for it.

19 For this Code, vehicles are divided into 2 divisions:

20 First Division: Those motor vehicles which are designed
21 for the carrying of not more than 10 persons.

22 Second Division: Those vehicles which are designed for
23 carrying more than 10 persons, those designed or used for

1 living quarters and those vehicles which are designed for
2 pulling or carrying property, freight, or cargo and those
3 motor vehicles of the First Division remodelled for use and
4 used as motor vehicles of the Second Division, ~~and those motor~~
5 ~~vehicles of the First Division used and registered as school~~
6 ~~buses.~~

7 (Source: P.A. 92-812, eff. 8-21-02.)

8 (625 ILCS 5/6-104) (from Ch. 95 1/2, par. 6-104)

9 Sec. 6-104. Classification of Driver - Special
10 Restrictions.

11 (a) A driver's license issued under the authority of this
12 Act shall indicate the classification for which the applicant
13 therefor has qualified by examination or by such other means
14 that the Secretary of State shall prescribe. Driver's license
15 classifications shall be prescribed by rule or regulation
16 promulgated by the Secretary of State and such may specify
17 classifications as to operation of motor vehicles of the first
18 division, or of those of the second division, whether operated
19 singly or in lawful combination, and whether for-hire or
20 not-for-hire, and may specify such other classifications as
21 the Secretary deems necessary.

22 No person shall operate a motor vehicle unless such person
23 has a valid license with a proper classification to permit the
24 operation of such vehicle, except that any person may operate
25 a moped if such person has a valid current Illinois driver's

1 license, regardless of classification.

2 (b) No person who is under the age of 21 years or has had
3 less than 1 year of driving experience shall drive: (1) in
4 connection with the operation of any school, day camp, summer
5 camp, or nursery school, any public or private motor vehicle
6 for transporting children to or from any school, day camp,
7 summer camp, or nursery school, or (2) any motor vehicle of the
8 second division when in use for the transportation of persons
9 for compensation.

10 (c) No person who is under the age of 18 years shall be
11 issued a license for the purpose of transporting property for
12 hire, or for the purpose of transporting persons for
13 compensation in a motor vehicle of the first division.

14 (d) Except as provided in subsections (d-1) and (d-2), no
15 ~~No~~ person shall drive: (1) a school bus when transporting
16 school children unless such person possesses a valid school
17 bus driver permit or is accompanied and supervised, for the
18 specific purpose of training prior to routine operation of a
19 school bus, by a person who has held a valid school bus driver
20 permit for at least one year; or (2) any other vehicle owned or
21 operated by or for a public or private school, or a school
22 operated by a religious institution, where such vehicle is
23 being used over a regularly scheduled route for the
24 transportation of persons enrolled as a student in grade 12 or
25 below, in connection with any activity of the entities unless
26 such person possesses a valid school bus driver permit.

1 (d-1) No person shall drive a motor vehicle of the first
2 division used and registered as a school bus when transporting
3 school children unless the person:

4 (1) possesses a valid driver's license that has not
5 been revoked, suspended, canceled, or disqualified as
6 defined in Section 6-500 for any action except those
7 defined as miscellaneous suspensions by rule committed
8 during the 3 years immediately prior to the date of
9 application, and issued by the Secretary of State for the
10 operation of motor vehicles of the second division;

11 (2) completes a State and federal fingerprint
12 background check with a certified State vendor;

13 (3) demonstrates physical fitness to safely operate a
14 motor vehicle of the first division used and registered as
15 a school bus by submitting to the employer the results of a
16 drug test and an annual physical examination conducted by
17 a licensed physician, an advanced practice nurse who is
18 authorized under a written collaborative agreement with a
19 physician to perform medical examinations, or a
20 physician's assistant who has been delegated the
21 performance of medical examinations by the assistant's
22 supervising physician within 90 days of the date of
23 application according to standards adopted by the
24 Secretary of State;

25 (4) affirms under penalty of perjury that the person
26 has not made a false statement or knowingly concealed a

1 material fact in an application for a driver's license;

2 (5) annually attends and completes Passenger
3 Assistance, Safety and Sensitivity Training administered
4 by the Community Transportation Association of America, in
5 accordance with Section 1035.35 of the Illinois
6 Administrative Code, and provides proof of attendance and
7 completion to the Secretary of State;

8 (6) at the time of application, has not been convicted
9 of 2 or more serious traffic offenses within the previous
10 12-month period, nor been convicted of 2 or more serious
11 traffic offenses during any 12-month period that
12 endangered the life and safety of any of the driver's
13 passengers;

14 (7) has not been convicted of reckless driving under
15 Section 11-503, driving under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds,
17 or any combination thereof under Section 11-501, or
18 reckless homicide under Section 9-3 of the Criminal Code
19 of 2012 which resulted from operation of a motor vehicle
20 within 3 years of the date of application;

21 (8) has not been convicted of committing or attempting
22 to commit one or more of the offenses listed in paragraph
23 11 of subsection (a) of Section 6-106.1;

24 (9) has not been repeatedly involved as a driver in
25 motor vehicle collisions or been repeatedly convicted of
26 offenses against laws and ordinances regulating the

1 movement of traffic to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway, in accordance with Section 1040.50 of the
6 Illinois Administrative Code;

7 (10) has not, through the unlawful operation of a
8 motor vehicle, caused an accident resulting in the death
9 of any person;

10 (11) has not, within the last 5 years, been clinically
11 diagnosed with any mental disability or disease; or

12 (12) ensures that the vehicle used to transport
13 schoolchildren is:

14 (A) properly licensed and registered as required
15 by Section 3-801;

16 (B) properly insured as required under Section
17 7-601;

18 (C) equipped with proper seat belts or safety
19 seats so as to permit each passenger to be secured
20 while the vehicle is in motion;

21 (D) inspected biannually by a certified mechanic;

22 (E) inspected before and after each service trip;

23 and

24 (F) equipped with a seat belt cutter, a first aid
25 kit, a fluid clean up kit, and a fire extinguisher
26 located in the storage area that is accessible to the

1 driver.

2 (d-2) Failure to annually complete and attend the
3 Passenger Assistance, Safety and Sensitivity Training in
4 accordance with paragraph (5) of subsection (d-1) shall result
5 in the cancellation of the driver's permit until the course is
6 completed.

7 (d-5) No person may drive a bus that does not meet the
8 special requirements for school buses provided in Sections
9 12-801, 12-802, 12-803, and 12-805 of this Code that has been
10 chartered for the sole purpose of transporting students
11 regularly enrolled in grade 12 or below to or from
12 interscholastic athletic or interscholastic or school
13 sponsored activities unless the person has a valid and
14 properly classified commercial driver's license as provided in
15 subsection (c-1) of Section 6-508 of this Code in addition to
16 any other permit or license that is required to operate that
17 bus. This subsection (d-5) does not apply to any bus driver
18 employed by a public transportation provider authorized to
19 conduct local or interurban transportation of passengers when
20 the bus is not traveling a specific school bus route but is on
21 a regularly scheduled route for the transporting of other fare
22 paying passengers.

23 A person may operate a chartered bus described in this
24 subsection (d-5) if he or she is not disqualified from driving
25 a chartered bus of that type and if he or she holds a CDL that
26 is:

1 (1) issued to him or her by any other state or
2 jurisdiction in accordance with 49 CFR 383;

3 (2) not suspended, revoked, or canceled; and

4 (3) valid under 49 CFR 383, subpart F, for the type of
5 vehicle being driven.

6 A person may also operate a chartered bus described in
7 this subsection (d-5) if he or she holds a valid CDL and a
8 valid school bus driver permit that was issued on or before
9 December 31, 2003.

10 (e) No person shall drive a religious organization bus
11 unless such person has a valid and properly classified drivers
12 license or a valid school bus driver permit.

13 (f) No person shall drive a motor vehicle for the purpose
14 of providing transportation for the elderly in connection with
15 the activities of any public or private organization unless
16 such person has a valid and properly classified driver's
17 license issued by the Secretary of State.

18 (g) No person shall drive a bus which meets the special
19 requirements for school buses provided in Section 12-801,
20 12-802, 12-803 and 12-805 of this Code for the purpose of
21 transporting persons 18 years of age or less in connection
22 with any youth camp licensed under the Youth Camp Act or any
23 child care facility licensed under the Child Care Act of 1969
24 unless such person possesses a valid school bus driver permit
25 or is accompanied and supervised, for the specific purpose of
26 training prior to routine operation of a school bus, by a

1 person who has held a valid school bus driver permit for at
2 least one year; however, a person who has a valid and properly
3 classified driver's license issued by the Secretary of State
4 may operate a school bus for the purpose of transporting
5 persons 18 years of age or less in connection with any such
6 youth camp or child care facility if the "SCHOOL BUS" signs are
7 covered or concealed and the stop signal arm and flashing
8 signal systems are not operable through normal controls.

9 (h) No person shall operate an autocycle unless he or she
10 has a valid Class D driver's license.

11 (Source: P.A. 98-777, eff. 1-1-15.)