



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5772

Introduced 11/16/2022, by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

20 ILCS 505/4f

Amends the Children and Family Services Act. Requires every driver who applies for employment with a transportation provider under contract with the Department of Children and Family Services to 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. Provides that such fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation and shall be checked against the fingerprint records 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. Requires the Illinois State Police to charge a fee for conducting the criminal history records check that does not exceed the actual cost of the records check. Provides that 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 of Children and Family Services. Requires every driver to submit, as a condition of employment, a signed written statement certifying that he or she has consented to and completed a fingerprint-based criminal history records check in accordance with the amendatory Act. Effective January 1, 2023.

LRB102 28140 KTG 39947 b

1 AN ACT concerning State government.

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

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

6 (20 ILCS 505/4f)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 4f. Transportation providers; compliance
10 requirements.

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

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

1 (2) all drivers possess a valid driver's license and
2 have a driving record devoid of any convictions of traffic
3 violations or evidence of committing an offense for which
4 mandatory revocation would be required upon conviction in
5 accordance with Section 6-205 of the Illinois Vehicle
6 Code;

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

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

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

1 (b) Every driver employed by a purchase of service agency
2 who transports children on behalf of the Department must
3 submit, as a condition of employment, a signed written
4 statement certifying that he or she will comply with all
5 applicable federal and State laws and regulations and
6 Department rules, and must attest to all of the following in
7 his or her signed written statement:

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

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

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

26 (4) that the motor vehicle he or she operates to

1 transport children on behalf of the Department is properly
2 maintained, clean, and smoke free with properly
3 functioning heating and air conditioner systems that he or
4 she will utilize as appropriate for the weather
5 conditions;

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

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

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

24 (c) Each applicant applying for employment under
25 subsection (b) shall have his or her fingerprints submitted to
26 the Illinois State Police in an electronic format that

1 complies with the form and manner for requesting and
2 furnishing criminal history record information as prescribed
3 by the Illinois State Police. Such fingerprints shall be
4 transmitted through a live scan fingerprint vendor licensed by
5 the Department of Financial and Professional Regulation. These
6 fingerprints shall be checked against the fingerprint records
7 now and hereafter filed in the Illinois State Police and
8 Federal Bureau of Investigation criminal history records
9 databases, including, but not limited to, civil, criminal, and
10 latent fingerprint databases. The Illinois State Police shall
11 charge a fee for conducting the criminal history records
12 check, which shall be deposited into the State Police Services
13 Fund and shall not exceed the actual cost of the records check.
14 The Illinois State Police shall furnish, pursuant to positive
15 identification, records of Illinois convictions and shall
16 forward the national criminal history record information to
17 the Department.

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

19 Section 99. Effective date. This Act takes effect January
20 1, 2023.