

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 Sec. 4f. Transportation providers; compliance
8 requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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