



Rep. Jaime M. Andrade, Jr.

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10300HB3476ham001

LRB103 27485 MXP 58977 a

1 AMENDMENT TO HOUSE BILL 3476

2 AMENDMENT NO. _____. Amend House Bill 3476 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-217, 6-106.1, and 13-109 as follows:

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

7 (Text of Section before amendment by P.A. 102-1130)

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

15 For the purposes of this Code, unless otherwise
16 prescribed, a device shall be considered to be a vehicle until

1 such time it either comes within the definition of a junk
2 vehicle, as defined under this Code, or a junking certificate
3 is issued for it.

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

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

7 Second Division: Those vehicles which are designed for
8 carrying more than 10 persons, those designed or used for
9 living quarters and those vehicles which are designed for
10 pulling or carrying property, freight, or cargo and ~~and~~ those
11 motor vehicles of the First Division remodelled for use and
12 used as motor vehicles of the Second Division, ~~and those motor~~
13 ~~vehicles of the First Division used and registered as school~~
14 ~~buses.~~

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

16 (Text of Section after amendment by P.A. 102-1130)

17 Sec. 1-217. Vehicle. Every device, in, upon or by which
18 any person or property is or may be transported or drawn upon a
19 highway or requiring a certificate of title under Section
20 3-101(d) of this Code, except devices moved by human power,
21 devices used exclusively upon stationary rails or tracks, and
22 snowmobiles as defined in the Snowmobile Registration and
23 Safety Act.

24 For the purposes of this Code, unless otherwise
25 prescribed, a device shall be considered to be a vehicle until

1 such time it either comes within the definition of a junk
2 vehicle, as defined under this Code, or a junking certificate
3 is issued for it.

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

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

7 Second Division: Those vehicles which are designed for
8 carrying more than 10 persons, those designed or used for
9 living quarters and those vehicles which are designed for
10 pulling or carrying property, freight, or cargo and those
11 motor vehicles of the First Division remodelled for use and
12 used as motor vehicles of the Second Division.

13 (Source: P.A. 102-1130, eff. 7-1-23.)

14 (625 ILCS 5/6-106.1)

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 6-106.1. School bus driver permit.

17 (a) The Secretary of State shall issue a school bus driver
18 permit to those applicants who have met all the requirements
19 of the application and screening process under this Section to
20 insure the welfare and safety of children who are transported
21 on school buses throughout the State of Illinois. Applicants
22 shall obtain the proper application required by the Secretary
23 of State from their prospective or current employer and submit
24 the completed application to the prospective or current
25 employer along with the necessary fingerprint submission as

1 required by the Illinois State Police to conduct fingerprint
2 based criminal background checks on current and future
3 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
11 bus 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
15 be required to pay all related application and fingerprinting
16 fees as established by rule including, but not limited to, the
17 amounts established by the Illinois 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
5 been revoked, suspended, or canceled for 3 years
6 immediately prior to the date of application, or have not
7 had his or 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
12 bus safety, and special traffic laws relating to school
13 buses and submit to a review of the applicant's driving
14 habits by the Secretary of State at the time the written
15 test is 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
22 subject to such testing pursuant to federal law, conducted
23 by a 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
2 has 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
6 safety 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

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

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

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

20 13. not have, through the unlawful operation of a
21 motor vehicle, caused an accident resulting in the death
22 of any person;

23 14. not have, within the last 5 years, been adjudged
24 to be afflicted with or suffering from any mental
25 disability or disease;

26 15. consent, in writing, to the release of results of

1 reasonable suspicion drug and alcohol testing under
2 Section 6-106.1c of this Code by the employer of the
3 applicant to the Secretary of State; and

4 16. not have been convicted of committing or
5 attempting to commit within the last 20 years: (i) an
6 offense defined in subsection (c) of Section 4, subsection
7 (b) of Section 5, and subsection (a) of Section 8 of the
8 Cannabis Control Act; or (ii) any offenses in any other
9 state or against the laws of the United States that, if
10 committed or attempted in this State, would be punishable
11 as one or more of the foregoing offenses.

12 (a-5) If an applicant's driver's license has been
13 suspended within the 3 years immediately prior to the date of
14 application for the sole reason of failure to pay child
15 support, that suspension shall not bar the applicant from
16 receiving a school bus driver permit.

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

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

26 (d) The employer shall be responsible for conducting a

1 pre-employment interview with prospective school bus driver
2 candidates, distributing school bus driver applications and
3 medical forms to be completed by the applicant, and submitting
4 the applicant's fingerprint cards to the Illinois State Police
5 that are required for the criminal background investigations.
6 The employer shall certify in writing to the Secretary of
7 State that all pre-employment conditions have been
8 successfully completed including the successful completion of
9 an Illinois specific criminal background investigation through
10 the Illinois State Police and the submission of necessary
11 fingerprints to the Federal Bureau of Investigation for
12 criminal history information available through the Federal
13 Bureau of Investigation system. The applicant shall present
14 the certification to the Secretary of State at the time of
15 submitting the school bus driver permit application.

16 (e) Permits shall initially be provisional upon receiving
17 certification from the employer that all pre-employment
18 conditions have been successfully completed, and upon
19 successful completion of all training and examination
20 requirements for the classification of the vehicle to be
21 operated, the Secretary of State shall provisionally issue a
22 School Bus Driver Permit. The permit shall remain in a
23 provisional status pending the completion of the Federal
24 Bureau of Investigation's criminal background investigation
25 based upon fingerprinting specimens submitted to the Federal
26 Bureau of Investigation by the Illinois State Police. The

1 Federal Bureau of Investigation shall report the findings
2 directly to the Secretary of State. The Secretary of State
3 shall remove the bus driver permit from provisional status
4 upon the applicant's successful completion of the Federal
5 Bureau of Investigation's criminal background investigation.

6 (f) A school bus driver permit holder shall notify the
7 employer and the Secretary of State if he or she is issued an
8 order of court supervision for or convicted in another state
9 of an offense that would make him or her ineligible for a
10 permit under subsection (a) of this Section. The written
11 notification shall be made within 5 days of the entry of the
12 order of court supervision or conviction. Failure of the
13 permit holder to provide the notification is punishable as a
14 petty offense for a first violation and a Class B misdemeanor
15 for a second or subsequent violation.

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

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

22 (2) The Secretary of State shall cancel a school bus
23 driver permit when he or she receives notice that the
24 permit holder fails to comply with any provision of this
25 Section or any rule promulgated for the administration of
26 this Section.

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

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

10 (5) The Secretary of State shall forthwith suspend a
11 school bus driver permit for a period of 3 years upon
12 receiving notice that the holder has failed to obtain a
13 negative result on a drug test as required in item 6 of
14 subsection (a) of this Section or under federal law.

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

20 (7) The Secretary of State shall suspend a school bus
21 driver permit for a period of 3 years upon receiving
22 notice from the employer that the holder refused to submit
23 to an alcohol or drug test as required by Section 6-106.1c
24 or has submitted to a test required by that Section which
25 disclosed an alcohol concentration of more than 0.00 or
26 disclosed a positive result on a National Institute on

1 Drug Abuse five-drug panel, utilizing federal standards
2 set forth in 49 CFR 40.87.

3 The Secretary of State shall notify the State
4 Superintendent of Education and the permit holder's
5 prospective or current employer that the applicant has (1) has
6 failed a criminal background investigation or (2) is no longer
7 eligible for a school bus driver permit; and of the related
8 cancellation of the applicant's provisional school bus driver
9 permit. The cancellation shall remain in effect pending the
10 outcome of a hearing pursuant to Section 2-118 of this Code.
11 The scope of the hearing shall be limited to the issuance
12 criteria contained in subsection (a) of this Section. A
13 petition requesting a hearing shall be submitted to the
14 Secretary of State and shall contain the reason the individual
15 feels he or she is entitled to a school bus driver permit. The
16 permit holder's employer shall notify in writing to the
17 Secretary of State that the employer has certified the removal
18 of the offending school bus driver from service prior to the
19 start of that school bus driver's next workshift. An employing
20 school board that fails to remove the offending school bus
21 driver from service is subject to the penalties defined in
22 Section 3-14.23 of the School Code. A school bus contractor
23 who violates a provision of this Section is subject to the
24 penalties defined in Section 6-106.11.

25 All valid school bus driver permits issued under this
26 Section prior to January 1, 1995, shall remain effective until

1 their expiration date unless otherwise invalidated.

2 (h) When a school bus driver permit holder who is a service
3 member is called to active duty, the employer of the permit
4 holder shall notify the Secretary of State, within 30 days of
5 notification from the permit holder, that the permit holder
6 has been called to active duty. Upon notification pursuant to
7 this subsection, (i) the Secretary of State shall characterize
8 the permit as inactive until a permit holder renews the permit
9 as provided in subsection (i) of this Section, and (ii) if a
10 permit holder fails to comply with the requirements of this
11 Section while called to active duty, the Secretary of State
12 shall not characterize the permit as invalid.

13 (i) A school bus driver permit holder who is a service
14 member returning from active duty must, within 90 days, renew
15 a permit characterized as inactive pursuant to subsection (h)
16 of this Section by complying with the renewal requirements of
17 subsection (b) of this Section.

18 (j) For purposes of subsections (h) and (i) of this
19 Section:

20 "Active duty" means active duty pursuant to an executive
21 order of the President of the United States, an act of the
22 Congress of the United States, or an order of the Governor.

23 "Service member" means a member of the Armed Services or
24 reserve forces of the United States or a member of the Illinois
25 National Guard.

26 (k) A private carrier employer of a school bus driver

1 permit holder, having satisfied the employer requirements of
2 this Section, shall be held to a standard of ordinary care for
3 intentional acts committed in the course of employment by the
4 bus driver permit holder. This subsection (k) shall in no way
5 limit the liability of the private carrier employer for
6 violation of any provision of this Section or for the
7 negligent hiring or retention of a school bus driver permit
8 holder.

9 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
10 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
11 1-1-23; 102-813, eff. 5-13-22; revised 12-14-22.)

12 (Text of Section after amendment by P.A. 102-982)

13 Sec. 6-106.1. School bus driver permit.

14 (a) The Secretary of State shall issue a school bus driver
15 permit for the operation of first or second division vehicles
16 being operated as school buses or a permit valid only for the
17 operation of first division vehicles being operated as school
18 buses to those applicants who have met all the requirements of
19 the application and screening process under this Section to
20 insure the welfare and safety of children who are transported
21 on school buses throughout the State of Illinois. Applicants
22 shall obtain the proper application required by the Secretary
23 of State from their prospective or current employer and submit
24 the completed application to the prospective or current
25 employer along with the necessary fingerprint submission as

1 required by the Illinois State Police to conduct
2 fingerprint-based ~~fingerprint-based~~ criminal background checks
3 on current and future information available in the State ~~state~~
4 system and current information available through the Federal
5 Bureau of Investigation's system. Applicants who have
6 completed the fingerprinting requirements shall not be
7 subjected to the fingerprinting process when applying for
8 subsequent permits or submitting proof of successful
9 completion of the annual refresher course. Individuals who on
10 July 1, 1995 (the effective date of Public Act 88-612) possess
11 a valid school bus driver permit that has been previously
12 issued by the appropriate Regional School Superintendent are
13 not subject to the fingerprinting provisions of this Section
14 as long as the permit remains valid and does not lapse. The
15 applicant shall be required to pay all related application and
16 fingerprinting fees as established by rule, including, but not
17 limited to, the amounts established by the Illinois State
18 Police and the Federal Bureau of Investigation to process
19 fingerprint-based ~~fingerprint-based~~ criminal background
20 investigations. All fees paid for fingerprint processing
21 services under this Section shall be deposited into the State
22 Police Services Fund for the cost incurred in processing the
23 fingerprint-based ~~fingerprint-based~~ criminal background
24 investigations. All other fees paid under this Section shall
25 be deposited into the Road Fund for the purpose of defraying
26 the costs of the Secretary of State in administering this

1 Section. Other than any applicant to operate a first division
2 vehicle, all ~~All~~ applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not
7 been revoked, suspended, or canceled for 3 years
8 immediately prior to the date of application, or have not
9 had his or her commercial motor vehicle driving privileges
10 disqualified within the 3 years immediately prior to the
11 date of application;

12 4. successfully pass a school bus or second division
13 written test, administered by the Secretary of State, on
14 school bus operation, school bus safety, and special
15 traffic laws relating to school buses and submit to a
16 review of the applicant's driving habits by the Secretary
17 of State at the time the written test is given;

18 5. demonstrate ability to exercise reasonable care in
19 the operation of school buses in accordance with rules
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school
22 buses by submitting the results of a medical examination,
23 including tests for drug use for each applicant not
24 subject to such testing pursuant to federal law, conducted
25 by a licensed physician, a licensed advanced practice
26 registered nurse, or a licensed physician assistant within

1 90 days of the date of application according to standards
2 promulgated by the Secretary of State;

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

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

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

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

1 date of application;

2 11. not have been convicted of committing or
3 attempting to commit any one or more of the following
4 offenses: (i) those offenses defined in Sections 8-1,
5 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
6 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
8 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
9 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
10 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
11 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
12 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
13 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
14 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
15 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
16 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
17 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
18 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
19 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
20 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
21 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
22 of Section 24-3, and those offenses contained in Article
23 29D of the Criminal Code of 1961 or the Criminal Code of
24 2012; (ii) those offenses defined in the Cannabis Control
25 Act except those offenses defined in subsections (a) and
26 (b) of Section 4, and subsection (a) of Section 5 of the

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

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

22 13. not have, through the unlawful operation of a
23 motor vehicle, caused a crash resulting in the death of
24 any person;

25 14. not have, within the last 5 years, been adjudged
26 to be afflicted with or suffering from any mental

1 disability or disease;

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

6 16. not have been convicted of committing or
7 attempting to commit within the last 20 years: (i) an
8 offense defined in subsection (c) of Section 4, subsection
9 (b) of Section 5, and subsection (a) of Section 8 of the
10 Cannabis Control Act; or (ii) any offenses in any other
11 state or against the laws of the United States that, if
12 committed or attempted in this State, would be punishable
13 as one or more of the foregoing offenses.

14 (a-5) If an applicant's driver's license has been
15 suspended within the 3 years immediately prior to the date of
16 application for the sole reason of failure to pay child
17 support, that suspension shall not bar the applicant from
18 receiving a school bus driver permit.

19 (a-7) The Secretary of State, in conjunction with the
20 Illinois State Board of Education, shall develop a separate
21 classroom course and refresher course for operation of
22 vehicles of the first division being operated as school buses.
23 The course shall have an examination component that applicants
24 must pass. Regional superintendents of schools, working with
25 the Illinois State Board of Education, shall offer the course.

26 (a-8) All applicants to operate a first division vehicle

1 must:

2 (1) meet the requirements of paragraphs 1, 2, 3, 6, 7,
3 and 9 through 16 of subsection (a); and

4 (2) complete the course developed and offered under
5 subsection (a-7), or complete a training course
6 administered by the service provider in which the
7 applicant will be employed by, or under contract with,
8 that covers safe driving practices with a first division
9 vehicle, special considerations for transporting students
10 with disabilities, emergency preparedness, and safe
11 pick-up and drop-off procedures. The vendor course shall
12 have an examination component that applicants must pass.
13 Such vendor course must be approved by the Secretary of
14 State in conjunction with the Illinois State Board of
15 Education.

16 (a-9) An applicant to operate a first division vehicle is
17 exempt from the requirement of paragraph 6 of subsection (a)
18 if the applicant will be providing transportation services
19 with a provider that utilizes a telematics system that sends,
20 receives, and stores telemetry data, including, but not
21 limited to, device use, speeding, hard turning, hard braking,
22 hard acceleration, and collision detection.

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

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

6 (d) The employer shall be responsible for conducting a
7 pre-employment interview with prospective school bus driver
8 candidates, distributing school bus driver applications and
9 medical forms to be completed by the applicant, and submitting
10 the applicant's fingerprint cards to the Illinois State Police
11 that are required for the criminal background investigations.
12 The employer shall certify in writing to the Secretary of
13 State that all pre-employment conditions have been
14 successfully completed including the successful completion of
15 an Illinois specific criminal background investigation through
16 the Illinois State Police and the submission of necessary
17 fingerprints to the Federal Bureau of Investigation for
18 criminal history information available through the Federal
19 Bureau of Investigation system. The applicant shall present
20 the certification to the Secretary of State at the time of
21 submitting the school bus driver permit application.

22 (e) Permits shall initially be provisional upon receiving
23 certification from the employer that all pre-employment
24 conditions have been successfully completed, and upon
25 successful completion of all training and examination
26 requirements for the classification of the vehicle to be

1 operated, the Secretary of State shall provisionally issue a
2 School Bus Driver Permit. The permit shall remain in a
3 provisional status pending the completion of the Federal
4 Bureau of Investigation's criminal background investigation
5 based upon fingerprinting specimens submitted to the Federal
6 Bureau of Investigation by the Illinois State Police. The
7 Federal Bureau of Investigation shall report the findings
8 directly to the Secretary of State. The Secretary of State
9 shall remove the bus driver permit from provisional status
10 upon the applicant's successful completion of the Federal
11 Bureau of Investigation's criminal background investigation.

12 (f) A school bus driver permit holder shall notify the
13 employer and the Secretary of State if he or she is issued an
14 order of court supervision for or convicted in another state
15 of an offense that would make him or her ineligible for a
16 permit under subsection (a) of this Section. The written
17 notification shall be made within 5 days of the entry of the
18 order of court supervision or conviction. Failure of the
19 permit holder to provide the notification is punishable as a
20 petty offense for a first violation and a Class B misdemeanor
21 for a second or subsequent violation.

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

23 (1) The Secretary of State shall cancel a school bus
24 driver permit of an applicant whose criminal background
25 investigation discloses that he or she is not in
26 compliance with the provisions of subsection (a) of this

1 Section.

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

7 (3) The Secretary of State shall cancel a school bus
8 driver permit if the permit holder's restricted commercial
9 or commercial driving privileges are withdrawn or
10 otherwise invalidated.

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

16 (5) The Secretary of State shall forthwith suspend a
17 school bus driver permit for a period of 3 years upon
18 receiving notice that the holder has failed to obtain a
19 negative result on a drug test as required in item 6 of
20 subsection (a) of this Section or under federal law.

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

26 (7) The Secretary of State shall suspend a school bus

1 driver permit for a period of 3 years upon receiving
2 notice from the employer that the holder refused to submit
3 to an alcohol or drug test as required by Section 6-106.1c
4 or has submitted to a test required by that Section which
5 disclosed an alcohol concentration of more than 0.00 or
6 disclosed a positive result on a National Institute on
7 Drug Abuse five-drug panel, utilizing federal standards
8 set forth in 49 CFR 40.87.

9 The Secretary of State shall notify the State
10 Superintendent of Education and the permit holder's
11 prospective or current employer that the applicant ~~has~~ (1) has
12 failed a criminal background investigation or (2) is no longer
13 eligible for a school bus driver permit; and of the related
14 cancellation of the applicant's provisional school bus driver
15 permit. The cancellation shall remain in effect pending the
16 outcome of a hearing pursuant to Section 2-118 of this Code.
17 The scope of the hearing shall be limited to the issuance
18 criteria contained in subsection (a) of this Section. A
19 petition requesting a hearing shall be submitted to the
20 Secretary of State and shall contain the reason the individual
21 feels he or she is entitled to a school bus driver permit. The
22 permit holder's employer shall notify in writing to the
23 Secretary of State that the employer has certified the removal
24 of the offending school bus driver from service prior to the
25 start of that school bus driver's next work shift ~~workshift~~.
26 An employing school board that fails to remove the offending

1 school bus driver from service is subject to the penalties
2 defined in Section 3-14.23 of the School Code. A school bus
3 contractor who violates a provision of this Section is subject
4 to the penalties defined in Section 6-106.11.

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

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

19 (i) A school bus driver permit holder who is a service
20 member returning from active duty must, within 90 days, renew
21 a permit characterized as inactive pursuant to subsection (h)
22 of this Section by complying with the renewal requirements of
23 subsection (b) of this Section.

24 (j) For purposes of subsections (h) and (i) of this
25 Section:

26 "Active duty" means active duty pursuant to an executive

1 order of the President of the United States, an act of the
2 Congress of the United States, or an order of the Governor.

3 "Service member" means a member of the Armed Services or
4 reserve forces of the United States or a member of the Illinois
5 National Guard.

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

15 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
16 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
17 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; revised
18 12-14-22.)

19 (625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

20 (Text of Section before amendment by P.A. 102-982)

21 Sec. 13-109. Safety test prior to application for license
22 - Subsequent tests - Repairs - Retest.

23 (a) Except as otherwise provided in Chapter 13, each
24 second division vehicle, first division vehicle including a
25 taxi which is used for a purpose that requires a school bus

1 driver permit, and medical transport vehicle, except those
2 vehicles other than school buses or medical transport vehicles
3 owned or operated by a municipal corporation or political
4 subdivision having a population of 1,000,000 or more
5 inhabitants which are subjected to safety tests imposed by
6 local ordinance or resolution, operated in whole or in part
7 over the highways of this State, motor vehicle used for driver
8 education training, and each vehicle designed to carry 15 or
9 fewer passengers operated by a contract carrier transporting
10 employees in the course of their employment on a highway of
11 this State, shall be subjected to the safety test provided for
12 in Chapter 13 of this Code. Tests shall be conducted at an
13 official testing station within 6 months prior to the
14 application for registration as provided for in this Code.
15 Subsequently each vehicle shall be subject to tests (i) at
16 least every 6 months, (ii) in the case of school buses and
17 first division vehicles including taxis which are used for a
18 purpose that requires a school bus driver permit, at least
19 every 6 months or 10,000 miles, whichever occurs first, (iii)
20 in the case of driver education vehicles used by public high
21 schools, at least every 12 months for vehicles over 5 model
22 years of age or having an odometer reading of over 75,000
23 miles, whichever occurs first, or (iv) in the case of truck
24 tractors, semitrailers, and property-carrying vehicles
25 registered for a gross weight of more than 10,000 pounds but
26 less than 26,001 pounds, at least every 12 months, and

1 according to schedules established by rules and regulations
2 promulgated by the Department. Any component subject to
3 regular inspection which is damaged in a reportable accident
4 must be reinspected before the bus or first division vehicle
5 including a taxi which is used for a purpose that requires a
6 school bus driver permit is returned to service.

7 (b) The Department shall also conduct periodic
8 nonscheduled inspections of school buses, of buses registered
9 as charitable vehicles and of religious organization buses. If
10 such inspection reveals that a vehicle is not in substantial
11 compliance with the rules promulgated by the Department, the
12 Department shall remove the Certificate of Safety from the
13 vehicle, and shall place the vehicle out-of-service. A bright
14 orange, triangular decal shall be placed on an out-of-service
15 vehicle where the Certificate of Safety has been removed. The
16 vehicle must pass a safety test at an official testing station
17 before it is again placed in service.

18 (c) If the violation is not substantial a bright yellow,
19 triangular sticker shall be placed next to the Certificate of
20 Safety at the time the nonscheduled inspection is made. The
21 Department shall reinspect the vehicle after 3 working days to
22 determine that the violation has been corrected and remove the
23 yellow, triangular decal. If the violation is not corrected
24 within 3 working days, the Department shall place the vehicle
25 out-of-service in accordance with procedures in subsection
26 (b).

1 (d) If a violation is not substantial and does not
2 directly affect the safe operation of the vehicle, the
3 Department shall issue a warning notice requiring correction
4 of the violation. Such correction shall be accomplished as
5 soon as practicable and a report of the correction shall be
6 made to the Department within 30 days in a manner established
7 by the Department. If the Department has not been advised that
8 the corrections have been made, and the violations still
9 exist, the Department shall place the vehicle out-of-service
10 in accordance with procedures in subsection (b).

11 (e) The Department is authorized to promulgate regulations
12 to implement its program of nonscheduled inspections. Causing
13 or allowing the operation of an out-of-service vehicle with
14 passengers or unauthorized removal of an out-of-service
15 sticker is a Class 3 felony. Causing or allowing the operation
16 of a vehicle with a 3-day sticker for longer than 3 days with
17 the sticker attached or the unauthorized removal of a 3-day
18 sticker is a Class C misdemeanor.

19 (f) If a second division vehicle, first division vehicle
20 including a taxi which is used for a purpose that requires a
21 school bus driver permit, medical transport vehicle, or
22 vehicle operated by a contract carrier as provided in
23 subsection (a) of this Section is in safe mechanical
24 condition, as determined pursuant to Chapter 13, the operator
25 of the official testing station must at once issue to the
26 second division vehicle, first division vehicle including a

1 taxi which is used for a purpose that requires a school bus
2 driver permit, or medical transport vehicle a certificate of
3 safety, in the form and manner prescribed by the Department,
4 which shall be affixed to the vehicle by the certified safety
5 tester who performed the safety tests. The owner of the second
6 division vehicle, first division vehicle including a taxi
7 which is used for a purpose that requires a school bus driver
8 permit, or medical transport vehicle or the contract carrier
9 shall at all times display the Certificate of Safety on the
10 second division vehicle, first division vehicle including a
11 taxi which is used for a purpose that requires a school bus
12 driver permit, medical transport vehicle, or vehicle operated
13 by a contract carrier in the manner prescribed by the
14 Department.

15 (g) If a test shows that a second division vehicle, first
16 division vehicle including a taxi which is used for a purpose
17 that requires a school bus driver permit, medical transport
18 vehicle, or vehicle operated by a contract carrier is not in
19 safe mechanical condition as provided in this Section, it
20 shall not be operated on the highways until it has been
21 repaired and submitted to a retest at an official testing
22 station. If the owner or contract carrier submits the vehicle
23 to a retest at a different official testing station from that
24 where it failed to pass the first test, he or she shall present
25 to the operator of the second station the report of the
26 original test, and shall notify the Department in writing,

1 giving the name and address of the original testing station
2 and the defects which prevented the issuance of a Certificate
3 of Safety, and the name and address of the second official
4 testing station making the retest.

5 (Source: P.A. 100-160, eff. 1-1-18; 100-683, eff. 1-1-19.)

6 (Text of Section after amendment by P.A. 102-982)

7 Sec. 13-109. Safety test prior to application for license;
8 subsequent tests; repairs; retest ~~license~~ ~~Subsequent tests~~
9 ~~Repairs~~ ~~Retest~~.

10 (a) Except as otherwise provided in Chapter 13, each
11 second division vehicle, first division vehicle including a
12 taxi which is used for a purpose that requires a school bus
13 driver permit, and medical transport vehicle, except those
14 vehicles other than school buses or medical transport vehicles
15 owned or operated by a municipal corporation or political
16 subdivision having a population of 1,000,000 or more
17 inhabitants which are subjected to safety tests imposed by
18 local ordinance or resolution, operated in whole or in part
19 over the highways of this State, motor vehicle used for driver
20 education training, and each vehicle designed to carry 15 or
21 fewer passengers operated by a contract carrier transporting
22 employees in the course of their employment on a highway of
23 this State, shall be subjected to the safety test provided for
24 in Chapter 13 of this Code. Tests shall be conducted at an
25 official testing station within 6 months prior to the

1 application for registration as provided for in this Code.
2 Subsequently each vehicle shall be subject to tests (i) at
3 least every 6 months, (i.5) in the case of first division
4 vehicles, including taxis that are used for a purpose that
5 requires a school bus driver's permit, at least every 12
6 months, or 10,000 miles, whichever occurs first, (ii) in the
7 case of school buses ~~and first division vehicles including~~
8 ~~taxis which are used for a purpose that requires a school bus~~
9 ~~driver permit,~~ at least every 6 months or 10,000 miles,
10 whichever occurs first, (iii) in the case of driver education
11 vehicles used by public high schools, at least every 12 months
12 for vehicles over 5 model years of age or having an odometer
13 reading of over 75,000 miles, whichever occurs first, or (iv)
14 in the case of truck tractors, semitrailers, and
15 property-carrying vehicles registered for a gross weight of
16 more than 10,000 pounds but less than 26,001 pounds, at least
17 every 12 months, and according to schedules established by
18 rules and regulations promulgated by the Department. Any
19 component subject to regular inspection which is damaged in a
20 reportable crash must be reinspected before the bus or first
21 division vehicle including a taxi which is used for a purpose
22 that requires a school bus driver permit is returned to
23 service.

24 (b) The Department shall also conduct periodic
25 nonscheduled inspections of school buses, of buses registered
26 as charitable vehicles and of religious organization buses. If

1 such inspection reveals that a vehicle is not in substantial
2 compliance with the rules promulgated by the Department, the
3 Department shall remove the Certificate of Safety from the
4 vehicle, and shall place the vehicle out-of-service. A bright
5 orange, triangular decal shall be placed on an out-of-service
6 vehicle where the Certificate of Safety has been removed. The
7 vehicle must pass a safety test at an official testing station
8 before it is again placed in service.

9 (c) If the violation is not substantial a bright yellow,
10 triangular sticker shall be placed next to the Certificate of
11 Safety at the time the nonscheduled inspection is made. The
12 Department shall reinspect the vehicle after 3 working days to
13 determine that the violation has been corrected and remove the
14 yellow, triangular decal. If the violation is not corrected
15 within 3 working days, the Department shall place the vehicle
16 out-of-service in accordance with procedures in subsection
17 (b).

18 (d) If a violation is not substantial and does not
19 directly affect the safe operation of the vehicle, the
20 Department shall issue a warning notice requiring correction
21 of the violation. Such correction shall be accomplished as
22 soon as practicable and a report of the correction shall be
23 made to the Department within 30 days in a manner established
24 by the Department. If the Department has not been advised that
25 the corrections have been made, and the violations still
26 exist, the Department shall place the vehicle out-of-service

1 in accordance with procedures in subsection (b).

2 (e) The Department is authorized to promulgate regulations
3 to implement its program of nonscheduled inspections. Causing
4 or allowing the operation of an out-of-service vehicle with
5 passengers or unauthorized removal of an out-of-service
6 sticker is a Class 3 felony. Causing or allowing the operation
7 of a vehicle with a 3-day sticker for longer than 3 days with
8 the sticker attached or the unauthorized removal of a 3-day
9 sticker is a Class C misdemeanor.

10 (f) If a second division vehicle, first division vehicle
11 including a taxi which is used for a purpose that requires a
12 school bus driver permit, medical transport vehicle, or
13 vehicle operated by a contract carrier as provided in
14 subsection (a) of this Section is in safe mechanical
15 condition, as determined pursuant to Chapter 13, the operator
16 of the official testing station must at once issue to the
17 second division vehicle, first division vehicle including a
18 taxi which is used for a purpose that requires a school bus
19 driver permit, or medical transport vehicle a certificate of
20 safety, in the form and manner prescribed by the Department,
21 which shall be affixed to the vehicle by the certified safety
22 tester who performed the safety tests. The owner of the second
23 division vehicle, first division vehicle including a taxi
24 which is used for a purpose that requires a school bus driver
25 permit, or medical transport vehicle or the contract carrier
26 shall at all times display the Certificate of Safety on the

1 second division vehicle, first division vehicle including a
2 taxi which is used for a purpose that requires a school bus
3 driver permit, medical transport vehicle, or vehicle operated
4 by a contract carrier in the manner prescribed by the
5 Department.

6 (g) If a test shows that a second division vehicle, first
7 division vehicle including a taxi which is used for a purpose
8 that requires a school bus driver permit, medical transport
9 vehicle, or vehicle operated by a contract carrier is not in
10 safe mechanical condition as provided in this Section, it
11 shall not be operated on the highways until it has been
12 repaired and submitted to a retest at an official testing
13 station. If the owner or contract carrier submits the vehicle
14 to a retest at a different official testing station from that
15 where it failed to pass the first test, he or she shall present
16 to the operator of the second station the report of the
17 original test, and shall notify the Department in writing,
18 giving the name and address of the original testing station
19 and the defects which prevented the issuance of a Certificate
20 of Safety, and the name and address of the second official
21 testing station making the retest.

22 (Source: P.A. 102-982, eff. 7-1-23.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect July 1,
6 2023.".