



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2489

Introduced 2/17/2005, by Rep. David E. Miller

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

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

Amends the Illinois Vehicle Code. Provides that, before issuing a school bus driver permit, the Secretary of State shall require each applicant to provide evidence of current certification in first aid and cardiopulmonary resuscitation, in accordance with the standards of a national organization recognized by the Illinois Department of Public Health. Provides that a licensed school bus driver must maintain valid certification in first aid and cardiopulmonary resuscitation. Effective January 1, 2006.

LRB094 09925 DRH 40183 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Section 6-106.1 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or  
24 submitting proof of successful completion of the annual  
25 refresher course. Individuals who on the effective date of this  
26 Act possess a valid school bus driver permit that has been  
27 previously issued by the appropriate Regional School  
28 Superintendent are not subject to the fingerprinting  
29 provisions of this Section as long as the permit remains valid  
30 and does not lapse. The applicant shall be required to pay all  
31 related application and fingerprinting fees as established by  
32 rule including, but not limited to, the amounts established by

1 the Department of State Police and the Federal Bureau of  
2 Investigation to process fingerprint based criminal background  
3 investigations. All fees paid for fingerprint processing  
4 services under this Section shall be deposited into the State  
5 Police Services Fund for the cost incurred in processing the  
6 fingerprint based criminal background investigations. All  
7 other fees paid under this Section shall be deposited into the  
8 Road Fund for the purpose of defraying the costs of the  
9 Secretary of State in administering this Section. All  
10 applicants must:

- 11 1. be 21 years of age or older;
- 12 2. possess a valid and properly classified driver's  
13 license issued by the Secretary of State;
- 14 3. possess a valid driver's license, which has not been  
15 revoked, suspended, or canceled for 3 years immediately  
16 prior to the date of application, or have not had his or  
17 her commercial motor vehicle driving privileges  
18 disqualified within the 3 years immediately prior to the  
19 date of application;
- 20 4. successfully pass a written test, administered by  
21 the Secretary of State, on school bus operation, school bus  
22 safety, and special traffic laws relating to school buses  
23 and submit to a review of the applicant's driving habits by  
24 the Secretary of State at the time the written test is  
25 given;
- 26 5. demonstrate ability to exercise reasonable care in  
27 the operation of school buses in accordance with rules  
28 promulgated by the Secretary of State;
- 29 6. demonstrate physical fitness to operate school  
30 buses by submitting the results of a medical examination,  
31 including tests for drug use for each applicant not subject  
32 to such testing pursuant to federal law, conducted by a  
33 licensed physician, an advanced practice nurse who has a  
34 written collaborative agreement with a collaborating  
35 physician which authorizes him or her to perform medical  
36 examinations, or a physician assistant who has been

1 delegated the performance of medical examinations by his or  
2 her supervising physician within 90 days of the date of  
3 application according to standards promulgated by the  
4 Secretary of State;

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

8 8. have completed an initial classroom course~~7~~  
9 ~~including first aid procedures,~~ in school bus driver  
10 safety~~4~~ as promulgated by the Secretary of State; and after  
11 satisfactory completion of said initial course an annual  
12 refresher course; such courses and the agency or  
13 organization conducting such courses shall be approved by  
14 the Secretary of State; failure to complete the annual  
15 refresher course, shall result in cancellation of the  
16 permit until such course is completed. Before issuing a  
17 permit, the Secretary of State shall require each applicant  
18 to provide evidence of current certification in first aid  
19 and cardiopulmonary resuscitation, including choking care  
20 and abdominal thrusts (Heimlich Maneuver), in accordance  
21 with the standards of the American Red Cross, American  
22 Heart Association, or other national organization  
23 recognized by the Illinois Department of Public Health.  
24 After being issued a permit, a licensed school bus driver  
25 must maintain valid certification in first aid and  
26 cardiopulmonary resuscitation;

27 9. not have been convicted of 2 or more serious traffic  
28 offenses, as defined by rule, within one year prior to the  
29 date of application that may endanger the life or safety of  
30 any of the driver's passengers within the duration of the  
31 permit period;

32 10. not have been convicted of reckless driving,  
33 driving while intoxicated, or reckless homicide resulting  
34 from the operation of a motor vehicle within 3 years of the  
35 date of application;

36 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 9-1, 9-1.2, 9-2, 9-2.1,  
3 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
4 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
5 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
6 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
7 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
8 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
9 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
10 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
11 33A-2, and in subsection (a) and subsection (b), clause  
12 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
13 those offenses defined in the Cannabis Control Act except  
14 those offenses defined in subsections (a) and (b) of  
15 Section 4, and subsection (a) of Section 5 of the Cannabis  
16 Control Act; (iii) those offenses defined in the Illinois  
17 Controlled Substances Act; (iv) any offense committed or  
18 attempted in any other state or against the laws of the  
19 United States, which if committed or attempted in this  
20 State would be punishable as one or more of the foregoing  
21 offenses; (v) the offenses defined in Section 4.1 and 5.1  
22 of the Wrongs to Children Act and (vi) those offenses  
23 defined in Section 6-16 of the Liquor Control Act of 1934;

24 12. not have been repeatedly involved as a driver in  
25 motor vehicle collisions or been repeatedly convicted of  
26 offenses against laws and ordinances regulating the  
27 movement of traffic, to a degree which indicates lack of  
28 ability to exercise ordinary and reasonable care in the  
29 safe operation of a motor vehicle or disrespect for the  
30 traffic laws and the safety of other persons upon the  
31 highway;

32 13. not have, through the unlawful operation of a motor  
33 vehicle, caused an accident resulting in the death of any  
34 person; and

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

1 or disease.

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

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

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

28 (e) Permits shall initially be provisional upon receiving  
29 certification from the employer that all pre-employment  
30 conditions have been successfully completed, and upon  
31 successful completion of all training and examination  
32 requirements for the classification of the vehicle to be  
33 operated, the Secretary of State shall provisionally issue a  
34 School Bus Driver Permit. The permit shall remain in a  
35 provisional status pending the completion of the Federal Bureau  
36 of Investigation's criminal background investigation based

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

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

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

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

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

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

36 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon  
2 receiving notice that the holder has failed to obtain a  
3 negative result on a drug test as required in item 6 of  
4 subsection (a) of this Section or under federal law.

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

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

30 (Source: P.A. 92-703, eff. 7-19-02; 93-895, eff. 1-1-05.)

31 Section 99. Effective date. This Act takes effect January  
32 1, 2006.