



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

#### HB4194

Introduced 2/27/2009, by Rep. Ronald A. Wait

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/3-14.23

from Ch. 122, par. 3-14.23

625 ILCS 5/6-106.1

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

30 ILCS 805/8.33 new

Amends the School Code and the Illinois Vehicle Code. Provides that school bus drivers must complete a semiannual (rather than annual) refresher course to maintain a valid school bus driver permit. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 03212 AJT 22164 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning school bus drivers.

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

4 Section 5. The School Code is amended by changing Section  
5 3-14.23 as follows:

6 (105 ILCS 5/3-14.23) (from Ch. 122, par. 3-14.23)

7 Sec. 3-14.23. School bus driver permits.

8 (a) To conduct courses of instruction for school bus  
9 drivers pursuant to the standards established by the Secretary  
10 of State under Section 6-106.1 of the Illinois Vehicle Code and  
11 to charge a fee based upon the cost of providing such courses  
12 of up to \$4 per person for the initial classroom course in  
13 school bus driver safety and of up to \$4 per person for the  
14 semiannual ~~annual~~ refresher course. The State Board of  
15 Education shall annually request such additional appropriation  
16 as may be necessary to ensure that adequate and sufficient  
17 training is provided to all school bus drivers in Illinois.  
18 This appropriation shall be used to supplement, not supplant,  
19 programs conducted using fees received from applicants for  
20 school bus driver permits.

21 (b) To conduct such investigations as may be necessary to  
22 insure that all persons hired to operate school buses have  
23 valid school bus driver permits as required under Sections

1 6-104 and 6-106.1 of "The Illinois Vehicle Code". If a regional  
2 superintendent finds evidence of non-compliance with this  
3 requirement, he shall submit such evidence together with his  
4 recommendations in writing to the school board.

5 If the regional superintendent finds evidence of  
6 noncompliance with the requirement that all persons employed  
7 directly by the school board to operate school buses have valid  
8 school bus driver permits as required under Sections 6-104 and  
9 6-106.1 of "The Illinois Vehicle Code", the regional  
10 superintendent shall schedule a hearing on a date not less than  
11 5 days nor more than 10 days after notifying the district of  
12 his findings. If based on the evidence presented at the hearing  
13 the regional superintendent finds that persons employed  
14 directly by the school board to operate school buses do not  
15 have valid school bus driver permits as required under Sections  
16 6-104 and 6-106.1 of "The Illinois Vehicle Code", the regional  
17 superintendent shall submit such evidence and his findings  
18 together with his recommendations to the State Superintendent  
19 of Education. The State Superintendent of Education may reduce  
20 the district's claim for reimbursement under Sections 29-5 and  
21 14-13.01 for transportation by 1.136% for each day of  
22 noncompliance.

23 If a school board finds evidence of noncompliance with the  
24 requirement that all persons employed by a contractor to  
25 operate school buses have valid school bus driver permits as  
26 required under Sections 6-104 and 6-106.1 of "The Illinois

1 Vehicle Code", the school board shall request a hearing before  
2 the regional superintendent. The regional superintendent shall  
3 schedule a hearing on a date not less than 5 days nor more than  
4 10 days after receiving the request. If based on the evidence  
5 presented at the hearing the regional superintendent finds that  
6 persons employed by a contractor to operate school buses do not  
7 have valid school bus driver permits as required under Sections  
8 6-104 and 6-106.1 of "The Illinois Vehicle Code", the school  
9 board's financial obligations under the contract shall be  
10 reduced by an amount equal to 1.136% for each day of  
11 noncompliance. The findings of the regional superintendent and  
12 the relief provided herein shall not impair the obligations of  
13 the contractor to continue to provide transportation services  
14 in accordance with the terms of the contract.

15 The provisions of the Administrative Review Law, and all  
16 amendments and modifications thereof and the rules adopted  
17 pursuant thereto shall apply to and govern all proceedings  
18 instituted for judicial review of final administrative  
19 decisions of the regional superintendent under this Section.

20 (Source: P.A. 90-811, eff. 1-26-99.)

21 Section 10. The Illinois Vehicle Code is amended by  
22 changing Section 6-106.1 as follows:

23 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

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

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

10 1. be 21 years of age or older;

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

13 3. possess a valid driver's license, which has not been  
14 revoked, suspended, or canceled for 3 years immediately  
15 prior to the date of application, or have not had his or  
16 her commercial motor vehicle driving privileges  
17 disqualified within the 3 years immediately prior to the  
18 date of application;

19 4. successfully pass a written test, administered by  
20 the Secretary of State, on school bus operation, school bus  
21 safety, and special traffic laws relating to school buses  
22 and submit to a review of the applicant's driving habits by  
23 the Secretary of State at the time the written test is  
24 given;

25 5. demonstrate ability to exercise reasonable care in  
26 the operation of school buses in accordance with rules

1 promulgated by the Secretary of State;

2 6. demonstrate physical fitness to operate school  
3 buses by submitting the results of a medical examination,  
4 including tests for drug use for each applicant not subject  
5 to such testing pursuant to federal law, conducted by a  
6 licensed physician, an advanced practice nurse who has a  
7 written collaborative agreement with a collaborating  
8 physician which authorizes him or her to perform medical  
9 examinations, or a physician assistant who has been  
10 delegated the performance of medical examinations by his or  
11 her supervising physician within 90 days of the date of  
12 application according to standards promulgated by the  
13 Secretary of State;

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

17 8. have completed an initial classroom course,  
18 including first aid procedures, in school bus driver safety  
19 as promulgated by the Secretary of State; and after  
20 satisfactory completion of said initial course a  
21 semiannual ~~an annual~~ refresher course; such courses and the  
22 agency or organization conducting such courses shall be  
23 approved by the Secretary of State; failure to complete the  
24 semiannual ~~annual~~ refresher course<sup>7</sup> shall result in  
25 cancellation of the permit until such course is completed;

26 9. not have been convicted of 2 or more serious traffic

1 offenses, as defined by rule, within one year prior to the  
2 date of application that may endanger the life or safety of  
3 any of the driver's passengers within the duration of the  
4 permit period;

5 10. not have been convicted of reckless driving,  
6 driving while intoxicated, or reckless homicide resulting  
7 from the operation of a motor vehicle within 3 years of the  
8 date of application;

9 11. not have been convicted of committing or attempting  
10 to commit any one or more of the following offenses: (i)  
11 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
12 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
13 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
14 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
15 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
16 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
17 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
18 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
19 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
20 33A-2, and in subsection (a) and subsection (b), clause  
21 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
22 those offenses defined in the Cannabis Control Act except  
23 those offenses defined in subsections (a) and (b) of  
24 Section 4, and subsection (a) of Section 5 of the Cannabis  
25 Control Act; (iii) those offenses defined in the Illinois  
26 Controlled Substances Act; (iv) those offenses defined in



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

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

17 13. not have, through the unlawful operation of a motor  
18 vehicle, caused an accident resulting in the death of any  
19 person; and

20 14. not have, within the last 5 years, been adjudged to  
21 be afflicted with or suffering from any mental disability  
22 or disease.

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, social security number and date of birth, a brief  
4 description of the holder and a space for signature. The  
5 Secretary of State may require a suitable photograph of the  
6 holder.

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

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

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

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

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

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

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

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

20          The Secretary of State shall notify the State  
21 Superintendent of Education and the permit holder's  
22 prospective or current employer that the applicant has (1) has  
23 failed a criminal background investigation or (2) is no longer  
24 eligible for a school bus driver permit; and of the related  
25 cancellation of the applicant's provisional school bus driver  
26 permit. The cancellation shall remain in effect pending the

1 outcome of a hearing pursuant to Section 2-118 of this Code.  
2 The scope of the hearing shall be limited to the issuance  
3 criteria contained in subsection (a) of this Section. A  
4 petition requesting a hearing shall be submitted to the  
5 Secretary of State and shall contain the reason the individual  
6 feels he or she is entitled to a school bus driver permit. The  
7 permit holder's employer shall notify in writing to the  
8 Secretary of State that the employer has certified the removal  
9 of the offending school bus driver from service prior to the  
10 start of that school bus driver's next workshift. An employing  
11 school board that fails to remove the offending school bus  
12 driver from service is subject to the penalties defined in  
13 Section 3-14.23 of the School Code. A school bus contractor who  
14 violates a provision of this Section is subject to the  
15 penalties defined in Section 6-106.11.

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

19 (Source: P.A. 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

20 Section 90. The State Mandates Act is amended by adding  
21 Section 8.33 as follows:

22 (30 ILCS 805/8.33 new)

23 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
24 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of  
2 the 96th General Assembly.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.