

HB4873



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4873

Introduced 1/15/2010, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1
625 ILCS 5/6-508

from Ch. 95 1/2, par. 6-106.1
from Ch. 95 1/2, par. 6-508

Amends the Illinois Vehicle Code. Adds several offenses to the list of existing offenses that disqualify a person for a school bus driver permit or a commercial driver's license. Effective immediately.

LRB096 16695 AJT 31982 b

A BILL FOR

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 Sections 6-106.1 and 6-508 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

1 submitting proof of successful completion of the annual
2 refresher course. Individuals who on the effective date of this
3 Act possess a valid school bus driver permit that has been
4 previously issued by the appropriate Regional School
5 Superintendent are not subject to the fingerprinting
6 provisions of this Section as long as the permit remains valid
7 and does not lapse. The applicant shall be required to pay all
8 related application and fingerprinting fees as established by
9 rule including, but not limited to, the amounts established by
10 the Department of State Police and the Federal Bureau of
11 Investigation to process fingerprint based criminal background
12 investigations. All fees paid for fingerprint processing
13 services under this Section shall be deposited into the State
14 Police Services Fund for the cost incurred in processing the
15 fingerprint based criminal background investigations. All
16 other fees paid under this Section shall be deposited into the
17 Road Fund for the purpose of defraying the costs of the
18 Secretary of State in administering this Section. All
19 applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not been
24 revoked, suspended, or canceled for 3 years immediately
25 prior to the date of application, or have not had his or
26 her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the
2 date of application;

3 4. successfully pass a written test, administered by
4 the Secretary of State, on school bus operation, school bus
5 safety, and special traffic laws relating to school buses
6 and submit to a review of the applicant's driving habits by
7 the Secretary of State at the time the written test is
8 given;

9 5. demonstrate ability to exercise reasonable care in
10 the operation of school buses in accordance with rules
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school
13 buses by submitting the results of a medical examination,
14 including tests for drug use for each applicant not subject
15 to such testing pursuant to federal law, conducted by a
16 licensed physician, an advanced practice nurse who has a
17 written collaborative agreement with a collaborating
18 physician which authorizes him or her to perform medical
19 examinations, or a physician assistant who has been
20 delegated the performance of medical examinations by his or
21 her supervising physician within 90 days of the date of
22 application according to standards promulgated by the
23 Secretary of State;

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

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

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

15 10. not have been convicted of reckless driving,
16 driving while intoxicated, or reckless homicide resulting
17 from the operation of a motor vehicle within 3 years of the
18 date of application;

19 11. not have been convicted of committing or attempting
20 to commit any one or more of the following offenses: (i)
21 those offenses defined in Sections 8-1.1, 8-1.2, 9-1,
22 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
23 10-4, 10-5, 10-5.1, 10-6, 10-7, 10A-10, 11-6, 11-6.5,
24 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1,
25 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1,
26 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21,

1 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4,
2 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
3 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
4 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
5 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1,
6 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2,
7 20.5-5, 20.5-6, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
8 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, ~~and~~ 33A-2,
9 and 33D-1, and in subsection (a) and subsection (b), clause
10 (1), of Section 12-4, and in subsection (A), clauses (a)
11 and (b), of Section 24-3, and those offenses contained in
12 Article 29D of the Criminal Code of 1961; (ii) those
13 offenses defined in the Cannabis Control Act except those
14 offenses defined in subsections (a) and (b) of Section 4,
15 and subsection (a) of Section 5 of the Cannabis Control
16 Act; (iii) those offenses defined in the Illinois
17 Controlled Substances Act; (iv) those offenses defined in
18 the Methamphetamine Control and Community Protection Act;
19 (v) any offense committed or attempted in any other state
20 or against the laws of the United States, which if
21 committed or attempted in this State would be punishable as
22 one or more of the foregoing offenses; (vi) the offenses
23 defined in Section 4.1 and 5.1 of the Wrongs to Children
24 Act; ~~and~~ (vii) those offenses defined in Section 6-16 of
25 the Liquor Control Act of 1934; and (viii) those offense
26 defined in the Methamphetamine Precursor Control Act.

1 12. not have been repeatedly involved as a driver in
2 motor vehicle collisions or been repeatedly convicted of
3 offenses against laws and ordinances regulating the
4 movement of traffic, to a degree which indicates lack of
5 ability to exercise ordinary and reasonable care in the
6 safe operation of a motor vehicle or disrespect for the
7 traffic laws and the safety of other persons upon the
8 highway;

9 13. not have, through the unlawful operation of a motor
10 vehicle, caused an accident resulting in the death of any
11 person; and

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

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

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

25 (d) The employer shall be responsible for conducting a
26 pre-employment interview with prospective school bus driver

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

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

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

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

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

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

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

24 (3) The Secretary of State shall cancel a school bus
25 driver permit if the permit holder's restricted commercial
26 or commercial driving privileges are withdrawn or

1 otherwise invalidated.

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

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

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

17 The Secretary of State shall notify the State
18 Superintendent of Education and the permit holder's
19 prospective or current employer that the applicant has (1) has
20 failed a criminal background investigation or (2) is no longer
21 eligible for a school bus driver permit; and of the related
22 cancellation of the applicant's provisional school bus driver
23 permit. The cancellation shall remain in effect pending the
24 outcome of a hearing pursuant to Section 2-118 of this Code.
25 The scope of the hearing shall be limited to the issuance
26 criteria contained in subsection (a) of this Section. A

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

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

16 (h) When a school bus driver permit holder who is a service
17 member is called to active duty, the employer of the permit
18 holder shall notify the Secretary of State, within 30 days of
19 notification from the permit holder, that the permit holder has
20 been called to active duty. Upon notification pursuant to this
21 subsection, (i) the Secretary of State shall characterize the
22 permit as inactive until a permit holder renews the permit as
23 provided in subsection (i) of this Section, and (ii) if a
24 permit holder fails to comply with the requirements of this
25 Section while called to active duty, the Secretary of State
26 shall not characterize the permit as invalid.

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

6 (j) For purposes of subsections (h) and (i) of this
7 Section:

8 "Active duty" means active duty pursuant to an executive
9 order of the President of the United States, an act of the
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or
12 reserve forces of the United States or a member of the Illinois
13 National Guard.

14 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
15 revised 12-1-09.)

16 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

17 Sec. 6-508. Commercial Driver's License (CDL) -
18 qualification standards.

19 (a) Testing.

20 (1) General. No person shall be issued an original or
21 renewal CDL unless that person is domiciled in this State.
22 The Secretary shall cause to be administered such tests as
23 the Secretary deems necessary to meet the requirements of
24 49 C.F.R. Part 383, subparts F, G, H, and J.

25 (2) Third party testing. The Secretary of state may

1 authorize a "third party tester", pursuant to 49 C.F.R.
2 Part 383.75, to administer the skills test or tests
3 specified by Federal Motor Carrier Safety Administration
4 pursuant to the Commercial Motor Vehicle Safety Act of 1986
5 and any appropriate federal rule.

6 (b) Waiver of Skills Test. The Secretary of State may waive
7 the skills test specified in this Section for a driver
8 applicant for a commercial driver license who meets the
9 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

10 (c) Limitations on issuance of a CDL. A CDL, or a
11 commercial driver instruction permit, shall not be issued to a
12 person while the person is subject to a disqualification from
13 driving a commercial motor vehicle, or unless otherwise
14 permitted by this Code, while the person's driver's license is
15 suspended, revoked or cancelled in any state, or any territory
16 or province of Canada; nor may a CDL be issued to a person who
17 has a CDL issued by any other state, or foreign jurisdiction,
18 unless the person first surrenders all such licenses. No CDL
19 shall be issued to or renewed for a person who does not meet
20 the requirement of 49 CFR 391.41(b)(11). The requirement may be
21 met with the aid of a hearing aid.

22 (c-1) The Secretary may issue a CDL with a school bus
23 driver endorsement to allow a person to drive the type of bus
24 described in subsection (d-5) of Section 6-104 of this Code.
25 The CDL with a school bus driver endorsement may be issued only
26 to a person meeting the following requirements:

1 (1) the person has submitted his or her fingerprints to
2 the Department of State Police in the form and manner
3 prescribed by the Department of State Police. These
4 fingerprints shall be checked against the fingerprint
5 records now and hereafter filed in the Department of State
6 Police and Federal Bureau of Investigation criminal
7 history records databases;

8 (2) the person has passed a written test, administered
9 by the Secretary of State, on charter bus operation,
10 charter bus safety, and certain special traffic laws
11 relating to school buses determined by the Secretary of
12 State to be relevant to charter buses, and submitted to a
13 review of the driver applicant's driving habits by the
14 Secretary of State at the time the written test is given;

15 (3) the person has demonstrated physical fitness to
16 operate school buses by submitting the results of a medical
17 examination, including tests for drug use; and

18 (4) the person has not been convicted of committing or
19 attempting to commit any one or more of the following
20 offenses: (i) those offenses defined in Sections 8-1.1,
21 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
22 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10A-10, 11-6,
23 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14,
24 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
25 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3,
26 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1,

1 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5,
2 12-4.6, 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3,
3 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,
4 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1,
5 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3,
6 20-2, 20.5-5, 20.5-6, 24-1, 24-1.1, 24-1.2, 24-1.2-5,
7 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1,
8 ~~and~~ 33A-2, and 33D-1, and in subsection (a) and subsection
9 (b), clause (1), of Section 12-4, and in subsection (A),
10 clauses (a) and (b), of Section 24-3, and those offenses
11 contained in Article 29D of the Criminal Code of 1961; (ii)
12 those offenses defined in the Cannabis Control Act except
13 those offenses defined in subsections (a) and (b) of
14 Section 4, and subsection (a) of Section 5 of the Cannabis
15 Control Act; (iii) those offenses defined in the Illinois
16 Controlled Substances Act; (iv) those offenses defined in
17 the Methamphetamine Control and Community Protection Act;
18 (v) any offense committed or attempted in any other state
19 or against the laws of the United States, which if
20 committed or attempted in this State would be punishable as
21 one or more of the foregoing offenses; (vi) the offenses
22 defined in Sections 4.1 and 5.1 of the Wrongs to Children
23 Act; ~~and~~ (vii) those offenses defined in Section 6-16 of
24 the Liquor Control Act of 1934; and (viii) those offense
25 defined in the Methamphetamine Precursor Control Act.

26 The Department of State Police shall charge a fee for

1 conducting the criminal history records check, which shall be
2 deposited into the State Police Services Fund and may not
3 exceed the actual cost of the records check.

4 (c-2) The Secretary shall issue a CDL with a school bus
5 endorsement to allow a person to drive a school bus as defined
6 in this Section. The CDL shall be issued according to the
7 requirements outlined in 49 C.F.R. 383. A person may not
8 operate a school bus as defined in this Section without a
9 school bus endorsement. The Secretary of State may adopt rules
10 consistent with Federal guidelines to implement this
11 subsection (c-2).

12 (d) Commercial driver instruction permit. A commercial
13 driver instruction permit may be issued to any person holding a
14 valid Illinois driver's license if such person successfully
15 passes such tests as the Secretary determines to be necessary.
16 A commercial driver instruction permit shall not be issued to a
17 person who does not meet the requirements of 49 CFR 391.41
18 (b)(11), except for the renewal of a commercial driver
19 instruction permit for a person who possesses a commercial
20 instruction permit prior to the effective date of this
21 amendatory Act of 1999.

22 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
23 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.