



Sen. James A. DeLeo

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1 AMENDMENT TO SENATE BILL 932

2 AMENDMENT NO. _____. Amend Senate Bill 932 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-106.1, 12-813.1, and 12-816 and by adding
6 Section 12-811.5 as follows:

7 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

9 (a) The Secretary of State shall issue a school bus driver
10 permit to those applicants who have met all the requirements of
11 the application and screening process under this Section to
12 insure the welfare and safety of children who are transported
13 on school buses throughout the State of Illinois. Applicants
14 shall obtain the proper application required by the Secretary
15 of State from their prospective or current employer and submit
16 the completed application to the prospective or current

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

1 applicants must:

2 1. be 21 years of age or older;

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

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

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

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

20 6. demonstrate physical fitness to operate school
21 buses by submitting the results of a medical examination,
22 including tests for drug use for each applicant not subject
23 to such testing pursuant to federal law, conducted by a
24 licensed physician, an advanced practice nurse who has a
25 written collaborative agreement with a collaborating
26 physician which authorizes him or her to perform medical

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

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

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

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

23 10. not have been convicted of reckless driving,
24 driving while intoxicated, or reckless homicide resulting
25 from the operation of a motor vehicle within 3 years of the
26 date of application;

1 11. not have been convicted of committing or attempting
2 to commit any one or more of the following offenses: (i)
3 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
4 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
5 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
6 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
7 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
8 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,
9 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
10 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
11 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and
12 33A-2, and in subsection (a) and subsection (b), clause
13 (1), of Section 12-4 of the Criminal Code of 1961; (ii)
14 those offenses defined in the Cannabis Control Act except
15 those offenses defined in subsections (a) and (b) of
16 Section 4, and subsection (a) of Section 5 of the Cannabis
17 Control Act; (iii) those offenses defined in the Illinois
18 Controlled Substances Act; (iv) those offenses defined in
19 the Methamphetamine Control and Community Protection Act;
20 (v) any offense committed or attempted in any other state
21 or against the laws of the United States, which if
22 committed or attempted in this State would be punishable as
23 one or more of the foregoing offenses; (vi) the offenses
24 defined in Section 4.1 and 5.1 of the Wrongs to Children
25 Act and (vii) those offenses defined in Section 6-16 of the
26 Liquor Control Act of 1934;

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 (7) The Secretary of State shall suspend a school bus
18 driver permit for a period of 3 years upon receiving notice
19 that the school bus driver has received 3 convictions for
20 violating subsection (e) of Section 12-813.1 of this Code.

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

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

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

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

21 (625 ILCS 5/12-813.1)

22 Sec. 12-813.1. School bus driver communication devices.
23 ~~Operation of a school bus while using a cellular radio~~
24 ~~telecommunication device.~~

25 (a) In this Section:

1 "School bus driver" means a person operating a school bus
2 who has a valid school bus driver permit as required under
3 Sections 6-104 and 6-106.1 of this Code.

4 "Cellular radio telecommunication device" means a device
5 capable of sending or receiving telephone communications
6 without an access line for service and which requires the
7 operator to dial numbers manually. It does not, however,
8 include citizens band radios or citizens band radio hybrids.

9 "Possession of a school bus" means the period of time from
10 which a bus driver takes possession until the school bus driver
11 returns possession of the school bus, whether or not the school
12 bus driver is operating the school bus.

13 "Using a cellular radio telecommunication device" means
14 talking or listening to or dialing a cellular radio
15 telecommunication device.

16 To "operate" means to have the vehicle in motion while it
17 contains one or more passengers.

18 (b) A school bus driver may not operate a school bus while
19 using a cellular radio telecommunication device.

20 (c) Subsection (b) of this ~~This~~ Section does not apply:

21 (1) To the use of a cellular radio telecommunication
22 device for the purpose of communicating with any of the
23 following regarding an emergency situation:

- 24 (A) an emergency response operator;
25 (B) a hospital;
26 (C) a physician's office or health clinic;

1 (D) an ambulance service;

2 (E) a fire department, fire district, or fire
3 company; or

4 (F) a police department.

5 (2) To the use of a cellular radio telecommunication
6 device to call for assistance in the event that there is a
7 mechanical breakdown or other mechanical problem that
8 impairs the safe operation of the bus.

9 (3) To the use of a cellular radio telecommunication
10 device that has a digital two-way radio service capability
11 owned and operated by the school district, when that device
12 is being used as a digital two-way radio.

13 (4) When the school bus is parked.

14 (d) A school bus driver who violates subsection (b) or (e)
15 of this Section is guilty of a petty offense punishable by a
16 fine of not less than \$100 and not more than \$250.

17 (e) A school bus must contain an operating digital two-way
18 radio while the school bus driver is in possession of a school
19 bus. The digital two-way radio in this subsection must be
20 turned on and adjusted in a manner that would alert the school
21 bus driver of an incoming communication request.

22 (Source: P.A. 92-730, eff. 1-1-03.)

23 (625 ILCS 5/12-816)

24 Sec. 12-816. Post-trip inspection policy for school buses.

25 (a) In order to provide for the welfare and safety of

1 children who are transported on school buses throughout the
2 State of Illinois, each school district shall have in place, by
3 January 1, 2008, a policy to ensure that the school bus driver
4 is the last person leaving the bus and that no passenger is
5 left behind or remains on the vehicle at the end of a route, a
6 work shift, or the work day. This policy and procedure shall,
7 at a minimum, require the school bus driver, before leaving the
8 bus at the end of each route, work shift, or work day, to walk
9 to the rear of the bus and check the bus for children or other
10 passengers in the bus.

11 (b) If a school district has a contract with a private
12 sector school bus company for the transportation of the
13 district's students, the school district shall require in the
14 contract with the private sector company that the company have
15 a post-trip inspection policy in place. This policy and
16 procedure shall, at a minimum, require the school bus driver,
17 before leaving the bus at the end of each route, work shift, or
18 work day, to walk to the rear of the bus and check the bus for
19 children or other passengers in the bus ~~in and under each seat~~
20 ~~for sleeping children.~~

21 (c) Before this inspection, the school bus driver shall
22 activate the interior lights of the bus to assist the driver in
23 seeing in and under the seats during a visual sweep of the bus.

24 (d) This policy may include, at the discretion of the
25 school district, the installation of a mechanical or electronic
26 post-trip inspection reminder system which requires the school

1 bus driver to walk to the rear of the bus to deactivate the
2 system before the driver leaves the bus. The system shall
3 require that when the driver turns off the vehicle's ignition
4 system, the vehicle's interior lights must illuminate to assist
5 the driver in seeing in and under the seats during a visual
6 sweep of the bus.

7 (Source: P.A. 95-260, eff. 8-17-07.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."