

HB2871



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2871

by Rep. Brad E. Halbrook

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1

Amends the Illinois Vehicle Code. Provides that an applicant for a school bus driver permit must have no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

LRB098 08408 MLW 38514 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 Section 6-106.1 as follows:

6 (625 ILCS 5/6-106.1)

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 6.5. have no established medical history or clinical
25 diagnosis of diabetes mellitus currently requiring insulin
26 for control;

1 7. affirm under penalties of perjury that he or she has
2 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 safety
6 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 attempting

1 to commit any one or more of the following offenses: (i)
2 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
3 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
4 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
6 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
7 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
8 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
9 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
10 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
11 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
12 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
13 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
14 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
15 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
16 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
17 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
18 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
19 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
20 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
21 in subsection (a) and subsection (b), clause (1), of
22 Section 12-4, and in subsection (A), clauses (a) and (b),
23 of Section 24-3, and those offenses contained in Article
24 29D of the Criminal Code of 1961 or the Criminal Code of
25 2012; (ii) those offenses defined in the Cannabis Control
26 Act except those offenses defined in subsections (a) and

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

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

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

26 14. not have, within the last 5 years, been adjudged to

1 be afflicted with or suffering from any mental disability
2 or disease; and

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

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

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

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

1 fingerprints to the Federal Bureau of Investigation for
2 criminal history information available through the Federal
3 Bureau of Investigation system. The applicant shall present the
4 certification to the Secretary of State at the time of
5 submitting the school bus driver permit application.

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

22 (f) A school bus driver permit holder shall notify the
23 employer and the Secretary of State if he or she is issued an
24 order of court supervision for or convicted in another state of
25 an offense that would make him or her ineligible for a permit
26 under subsection (a) of this Section. The written notification

1 shall be made within 5 days of the entry of the order of court
2 supervision or conviction. Failure of the permit holder to
3 provide the notification is punishable as a petty offense for a
4 first violation and a Class B misdemeanor for a second or
5 subsequent violation.

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

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

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

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

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

25 (5) The Secretary of State shall forthwith suspend a
26 school bus driver permit for a period of 3 years upon

1 receiving notice that the holder has failed to obtain a
2 negative result on a drug test as required in item 6 of
3 subsection (a) of this Section or under federal law.

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

9 (7) The Secretary of State shall suspend a school bus
10 driver permit for a period of 3 years upon receiving notice
11 from the employer that the holder refused to submit to an
12 alcohol or drug test as required by Section 6-106.1c or has
13 submitted to a test required by that Section which
14 disclosed an alcohol concentration of more than 0.00 or
15 disclosed a positive result on a National Institute on Drug
16 Abuse five-drug panel, utilizing federal standards set
17 forth in 49 CFR 40.87.

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

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

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

17 (h) When a school bus driver permit holder who is a service
18 member is called to active duty, the employer of the permit
19 holder shall notify the Secretary of State, within 30 days of
20 notification from the permit holder, that the permit holder has
21 been called to active duty. Upon notification pursuant to this
22 subsection, (i) the Secretary of State shall characterize the
23 permit as inactive until a permit holder renews the permit as
24 provided in subsection (i) of this Section, and (ii) if a
25 permit holder fails to comply with the requirements of this
26 Section while called to active duty, the Secretary of State

1 shall not characterize the permit as invalid.

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

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

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

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

15 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
16 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
17 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
18 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
19 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
20 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
21 eff. 1-25-13.)