

1 AN ACT concerning driver training.

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  
5 changing Sections 6-401, 6-402, 6-408.5, 6-411, 6-413, 6-414,  
6 and 6-415 as follows:

7 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

8 Sec. 6-401. Driver Training Schools-License Required.

9 No person, firm, association, partnership or corporation  
10 shall operate a driver training school or engage in the  
11 business of giving instruction for hire or for a fee in the  
12 driving of motor vehicles or in the preparation of an  
13 applicant for examination given by the Secretary of State for  
14 a drivers license or permit, unless a license therefor has  
15 been issued by the Secretary. No public schools or  
16 educational institutions shall contract with entities engaged  
17 in the business of giving instruction for hire or for a fee  
18 in the driving of motor vehicles or in the preparation of an  
19 applicant for examination given by the Secretary of State for  
20 a driver's license or permit, unless a license therefor has  
21 been issued by the Secretary.

22 This section shall not apply to public schools or to  
23 educational institutions in which driving instruction is part  
24 of the curriculum or to employers giving instruction to their  
25 employees.

26 (Source: P.A. 76-1586.)

27 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

28 Sec. 6-402. Qualifications of driver training schools. In  
29 order to qualify for a license to operate a driver training  
30 school, each applicant must:

- 1           (a) be of good moral character;
- 2           (b) be at least 21 years of age;
- 3           (c) maintain an established place of business open  
4 to the public which meets the requirements of Section  
5 6-403 through 6-407;
- 6           (d) maintain bodily injury and property damage  
7 liability insurance on motor vehicles while used in  
8 driving instruction, insuring the liability of the  
9 driving school, the driving instructors and any person  
10 taking instruction in at least the following amounts:  
11 \$50,000 for bodily injury to or death of one person in  
12 any one accident and, subject to said limit for one  
13 person, \$100,000 for bodily injury to or death of 2 or  
14 more persons in any one accident and the amount of  
15 \$10,000 for damage to property of others in any one  
16 accident. Evidence of such insurance coverage in the  
17 form of a certificate from the insurance carrier shall be  
18 filed with the Secretary of State, and such certificate  
19 shall stipulate that the insurance shall not be cancelled  
20 except upon 10 days prior written notice to the Secretary  
21 of State. The decal showing evidence of insurance shall  
22 be affixed to the windshield of the vehicle;
- 23           (e) provide a continuous surety company bond in the  
24 principal sum of \$20,000 ~~\$10,000~~ for the protection of  
25 the contractual rights of students in such form as will  
26 meet with the approval of the Secretary of State and  
27 written by a company authorized to do business in this  
28 State. However, the aggregate liability of the surety for  
29 all breaches of the condition of the bond in no event  
30 shall exceed the principal sum of \$20,000 ~~\$10,000~~. The  
31 surety on any such bond may cancel such bond on giving 30  
32 days notice thereof in writing to the Secretary of State  
33 and shall be relieved of liability for any breach of any  
34 conditions of the bond which occurs after the effective

1 date of cancellation;

2 (f) have the equipment necessary to the giving of  
3 proper instruction in the operation of motor vehicles;

4 (g) have and use a business telephone listing for  
5 all business purposes; and

6 (h) pay to the Secretary of State an application  
7 fee of \$500 and \$50 for each branch application; and  
8 \$250-

9 (i) authorize an investigation to include a  
10 fingerprint based background check to determine if the  
11 applicant has ever been convicted of a crime and if so,  
12 the disposition of those convictions. The authorization  
13 shall indicate the scope of the inquiry and the agencies  
14 that may be contacted. Upon this authorization, the  
15 Secretary of State may request and receive information  
16 and assistance from any federal, State, or local  
17 governmental agency as part of the authorized  
18 investigation. Each applicant shall have his or her  
19 fingerprints submitted to the Department of State Police  
20 in the form and manner prescribed by the Department of  
21 State Police. The fingerprints shall be checked against  
22 the Department of State Police and Federal Bureau of  
23 Investigation criminal history record information  
24 databases. The Department of State Police shall charge a  
25 fee for conducting the criminal history records check,  
26 which shall be deposited in the State Police Services  
27 Fund and shall not exceed the actual cost of the records  
28 check. The applicant shall be required to pay all related  
29 fingerprint fees including, but not limited to, the  
30 amounts established by the Department of State Police and  
31 the Federal Bureau of Investigation to process  
32 fingerprint based criminal background investigations. The  
33 Department of State Police shall provide information  
34 concerning any criminal convictions and disposition of

1 criminal convictions brought against the applicant upon  
2 request of the Secretary of State provided that the  
3 request is made in the form and manner required by the  
4 Department of the State Police. Unless otherwise  
5 prohibited by law, the information derived from the  
6 investigation including the source of the information and  
7 any conclusions or recommendations derived from the  
8 information by the Secretary of State shall be provided  
9 to the applicant, or his designee, upon request to the  
10 Secretary of State, prior to any final action by the  
11 Secretary of State on the application. Any criminal  
12 convictions and disposition information obtained by the  
13 Secretary of State shall be confidential and may not be  
14 transmitted outside the Office of the Secretary of State,  
15 except as required herein, and may not be transmitted to  
16 anyone within the Office of the Secretary of State except  
17 as needed for the purpose of evaluating the applicant.  
18 The information obtained from the investigation may be  
19 maintained by the Secretary of State or any agency to  
20 which the information was transmitted. Only information  
21 and standards, which bear a reasonable and rational  
22 relation to the performance of a driver training school  
23 owner, shall be used by the Secretary of State. Any  
24 employee of the Secretary of State who gives or causes to  
25 be given away any confidential information concerning any  
26 criminal charges or disposition of criminal charges of an  
27 applicant shall be guilty of a Class A misdemeanor,  
28 unless release of the information is authorized by this  
29 Section.

30 No license shall be issued under this Section to a person  
31 who is a spouse, offspring, sibling, parent, grandparent,  
32 grandchild, uncle or aunt, nephew or niece, cousin, or in-law  
33 of the person whose license to do business at that location  
34 has been revoked or denied or to a person who was an officer

1 or employee of a business firm that has had its license  
2 revoked or denied, unless the Secretary of State is satisfied  
3 the application was submitted in good faith and not for the  
4 purpose or effect of defeating the intent of this Code.

5 (Source: P.A. 87-829; 87-832; 87-895.)

6 (625 ILCS 5/6-408.5)

7 Sec. 6-408.5. Courses for students or high school  
8 dropouts; limitation.

9 (a) No driver training school or driving training  
10 instructor licensed under this Act may request a certificate  
11 of completion from the Secretary of State as provided in  
12 Section 6-411 for any person who is enrolled as a student in  
13 any public or non-public secondary school at the time such  
14 instruction is to be provided, or who was so enrolled during  
15 the semester last ended if that instruction is to be provided  
16 between semesters or during the summer after the regular  
17 school term ends, unless that student has received a passing  
18 grade in at least 8 courses during the 2 semesters last  
19 ending prior to requesting a certificate of completion from  
20 the Secretary of State for the student.

21 (b) No driver training school or driving training  
22 instructor licensed under this Act may request a certificate  
23 of completion from the Secretary of State as provided in  
24 Section 6-411 for any person who has dropped out of school  
25 and has not yet attained the age of 18 years unless the  
26 driver training school or driving training instructor has: 1)  
27 obtained written documentation verifying the dropout's  
28 enrollment in a GED or alternative education program or has  
29 obtained a copy of the dropout's GED certificate; 2) obtained  
30 verification that the student prior to dropping out had  
31 received a passing grade in at least 8 courses during the 2  
32 previous semesters last ending prior to requesting a  
33 certificate of completion; or 3) obtained written consent

1 from the dropout's parents or guardians and the regional  
2 superintendent.

3 (c) Students shall be informed of the eligibility  
4 requirements of this Act in writing at the time of  
5 registration.

6 (d) The superintendent of schools of the school district  
7 in which the student resides and attends school or in which  
8 the student resides at the time he or she drops out of school  
9 (with respect to a public high school student or a dropout  
10 from the public high school) or the chief school  
11 administrator (with respect to a student who attends a  
12 non-public high school or a dropout from a non-public high  
13 school) may waive the requirements of this Section if the  
14 superintendent or chief school administrator, as the case may  
15 be, deems it to be in the best interests of the student or  
16 dropout. Before requesting a certificate of completion from  
17 the Secretary of State for any person who is enrolled as a  
18 student in any public or non-public secondary school or who  
19 was so enrolled in the semester last ending prior to the  
20 request for a certificate of completion from the Secretary of  
21 State or who is of high school age, the driver training  
22 school shall determine from the school district in which that  
23 person resides or resided at the time of dropping out of  
24 school, or from the chief administrator of the non-public  
25 high school attended or last attended by such person, as the  
26 case may be, that such person is not ineligible to receive a  
27 certificate of completion under this Section.

28 ~~(e) By January 1, 1997, the Secretary of State, in~~  
29 ~~cooperation with the State Board of Education, shall~~  
30 ~~complete, and submit to the General Assembly, a report that~~  
31 ~~examines the impact of this Section and other changes made by~~  
32 ~~Public Act 88-188.~~

33 (Source: P.A. 88-188; 88-628, eff. 9-9-94.)

1 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

2 Sec. 6-411. Qualifications of Driver Training  
3 Instructors. In order to qualify for a license as an  
4 instructor for a driving school, an applicant must:

5 (a) Be of good moral character;

6 (b) Authorize an investigation to include a fingerprint  
7 based background check to determine if the applicant has ever  
8 been convicted of a crime and if so, the disposition of those  
9 convictions; this authorization shall indicate the scope of  
10 the inquiry and the agencies which may be contacted. Upon  
11 this authorization the Secretary of State may request and  
12 receive information and assistance from any federal, state or  
13 local governmental agency as part of the authorized  
14 investigation. Each applicant shall have his or her  
15 fingerprints submitted to the Department of State Police in  
16 the form and manner prescribed by the Department of State  
17 Police. These fingerprints shall be checked against the  
18 Department of State Police and Federal Bureau of  
19 Investigation criminal history record information databases.  
20 The Department of State Police shall charge a fee for  
21 conducting the criminal history records check, which shall be  
22 deposited in the State Police Services Fund and shall not  
23 exceed the actual cost of the records check. The applicant  
24 shall be required to pay all related fingerprint fees  
25 including, but not limited to, the amounts established by the  
26 Department of State Police and the Federal Bureau of  
27 Investigation to process fingerprint based criminal  
28 background investigations. The Department of State Police  
29 shall provide information concerning any criminal  
30 convictions, and their disposition, brought against the  
31 applicant upon request of the Secretary of State when the  
32 request is made in the form and manner required by the  
33 Department of State Police. Unless otherwise prohibited by  
34 law, the information derived from this investigation

1 including the source of this information, and any conclusions  
2 or recommendations derived from this information by the  
3 Secretary of State shall be provided to the applicant, or his  
4 designee, upon request to the Secretary of State, prior to  
5 any final action by the Secretary of State on the  
6 application. ~~No information obtained from such investigation~~  
7 ~~may be placed in any automated information system.~~ Any  
8 criminal convictions and their disposition information  
9 obtained by the Secretary of State shall be confidential and  
10 may not be transmitted outside the Office of the Secretary of  
11 State, except as required herein, and may not be transmitted  
12 to anyone within the Office of the Secretary of State except  
13 as needed for the purpose of evaluating the applicant. The  
14 information obtained from this investigation ~~only physical~~  
15 ~~identity materials which the applicant can be required to~~  
16 ~~provide the Secretary of State are photographs or~~  
17 ~~fingerprints; these shall be returned to the applicant upon~~  
18 ~~request to the Secretary of State, after the investigation~~  
19 ~~has been completed and no copy of these materials~~ may be  
20 maintained kept by the Secretary of State or any agency to  
21 which such information ~~was~~ ~~identity materials~~ were  
22 transmitted. Only information and standards which bear a  
23 reasonable and rational relation to the performance of a  
24 driver training instructor shall be used by the Secretary of  
25 State. Any employee of the Secretary of State who gives or  
26 causes to be given away any confidential information  
27 concerning any criminal charges and their disposition of an  
28 applicant shall be guilty of a Class A misdemeanor unless  
29 release of such information is authorized by this Section;

30 (c) Pass such examination as the Secretary of State  
31 shall require on (1) traffic laws, (2) safe driving  
32 practices, (3) operation of motor vehicles, and (4)  
33 qualifications of teacher;

34 (d) Be physically able to operate safely a motor vehicle



1 and to train others in the operation of motor vehicles. An  
2 instructors license application must be accompanied by a  
3 medical examination report completed by a competent physician  
4 licensed to practice in the State of Illinois;

5 (e) Hold a valid Illinois drivers license;

6 (f) Have graduated from an accredited high school after  
7 at least 4 years of high school education or the equivalent;  
8 and

9 (g) Pay to the Secretary of State an application and  
10 license fee of \$70 \$35.

11 If a driver training school class room instructor teaches  
12 an approved driver education course, as defined in Section  
13 1-103 of this Code, to students under 18 years of age, he or  
14 she shall furnish to the Secretary of State a certificate  
15 issued by the State Board of Education that the said  
16 instructor is qualified and meets the minimum educational  
17 standards for teaching driver education courses in the local  
18 public or parochial school systems, except that no State  
19 Board of Education certification shall be required of any  
20 instructor who teaches exclusively in a commercial driving  
21 school. On and after July 1, 1986, the existing rules and  
22 regulations of the State Board of Education concerning  
23 commercial driving schools shall continue to remain in effect  
24 but shall be administered by the Secretary of State until  
25 such time as the Secretary of State shall amend or repeal the  
26 rules in accordance with The Illinois Administrative  
27 Procedure Act. Upon request, the Secretary of State shall  
28 issue a certificate of completion to a student under 18 years  
29 of age who has completed an approved driver education course  
30 at a commercial driving school.

31 (Source: P.A. 87-829; 87-832.)

32 (625 ILCS 5/6-413) (from Ch. 95 1/2, par. 6-413)

33 Sec. 6-413. Expiration of Licenses. All outstanding

1 licenses issued to any driver training school or driver  
2 training instructor under this Act shall expire by operation  
3 of law ~~24~~ 12 months from the date of issuance, unless sooner  
4 cancelled, suspended or revoked under the provisions of  
5 Section 6-420.

6 (Source: P.A. 87-829; 87-832.)

7 (625 ILCS 5/6-414) (from Ch. 95 1/2, par. 6-414)

8 Sec. 6-414. Renewal of Licenses. The license of each  
9 driver training school may be renewed subject to the same  
10 conditions as the original license, and upon the payment of a  
11 an-annual renewal license fee of \$500 and \$50 for each  
12 renewal of a branch application \$250.

13 (Source: P.A. 87-829; 87-832.)

14 (625 ILCS 5/6-415) (from Ch. 95 1/2, par. 6-415)

15 Sec. 6-415. Renewal Fee. The license of each driver  
16 training instructor may be renewed subject to the same  
17 conditions of the original license, and upon the payment of  
18 annual renewal license fee of \$70 \$35.

19 (Source: P.A. 87-829; 87-832.)