**Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License**

a) The Secretary of State will not issue a driver training instructor's license to, or will deny, cancel, suspend, or revoke a driver training instructor's license of:

1) Any person who:

A) has not held a valid driver's license for any 2-year period preceding the date of application for an instructor's license; and

B) intends to instruct in CDL classification A, B, C, L, or M classification, as defined in 92 Ill. Adm. Code 1030.30 and has not held that classification or higher for 2 consecutive years immediately prior to the date of application.

2) Any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2-year period immediately preceding the date of application for an instructor's license;

3) Any person who has had 2 or more convictions of a violation that caused an auto accident within the 2-year period immediately preceding the date of application for an instructor's license;

4) Any person who has a single conviction within 10 years prior to the date of application or any person who has 2 or more convictions of the following offenses:

A) driving under the influence of alcohol and/or other drugs, pursuant to IVC Section 11-501;

B) leaving the scene of an accident involving death or personal injuries, pursuant to IVC Section 11-401;

C) reckless homicide, pursuant to Section 9-3 of the Criminal Code of 2012 [720 ILCS 5];

D) reckless driving, pursuant to IVC Section 11-503;

E) any sex- or drug-related offense; or

F) a similar provision of a local ordinance or a similar provision of the law of any other state or territory of the United States.

5) Any person who has failed to pass the written test or highway safety sign test required by the Department for applicants for a driver training instructor's license;

6) Any person who is physically unable to safely operate a motor vehicle or to safely train others in the operation of a motor vehicle as determined by a licensed physician pursuant to IVC Section 6-411(d). An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of limbs and feet. The physician must also provide an address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (c);

7) Any person who fails to properly and fully complete an application for a license or is otherwise unqualified to receive a driver training instructor's license;

8) Any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to IVC Section 6-417;

9) Any person who is currently a salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

10) Any person who fails to supply a complete set of fingerprints to the Department as required pursuant to IVC Section 6-411(b);

11) Any person who is not at least 21 years of age and a resident of the State of Illinois;

12) Any person who is not of good moral character as required pursuant to IVC Section 6-411(a). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

A) If the person has been convicted of a felony or misdemeanor, the Department will consider:

i) The relationship of any crime of which the person has been convicted to the ability to act as a driver training school instructor;

ii) The length of time that has elapsed since the applicant's last criminal conviction;

iii) Whether the applicant successfully completed any sentence imposed with the convictions; and

iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.

B) If the person has been indicted or formally or otherwise charged with a felony or a misdemeanor, the license will be either denied or cancelled.

i) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on the person's record in accordance with Section 1060.190(b) will stand. This action does not preclude further suspension or revocation of the commercial driver training school instructor license under another Section of this Part or the IVC.

ii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) will be rescinded. This action does not preclude further suspension or revocation of the commercial driver training school instructor license under another Section of this Part or the IVC.

iii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) will be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the IVC;

13) Any person whose suspension under IVC Section 11-501.1, 11-501.6, 11-501.8, 11-501.9 or a similar provision of a local ordinance, or a similar provision of the law of any other state or territory of the United States has terminated within 10 years prior to the date of application; or to any person with more than one of these suspensions;

14) Any person who has not completed a 30-hour course or an equivalent college or university course approved by the Director of the Department or has not had previous teaching or training experience. Teaching and training experience shall include, but is not limited to, primary and secondary education teacher, Third Party Certification Program Safety Officer, or trainer or teacher at a private entity.

A) Any person possessing a current and valid commercial driver training instructor's license, or who is renewing a commercial driver training license issued by the Secretary of State's Office, is exempt from this requirement.

B) A driver training school whose instructor provides training to individuals under the age of 18 years is exempt from this requirement and must complete the mandatory 48-hour course as required in Section 1060.180;

15) A CDL accredited instructor who is currently licensed as a CDL Third Party Certification Program Safety Officer;

16) Any instructor or applicant who is an administrator or teacher of a State-approved high school driver education program;

17) Any currently licensed instructor who has been convicted of violating IVC Section 11-507 or to an applicant who has been convicted of violating IVC Section 11-507 within 10 years prior to the date of application.

b) No driver training instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license. An instructor may hold two classifications: one classification from Classes A, B, C and D, and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30. An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

c) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor may teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person must also pass the written test, as provided in 92 Ill. Adm. Code 1030.80, and the highway safety sign test, and submit all applicable fees as set out in IVC Section 6-411 before being issued an instructor's license for classroom instruction only.

d) All instructors who are no longer employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after having left employment.

e) If a driver training instructor license is not renewed within one year after the previous year's expiration date, the applicant shall be required to take examinations pursuant to Section 1060.130.

f) An instructor shall not engage in fraudulent activity as defined in Section 1060.5.

g) During any and all interactions with students, an instructor:

1) must not engage in activity that puts the student in danger;

2) must not engage in reckless behavior; and

3) must maintain a professional relationship with students at all times.

h) An individual whose commercial driver training school instructor license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

i) An instructor of a commercial driver training school that provides motorcycle instruction may not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

(Source: Amended at 47 Ill. Reg. 3506, effective February 27, 2023)