**Section 1065.20 Requirements for Enhanced Skills Driving School Licenses**

a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS license unless:

1) The applicant has at least one motor vehicle owned or leased in the name of the ESDS or school owner and insurance certified as required in IVC Section 6-1002(3) for use in enhanced driving skills instruction;

2) The applicant has at least one person who is employed by or associated with the school who is licensed or qualified to be licensed by the Department as an ESDS instructor for that school;

3) The physical facilities meet the requirements of this Part;

4) The applicant is of good moral character as required pursuant to IVC Section 6-1002(1).  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 a misdemeanor:

i) The relationship of any crime of which the person has been convicted to the ability to operate an enhanced skills driving school; or

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

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

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

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

i) the person is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand. This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC;

ii) the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded.  This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC;

iii) the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065(b) shall be rescinded.  This action does not preclude further suspension and/or revocation of the ESDS license under another Section of this Part or the IVC; and

5) The applicant has paid all applicable statutory fees.

b) Only one ESDS license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any ESDS if any of the applicants are unqualified or are already licensed or have made application for another ESDS license.

c) The applicant shall not be a current salaried or contractual employee of the Secretary of State.

d) Upon receipt of a properly executed application for a an ESDS license, the Department shall investigate the qualifications of the applicant, and authorized representatives of the Department shall inspect the ESDS property and equipment to determine whether the application should be granted or denied.

e) The applicant must authorize an investigation to include a fingerprint-based background check to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions. The authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon this authorization, the Secretary of State may request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant shall have his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. The fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record information databases. The applicant shall be required to pay all related fingerprint fees, including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. Any criminal convictions and disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required in this Part, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted.

f) An owner or manager shall not engage in fraudulent activity as defined in Section 1065.10.

g) An owner or employee of an ESDS shall not have been declared to have engaged in fraudulent activity within the five years prior to making application.

h) An owner shall not knowingly use unlicensed instructors for the purpose of enhanced driving skills instruction.

i) An owner shall submit a curriculum for courses and programs offered for review and approval by the Department.

j) Each ESDS must obtain and maintain a business telephone number and listing for use in conducting business.