

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.)