



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3682

Introduced 2/11/2010, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-402

from Ch. 95 1/2, par. 6-402

Amends the Illinois Vehicle Code. Changes the amount of the continuous surety company bond that a qualified driver exam training school must hold to \$10,000 for a non-accredited school, \$40,000 for a CDL or teenage accredited school, \$60,000 for a CDL accredited and teenage accredited school, \$50,000 for a CDL or teenage accredited school with three or more licensed branches, \$70,000 for a CDL accredited and teenage accredited school with three or more licensed branches (rather than a \$20,000 requirement that applied to all driver exam training schools). Effective January 1, 2011.

LRB096 17205 AJT 32554 b

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 6-402 as follows:

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

7 Sec. 6-402. Qualifications of driver exam training
8 schools. In order to qualify for a license to operate a driver
9 exam training school, each applicant must:

10 (a) be of good moral character;

11 (b) be at least 21 years of age;

12 (c) maintain an established place of business open to
13 the public which meets the requirements of Section 6-403
14 through 6-407;

15 (d) maintain bodily injury and property damage
16 liability insurance on motor vehicles while used in driving
17 exam instruction, insuring the liability of the driving
18 school, the driving instructors and any person taking
19 instruction in at least the following amounts: \$50,000 for
20 bodily injury to or death of one person in any one accident
21 and, subject to said limit for one person, \$100,000 for
22 bodily injury to or death of 2 or more persons in any one
23 accident and the amount of \$10,000 for damage to property

1 of others in any one accident. Evidence of such insurance
2 coverage in the form of a certificate from the insurance
3 carrier shall be filed with the Secretary of State, and
4 such certificate shall stipulate that the insurance shall
5 not be cancelled except upon 10 days prior written notice
6 to the Secretary of State. The decal showing evidence of
7 insurance shall be affixed to the windshield of the
8 vehicle;

9 (e) provide a continuous surety company bond in the
10 principal sum of \$10,000 for a non-accredited school,
11 \$40,000 for a CDL or teenage accredited school, \$60,000 for
12 a CDL accredited and teenage accredited school, \$50,000 for
13 a CDL or teenage accredited school with three or more
14 licensed branches, \$70,000 for a CDL accredited and teenage
15 accredited school with three or more licensed branches
16 ~~\$20,000~~ for the protection of the contractual rights of
17 students in such form as will meet with the approval of the
18 Secretary of State and written by a company authorized to
19 do business in this State. However, the aggregate liability
20 of the surety for all breaches of the condition of the bond
21 in no event shall exceed the principal sum of \$10,000 for a
22 non-accredited school, \$40,000 for a CDL or teenage
23 accredited school, \$60,000 for a CDL accredited and teenage
24 accredited school, \$50,000 for a CDL or teenage accredited
25 school with three or more licensed branches, \$70,000 for a
26 CDL accredited and teenage accredited school with three or

1 more licensed branches ~~\$20,000~~. The surety on any such bond
2 may cancel such bond on giving 30 days notice thereof in
3 writing to the Secretary of State and shall be relieved of
4 liability for any breach of any conditions of the bond
5 which occurs after the effective date of cancellation;

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

8 (g) have and use a business telephone listing for all
9 business purposes;

10 (h) pay to the Secretary of State an application fee of
11 \$500 and \$50 for each branch application; and

12 (i) authorize an investigation to include a
13 fingerprint based background check to determine if the
14 applicant has ever been convicted of a crime and if so, the
15 disposition of those convictions. The authorization shall
16 indicate the scope of the inquiry and the agencies that may
17 be contacted. Upon this authorization, the Secretary of
18 State may request and receive information and assistance
19 from any federal, State, or local governmental agency as
20 part of the authorized investigation. Each applicant shall
21 have his or her fingerprints submitted to the Department of
22 State Police in the form and manner prescribed by the
23 Department of State Police. The fingerprints shall be
24 checked against the Department of State Police and Federal
25 Bureau of Investigation criminal history record
26 information databases. The Department of State Police

1 shall charge a fee for conducting the criminal history
2 records check, which shall be deposited in the State Police
3 Services Fund and shall not exceed the actual cost of the
4 records check. The applicant shall be required to pay all
5 related fingerprint fees including, but not limited to, the
6 amounts established by the Department of State Police and
7 the Federal Bureau of Investigation to process fingerprint
8 based criminal background investigations. The Department
9 of State Police shall provide information concerning any
10 criminal convictions and disposition of criminal
11 convictions brought against the applicant upon request of
12 the Secretary of State provided that the request is made in
13 the form and manner required by the Department of the State
14 Police. Unless otherwise prohibited by law, the
15 information derived from the investigation including the
16 source of the information and any conclusions or
17 recommendations derived from the information by the
18 Secretary of State shall be provided to the applicant, or
19 his designee, upon request to the Secretary of State, prior
20 to any final action by the Secretary of State on the
21 application. Any criminal convictions and disposition
22 information obtained by the Secretary of State shall be
23 confidential and may not be transmitted outside the Office
24 of the Secretary of State, except as required herein, and
25 may not be transmitted to anyone within the Office of the
26 Secretary of State except as needed for the purpose of

1 evaluating the applicant. The information obtained from
2 the investigation may be maintained by the Secretary of
3 State or any agency to which the information was
4 transmitted. Only information and standards, which bear a
5 reasonable and rational relation to the performance of a
6 driver exam training school owner, shall be used by the
7 Secretary of State. Any employee of the Secretary of State
8 who gives or causes to be given away any confidential
9 information concerning any criminal charges or disposition
10 of criminal charges of an applicant shall be guilty of a
11 Class A misdemeanor, unless release of the information is
12 authorized by this Section.

13 No license shall be issued under this Section to a person
14 who is a spouse, offspring, sibling, parent, grandparent,
15 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
16 of the person whose license to do business at that location has
17 been revoked or denied or to a person who was an officer or
18 employee of a business firm that has had its license revoked or
19 denied, unless the Secretary of State is satisfied the
20 application was submitted in good faith and not for the purpose
21 or effect of defeating the intent of this Code.

22 (Source: P.A. 96-740, eff. 1-1-10.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2011.