

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.