



Sen. Susan Garrett

Filed: 3/9/2011

09700SB2135sam001

LRB097 05805 HEP 52531 a

1 AMENDMENT TO SENATE BILL 2135

2 AMENDMENT NO. _____. Amend Senate Bill 2135 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-411 as follows:

6 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

7 Sec. 6-411. Qualifications of Driver Training Instructors.
8 In order to qualify for a license as an instructor for a
9 driving school, an applicant must:

10 (a) Be of good moral character;

11 (b) Authorize an investigation to include a
12 fingerprint based background check to determine if the
13 applicant has ever been convicted of a crime and if so, the
14 disposition of those convictions; this authorization shall
15 indicate the scope of the inquiry and the agencies which
16 may be contacted. Upon this authorization the Secretary of

1 State may request and receive information and assistance
2 from any federal, state or local governmental agency as
3 part of the authorized investigation. Each applicant shall
4 submit his or her fingerprints to the Department of State
5 Police in the form and manner prescribed by the Department
6 of State Police. These fingerprints shall be checked
7 against the fingerprint records now and hereafter filed in
8 the Department of State Police and Federal Bureau of
9 Investigation criminal history records databases. The
10 Department of State Police shall charge a fee for
11 conducting the criminal history records check, which shall
12 be deposited in the State Police Services Fund and shall
13 not exceed the actual cost of the records check. The
14 applicant shall be required to pay all related fingerprint
15 fees including, but not limited to, the amounts established
16 by the Department of State Police and the Federal Bureau of
17 Investigation to process fingerprint based criminal
18 background investigations. The Department of State Police
19 shall provide information concerning any criminal
20 convictions, and their disposition, brought against the
21 applicant upon request of the Secretary of State when the
22 request is made in the form and manner required by the
23 Department of State Police. Unless otherwise prohibited by
24 law, the information derived from this investigation
25 including the source of this information, and any
26 conclusions or recommendations derived from this

1 information by the Secretary of State shall be provided to
2 the applicant, or his designee, upon request to the
3 Secretary of State, prior to any final action by the
4 Secretary of State on the application. Any criminal
5 convictions and their disposition information obtained by
6 the Secretary of State shall be confidential and may not be
7 transmitted outside the Office of the Secretary of State,
8 except as required herein, and may not be transmitted to
9 anyone within the Office of the Secretary of State except
10 as needed for the purpose of evaluating the applicant. The
11 information obtained from this investigation may be
12 maintained by the Secretary of State or any agency to which
13 such information was transmitted. Only information and
14 standards which bear a reasonable and rational relation to
15 the performance of a driver training instructor shall be
16 used by the Secretary of State. Any employee of the
17 Secretary of State who gives or causes to be given away any
18 confidential information concerning any criminal charges
19 and their disposition of an applicant shall be guilty of a
20 Class A misdemeanor unless release of such information is
21 authorized by this Section;

22 (c) Pass such examination as the Secretary of State
23 shall require on (1) traffic laws, (2) safe driving
24 practices, (3) operation of motor vehicles, and (4)
25 qualifications of teacher;

26 (d) Be physically able to operate safely a motor

1 vehicle and to train others in the operation of motor
2 vehicles. An instructors license application must be
3 accompanied by a medical examination report completed by a
4 competent physician licensed to practice in the State of
5 Illinois;

6 (e) Hold a valid Illinois drivers license;

7 (f) Have graduated from an accredited high school after
8 at least 4 years of high school education or the
9 equivalent; ~~and~~

10 (g) Pay to the Secretary of State an application and
11 license fee of \$70; ~~-~~

12 (h) If a driver training school class room instructor
13 teaches an approved driver education course, as defined in
14 Section 1-103 of this Code, to students under 18 years of
15 age, the instructor must have completed 3 consecutive
16 courses in driver task analysis, class room knowledge, and
17 vehicle operational and instructional skills at an
18 accredited university or college in this State; and

19 (i) Whenever there is an agreement such as, but not
20 limited to, a contractual relationship between a school
21 district and a commercial or private driving school to
22 outsource or contract out a course required by Section
23 27-24.2 of the School Code, the driver training instructor
24 teaching the course must meet the requirements of Section
25 252.40 of Title 23 of the Illinois Administrative Code.

26 The State agency responsible for overseeing each

1 commercial driving school shall make available verification
2 that each instructor has met all instructor certification
3 requirements.

4 If a driver training school class room instructor teaches
5 an approved driver education course, as defined in Section
6 1-103 of this Code, to students under 18 years of age, he or
7 she shall furnish to the Secretary of State a certificate
8 issued by the State Board of Education that the said instructor
9 is qualified and meets the minimum educational standards for
10 teaching driver education courses in the local public or
11 parochial school systems, except that no State Board of
12 Education certification shall be required of any instructor who
13 teaches exclusively in a commercial driving school. On and
14 after July 1, 1986, the existing rules and regulations of the
15 State Board of Education concerning commercial driving schools
16 shall continue to remain in effect but shall be administered by
17 the Secretary of State until such time as the Secretary of
18 State shall amend or repeal the rules in accordance with the
19 Illinois Administrative Procedure Act. Upon request, the
20 Secretary of State shall issue a certificate of completion to a
21 student under 18 years of age who has completed an approved
22 driver education course at a commercial driving school.

23 If on July 1, 2011, a driver training school class room
24 instructor is teaching an approved driver education course, as
25 defined in Section 1-103 of this Code, to students under 18
26 years of age, he or she will have 2 years from July 1, 2011 to

1 complete the courses required by paragraph (h) of this Section.
2 A driver training school class room instructor who has not
3 prior to July 1, 2011 taught an approved driver education
4 course, as defined in Section 1-103 of this Code, to students
5 under 18 years of age, or whose existing driver education
6 course instructor certification has expired on or after July 1,
7 2011, shall complete the certification course requirements
8 required by paragraph (h) of this Section prior to conducting
9 an approved driver education course in any licensed commercial
10 driving school in this State.

11 (Source: P.A. 95-331, eff. 8-21-07; 96-740, eff. 1-1-10;
12 96-962, eff. 7-2-10.)".