



Sen. Jennifer Bertino-Tarrant

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09800HB4561sam001

LRB098 15243 MLW 59040 a

1 AMENDMENT TO HOUSE BILL 4561

2 AMENDMENT NO. _____. Amend House Bill 4561 as follows:

3 on page 1, line 5, by replacing "Sections 6-107" with "Sections
4 6-107, 6-107.5,"; and

5 on page 6, immediately below line 19, by inserting the
6 following:

7 "(625 ILCS 5/6-107.5)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 6-107.5. Adult Driver Education Course.

11 (a) The Secretary shall establish by rule the curriculum
12 and designate the materials to be used in an adult driver
13 education course. The course shall be at least 6 hours in
14 length and shall include instruction on traffic laws; highway
15 signs, signals, and markings that regulate, warn, or direct

1 traffic; and issues commonly associated with motor vehicle
2 accidents including poor decision-making, risk taking,
3 impaired driving, distraction, speed, failure to use a safety
4 belt, driving at night, failure to yield the right-of-way,
5 texting while driving, using wireless communication devices,
6 and alcohol and drug awareness. The curriculum shall not
7 require the operation of a motor vehicle.

8 (b) The Secretary shall certify course providers. The
9 requirements to be a certified course provider, the process for
10 applying for certification, and the procedure for decertifying
11 a course provider shall be established by rule.

12 (b-5) In order to qualify for certification as an adult
13 driver education course provider, each applicant must
14 authorize an investigation that includes a fingerprint-based
15 background check to determine if the applicant has ever been
16 convicted of a criminal offense and, if so, the disposition of
17 any conviction. This authorization shall indicate the scope of
18 the inquiry and the agencies that may be contacted. Upon
19 receiving this authorization, the Secretary of State may
20 request and receive information and assistance from any
21 federal, State, or local governmental agency as part of the
22 authorized investigation. Each applicant shall submit his or
23 her fingerprints to the Department of State Police in the form
24 and manner prescribed by the Department of State Police. These
25 fingerprints shall be checked against fingerprint records now
26 and hereafter filed in the Department of State Police and

1 Federal Bureau of Investigation criminal history record
2 databases. The Department of State Police shall charge
3 applicants a fee for conducting the criminal history record
4 check, which shall be deposited into the State Police Services
5 Fund and shall not exceed the actual cost of the State and
6 national criminal history record check. The Department of State
7 Police shall furnish, pursuant to positive identification,
8 records of Illinois criminal convictions and dispositions of
9 Illinois criminal convictions to the Secretary and shall
10 forward the national criminal history record information to the
11 Secretary. Applicants shall pay any other fingerprint-related
12 fees. Unless otherwise prohibited by law, the information
13 derived from the investigation, including the source of the
14 information and any conclusions or recommendations derived
15 from the information by the Secretary of State, shall be
16 provided to the applicant, or his or her designee, upon request
17 to the Secretary of State prior to any final action by the
18 Secretary of State on the application. Any criminal convictions
19 and disposition information obtained by the Secretary of State
20 shall be confidential and may not be transmitted outside the
21 Office of the Secretary of State, except as required by this
22 subsection (b-5), and may not be transmitted to anyone within
23 the Office of the Secretary of State except as needed for the
24 purpose of evaluating the applicant. At any administrative
25 hearing held under Section 2-118 of this Code relating to the
26 denial, cancellation, suspension, or revocation of

1 certification of an adult driver education course provider, the
2 Secretary of State may utilize at that hearing any criminal
3 history, criminal conviction, and disposition information
4 obtained under this subsection (b-5). The information obtained
5 from the investigation may be maintained by the Secretary of
6 State or any agency to which the information was transmitted.
7 Only information and standards which bear a reasonable and
8 rational relation to the performance of providing adult driver
9 education shall be used by the Secretary of State. Any employee
10 of the Secretary of State who gives or causes to be given away
11 any confidential information concerning any criminal
12 convictions or disposition of criminal convictions of an
13 applicant shall be guilty of a Class A misdemeanor unless
14 release of the information is authorized by this Section.

15 (c) The Secretary may permit a course provider to offer the
16 course online, if the Secretary is satisfied the course
17 provider has established adequate procedures for verifying:

18 (1) the identity of the person taking the course
19 online; and

20 (2) the person completes the entire course.

21 (d) The Secretary shall establish a method of electronic
22 verification of a student's successful completion of the
23 course.

24 (e) The fee charged by the course provider must bear a
25 reasonable relationship to the cost of the course. The
26 Secretary shall post on the Secretary of State's website a list

1 of approved course providers, the fees charged by the
2 providers, and contact information for each provider.

3 (f) In addition to any other fee charged by the course
4 provider, the course provider shall collect a fee of \$5 from
5 each student to offset the costs incurred by the Secretary in
6 administering this program. The \$5 shall be submitted to the
7 Secretary within 14 days of the day on which it was collected.
8 All such fees received by the Secretary shall be deposited in
9 the Secretary of State Driver Services Administration Fund.

10 (Source: P.A. 98-167, eff. 7-1-14.)"; and

11 on page 10, immediately below line 16, by inserting the
12 following:

13 "Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act."