



Rep. Renée Kosel

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LRB096 04252 AJT 24797 a

1 AMENDMENT TO HOUSE BILL 3566

2 AMENDMENT NO. _____. Amend House Bill 3566 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2705-125 as follows:

7 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

8 Sec. 2705-125. Safety inspection of motor vehicles;
9 transfer from various State agencies. The Department has the
10 power to administer, exercise, and enforce the rights, powers,
11 and duties presently vested in the Department of State Police
12 and the Division of State Troopers under the Illinois Vehicle
13 Inspection Law, in the Illinois Commerce Commission, in the
14 State Board of Education, and in the Secretary of State under
15 laws relating to the safety inspection of motor vehicles
16 operated by common carriers, of school buses, and of motor

1 vehicles used in the transportation of school children and
2 motor vehicles used in driver exam training schools for hire
3 licensed under Article IV of the Illinois Driver Licensing Law
4 or under any other law relating to the safety inspection of
5 motor vehicles of the second division as defined in the
6 Illinois Vehicle Code.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 Section 10. The Illinois Vehicle Code is amended by
9 changing the heading of Article IV of Chapter 6 and Sections
10 6-103, 6-401, 6-402, 6-403, 6-404, 6-405, 6-406, 6-407, 6-408,
11 6-408.5, 6-409, 6-410, 6-411, 6-412, 6-413, 6-414, 6-415,
12 6-416, 6-417, 6-419, 6-420, and 6-422 and by adding Article X
13 to Chapter 6 as follows:

14 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

15 Sec. 6-103. What persons shall not be licensed as drivers
16 or granted permits. The Secretary of State shall not issue,
17 renew, or allow the retention of any driver's license nor issue
18 any permit under this Code:

19 1. To any person, as a driver, who is under the age of
20 18 years except as provided in Section 6-107, and except
21 that an instruction permit may be issued under Section
22 6-107.1 to a child who is not less than 15 years of age if
23 the child is enrolled in an approved driver education
24 course as defined in Section 1-103 of this Code and

1 requires an instruction permit to participate therein,
2 except that an instruction permit may be issued under the
3 provisions of Section 6-107.1 to a child who is 17 years
4 and 3 months of age without the child having enrolled in an
5 approved driver education course and except that an
6 instruction permit may be issued to a child who is at least
7 15 years and 6 months of age, is enrolled in school, meets
8 the educational requirements of the Driver Education Act,
9 and has passed examinations the Secretary of State in his
10 or her discretion may prescribe;

11 2. To any person who is under the age of 18 as an
12 operator of a motorcycle other than a motor driven cycle
13 unless the person has, in addition to meeting the
14 provisions of Section 6-107 of this Code, successfully
15 completed a motorcycle training course approved by the
16 Illinois Department of Transportation and successfully
17 completes the required Secretary of State's motorcycle
18 driver's examination;

19 3. To any person, as a driver, whose driver's license
20 or permit has been suspended, during the suspension, nor to
21 any person whose driver's license or permit has been
22 revoked, except as provided in Sections 6-205, 6-206, and
23 6-208;

24 4. To any person, as a driver, who is a user of alcohol
25 or any other drug to a degree that renders the person
26 incapable of safely driving a motor vehicle;

1 5. To any person, as a driver, who has previously been
2 adjudged to be afflicted with or suffering from any mental
3 or physical disability or disease and who has not at the
4 time of application been restored to competency by the
5 methods provided by law;

6 6. To any person, as a driver, who is required by the
7 Secretary of State to submit an alcohol and drug evaluation
8 or take an examination provided for in this Code unless the
9 person has successfully passed the examination and
10 submitted any required evaluation;

11 7. To any person who is required under the provisions
12 of the laws of this State to deposit security or proof of
13 financial responsibility and who has not deposited the
14 security or proof;

15 8. To any person when the Secretary of State has good
16 cause to believe that the person by reason of physical or
17 mental disability would not be able to safely operate a
18 motor vehicle upon the highways, unless the person shall
19 furnish to the Secretary of State a verified written
20 statement, acceptable to the Secretary of State, from a
21 competent medical specialist to the effect that the
22 operation of a motor vehicle by the person would not be
23 inimical to the public safety;

24 9. To any person, as a driver, who is 69 years of age
25 or older, unless the person has successfully complied with
26 the provisions of Section 6-109;

1 10. To any person convicted, within 12 months of
2 application for a license, of any of the sexual offenses
3 enumerated in paragraph 2 of subsection (b) of Section
4 6-205;

5 11. To any person who is under the age of 21 years with
6 a classification prohibited in paragraph (b) of Section
7 6-104 and to any person who is under the age of 18 years
8 with a classification prohibited in paragraph (c) of
9 Section 6-104;

10 12. To any person who has been either convicted of or
11 adjudicated under the Juvenile Court Act of 1987 based upon
12 a violation of the Cannabis Control Act, the Illinois
13 Controlled Substances Act, or the Methamphetamine Control
14 and Community Protection Act while that person was in
15 actual physical control of a motor vehicle. For purposes of
16 this Section, any person placed on probation under Section
17 10 of the Cannabis Control Act, Section 410 of the Illinois
18 Controlled Substances Act, or Section 70 of the
19 Methamphetamine Control and Community Protection Act shall
20 not be considered convicted. Any person found guilty of
21 this offense, while in actual physical control of a motor
22 vehicle, shall have an entry made in the court record by
23 the judge that this offense did occur while the person was
24 in actual physical control of a motor vehicle and order the
25 clerk of the court to report the violation to the Secretary
26 of State as such. The Secretary of State shall not issue a

1 new license or permit for a period of one year;

2 13. To any person who is under the age of 18 years and
3 who has committed the offense of operating a motor vehicle
4 without a valid license or permit in violation of Section
5 6-101;

6 14. To any person who is 90 days or more delinquent in
7 court ordered child support payments or has been
8 adjudicated in arrears in an amount equal to 90 days'
9 obligation or more and who has been found in contempt of
10 court for failure to pay the support, subject to the
11 requirements and procedures of Article VII of Chapter 7 of
12 the Illinois Vehicle Code;

13 14.5. To any person certified by the Illinois
14 Department of Healthcare and Family Services as being 90
15 days or more delinquent in payment of support under an
16 order of support entered by a court or administrative body
17 of this or any other State, subject to the requirements and
18 procedures of Article VII of Chapter 7 of this Code
19 regarding those certifications;

20 15. To any person released from a term of imprisonment
21 for violating Section 9-3 of the Criminal Code of 1961 or a
22 similar provision of a law of another state relating to
23 reckless homicide or for violating subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of this
25 Code relating to aggravated driving under the influence of
26 alcohol, other drug or drugs, intoxicating compound or

1 compounds, or any combination thereof, if the violation was
2 the proximate cause of a death, within 24 months of release
3 from a term of imprisonment;

4 16. To any person who, with intent to influence any act
5 related to the issuance of any driver's license or permit,
6 by an employee of the Secretary of State's Office, or the
7 owner or employee of any commercial driver exam training
8 school licensed by the Secretary of State, or any other
9 individual authorized by the laws of this State to give
10 driving instructions or administer all or part of a
11 driver's license examination, promises or tenders to that
12 person any property or personal advantage which that person
13 is not authorized by law to accept. Any persons promising
14 or tendering such property or personal advantage shall be
15 disqualified from holding any class of driver's license or
16 permit for 120 consecutive days. The Secretary of State
17 shall establish by rule the procedures for implementing
18 this period of disqualification and the procedures by which
19 persons so disqualified may obtain administrative review
20 of the decision to disqualify;

21 17. To any person for whom the Secretary of State
22 cannot verify the accuracy of any information or
23 documentation submitted in application for a driver's
24 license; or

25 18. To any person who has been adjudicated under the
26 Juvenile Court Act of 1987 based upon an offense that is

1 determined by the court to have been committed in
2 furtherance of the criminal activities of an organized
3 gang, as provided in Section 5-710 of that Act, and that
4 involved the operation or use of a motor vehicle or the use
5 of a driver's license or permit. The person shall be denied
6 a license or permit for the period determined by the court.

7 The Secretary of State shall retain all conviction
8 information, if the information is required to be held
9 confidential under the Juvenile Court Act of 1987.

10 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
11 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; 95-876, eff.
12 8-21-08.)

13 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

14 Sec. 6-401. Driver exam training schools for preparation
15 for examination given by Secretary of State-license required.
16 No person, firm, association, partnership or corporation shall
17 operate a driver exam training school or engage in the business
18 of giving instruction for hire or for a fee in the driving of
19 motor vehicles for ~~or in~~ the preparation of an applicant for
20 examination given by the Secretary of State for a drivers
21 license or permit, unless a license therefor has been issued by
22 the Secretary. No public schools or educational institutions
23 shall contract with entities engaged in the business of giving
24 instruction for hire or for a fee in the driving of motor
25 vehicles for ~~or in~~ the preparation of an applicant for

1 examination given by the Secretary of State for a driver's
2 license or permit, unless a license therefor has been issued by
3 the Secretary.

4 This Section shall not apply to (i) public schools or to
5 educational institutions in which driving instruction is part
6 of the curriculum, ~~or (ii) to~~ employers giving instruction to
7 their employees, or (iii) schools that teach enhanced driving
8 skills to licensed drivers as set forth in Article X of Chapter
9 6 of this Code.

10 (Source: P.A. 93-408, eff. 1-1-04.)

11 (625 ILCS 5/Ch. 6 Art. IV heading)

12 ARTICLE IV. COMMERCIAL DRIVER EXAM TRAINING SCHOOLS

13 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

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

17 (a) be of good moral character;

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

19 (c) maintain an established place of business open to
20 the public which meets the requirements of Section 6-403
21 through 6-407;

22 (d) maintain bodily injury and property damage
23 liability insurance on motor vehicles while used in driving
24 exam instruction, insuring the liability of the driving

1 school, the driving instructors and any person taking
2 instruction in at least the following amounts: \$50,000 for
3 bodily injury to or death of one person in any one accident
4 and, subject to said limit for one person, \$100,000 for
5 bodily injury to or death of 2 or more persons in any one
6 accident and the amount of \$10,000 for damage to property
7 of others in any one accident. Evidence of such insurance
8 coverage in the form of a certificate from the insurance
9 carrier shall be filed with the Secretary of State, and
10 such certificate shall stipulate that the insurance shall
11 not be cancelled except upon 10 days prior written notice
12 to the Secretary of State. The decal showing evidence of
13 insurance shall be affixed to the windshield of the
14 vehicle;

15 (e) provide a continuous surety company bond in the
16 principal sum of \$20,000 for the protection of the
17 contractual rights of students in such form as will meet
18 with the approval of the Secretary of State and written by
19 a company authorized to do business in this State. However,
20 the aggregate liability of the surety for all breaches of
21 the condition of the bond in no event shall exceed the
22 principal sum of \$20,000. The surety on any such bond may
23 cancel such bond on giving 30 days notice thereof in
24 writing to the Secretary of State and shall be relieved of
25 liability for any breach of any conditions of the bond
26 which occurs after the effective date of cancellation;

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

3 (g) have and use a business telephone listing for all
4 business purposes;

5 (h) pay to the Secretary of State an application fee of
6 \$500 and \$50 for each branch application; and

7 (i) authorize an investigation to include a
8 fingerprint based background check to determine if the
9 applicant has ever been convicted of a crime and if so, the
10 disposition of those convictions. The authorization shall
11 indicate the scope of the inquiry and the agencies that may
12 be contacted. Upon this authorization, the Secretary of
13 State may request and receive information and assistance
14 from any federal, State, or local governmental agency as
15 part of the authorized investigation. Each applicant shall
16 have his or her fingerprints submitted to the Department of
17 State Police in the form and manner prescribed by the
18 Department of State Police. The fingerprints shall be
19 checked against the Department of State Police and Federal
20 Bureau of Investigation criminal history record
21 information databases. The Department of State Police
22 shall charge a fee for conducting the criminal history
23 records check, which shall be deposited in the State Police
24 Services Fund and shall not exceed the actual cost of the
25 records check. The applicant shall be required to pay all
26 related fingerprint fees including, but not limited to, the

1 amounts established by the Department of State Police and
2 the Federal Bureau of Investigation to process fingerprint
3 based criminal background investigations. The Department
4 of State Police shall provide information concerning any
5 criminal convictions and disposition of criminal
6 convictions brought against the applicant upon request of
7 the Secretary of State provided that the request is made in
8 the form and manner required by the Department of the State
9 Police. Unless otherwise prohibited by law, the
10 information derived from the investigation including the
11 source of the information and any conclusions or
12 recommendations derived from the information by the
13 Secretary of State shall be provided to the applicant, or
14 his designee, upon request to the Secretary of State, prior
15 to any final action by the Secretary of State on the
16 application. Any criminal convictions and disposition
17 information obtained by the Secretary of State shall be
18 confidential and may not be transmitted outside the Office
19 of the Secretary of State, except as required herein, and
20 may not be transmitted to anyone within the Office of the
21 Secretary of State except as needed for the purpose of
22 evaluating the applicant. The information obtained from
23 the investigation may be maintained by the Secretary of
24 State or any agency to which the information was
25 transmitted. Only information and standards, which bear a
26 reasonable and rational relation to the performance of a

1 driver exam training school owner, shall be used by the
2 Secretary of State. Any employee of the Secretary of State
3 who gives or causes to be given away any confidential
4 information concerning any criminal charges or disposition
5 of criminal charges of an applicant shall be guilty of a
6 Class A misdemeanor, unless release of the information is
7 authorized by this Section.

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

17 (Source: P.A. 93-408, eff. 1-1-04.)

18 (625 ILCS 5/6-403) (from Ch. 95 1/2, par. 6-403)

19 Sec. 6-403. Established Place of Business.

20 The established place of business of each driver exam
21 training school must be owned or leased by the driver exam
22 training school and regularly occupied and primarily used by
23 that driver exam training school for the business of selling
24 and giving driving instructions for hire or for a fee, and the
25 business of preparing members of the public for examination

1 given by the Secretary of State for a drivers license.

2 (Source: P.A. 76-1586.)

3 (625 ILCS 5/6-404) (from Ch. 95 1/2, par. 6-404)

4 Sec. 6-404. Location of Schools.

5 The established place of business of each driver exam
6 training school must be located in a district which is zoned
7 for business or commercial purposes. The driver exam training
8 school office must have a permanent sign clearly readable from
9 the street, from a distance of no less than 100 feet, with the
10 name of the driving exam school upon it.

11 (Source: P.A. 76-1753.)

12 (625 ILCS 5/6-405) (from Ch. 95 1/2, par. 6-405)

13 Sec. 6-405. Restrictions of Locations.

14 The established place of business, or branch office, branch
15 class room or advertised address of any driver exam training
16 school shall not consist of or include a house trailer,
17 residence, tent, temporary stand, temporary address, office
18 space, a room or rooms in a hotel, rooming house or apartment
19 house, or premises occupied by a single or multiple unit
20 dwelling house or telephone answering service.

21 (Source: P.A. 76-1586.)

22 (625 ILCS 5/6-406) (from Ch. 95 1/2, par. 6-406)

23 Sec. 6-406. Required Facilities.

1 (a) The established place of business of each driver exam
2 training school must consist of at least the following
3 permanent facilities:

4 (1) An office facility;

5 (2) A class room facility.

6 (b) The main class room facility of each driver exam
7 training school must be reasonably accessible to the main
8 office facility of the driver exam training school.

9 (c) All class room facilities must have adequate lighting,
10 heating, ventilation, and must comply with all state, and local
11 laws relating to public health, safety and sanitation.

12 (d) The main office facility and branch office facility of
13 each driver exam training school must contain sufficient space,
14 equipment, records and personnel to carry on the business of
15 the driver exam training school. The main office facility must
16 be specifically devoted to driver exam training school
17 business.

18 (e) A driver exam training school which as an established
19 place of business and a main office facility, may operate a
20 branch office or a branch class room provided that all the
21 requirements for the main office or main class room are met and
22 that such branch office bears the same name and is operated as
23 a part of the same business entity as the main office facility.

24 (f) No driver exam training school may share any main or
25 branch facility or facilities with any other driver exam
26 training school.

1 (Source: P.A. 76-1586.)

2 (625 ILCS 5/6-407) (from Ch. 95 1/2, par. 6-407)

3 Sec. 6-407. Locations and State Facilities.

4 No office or place of business of a driver exam training
5 school shall be established within 1,500 feet of any building
6 used as an office by any department of the Secretary of State
7 having to do with the administration of any laws relating to
8 motor vehicles, nor may any driving school solicit or advertise
9 for business within 1,500 feet of any building used as an
10 office by the Secretary of State having to do with the
11 administration of any laws relating to motor vehicles.

12 (Source: P.A. 76-1586.)

13 (625 ILCS 5/6-408) (from Ch. 95 1/2, par. 6-408)

14 Sec. 6-408. Records.

15 All driver exam training schools licensed by the Secretary
16 of State must maintain a permanent record of instructions given
17 to each student. The record must contain the name of the school
18 and the name of the student, the number of all licenses or
19 permits held by the student, the type and date of instruction
20 given, whether class room or behind the wheel, and the
21 signature of the instructor.

22 All permanent student instruction records must be kept on
23 file in the main office of each driver exam training school for
24 a period of 3 calendar years after the student has ceased

1 taking instruction at or with the school.

2 The records should show the fees and charges of the school
3 and also the record should show the course content and
4 instructions given to each student.

5 (Source: P.A. 76-1754.)

6 (625 ILCS 5/6-408.5)

7 Sec. 6-408.5. Courses for students or high school dropouts;
8 limitation.

9 (a) No driver exam training school or driving exam training
10 instructor licensed under this Act may request a certificate of
11 completion from the Secretary of State as provided in Section
12 6-411 for any person who is enrolled as a student in any public
13 or non-public secondary school at the time such instruction is
14 to be provided, or who was so enrolled during the semester last
15 ended if that instruction is to be provided between semesters
16 or during the summer after the regular school term ends, unless
17 that student has received a passing grade in at least 8 courses
18 during the 2 semesters last ending prior to requesting a
19 certificate of completion from the Secretary of State for the
20 student.

21 (b) No driver exam training school or driving exam training
22 instructor licensed under this Act may request a certificate of
23 completion from the Secretary of State as provided in Section
24 6-411 for any person who has dropped out of school and has not
25 yet attained the age of 18 years unless the driver exam

1 training school or driving exam training instructor has: 1)
2 obtained written documentation verifying the dropout's
3 enrollment in a GED or alternative education program or has
4 obtained a copy of the dropout's GED certificate; 2) obtained
5 verification that the student prior to dropping out had
6 received a passing grade in at least 8 courses during the 2
7 previous semesters last ending prior to requesting a
8 certificate of completion; or 3) obtained written consent from
9 the dropout's parents or guardians and the regional
10 superintendent.

11 (c) Students shall be informed of the eligibility
12 requirements of this Act in writing at the time of
13 registration.

14 (d) The superintendent of schools of the school district in
15 which the student resides and attends school or in which the
16 student resides at the time he or she drops out of school (with
17 respect to a public high school student or a dropout from the
18 public high school) or the chief school administrator (with
19 respect to a student who attends a non-public high school or a
20 dropout from a non-public high school) may waive the
21 requirements of this Section if the superintendent or chief
22 school administrator, as the case may be, deems it to be in the
23 best interests of the student or dropout. Before requesting a
24 certificate of completion from the Secretary of State for any
25 person who is enrolled as a student in any public or non-public
26 secondary school or who was so enrolled in the semester last

1 ending prior to the request for a certificate of completion
2 from the Secretary of State or who is of high school age, the
3 driver exam training school shall determine from the school
4 district in which that person resides or resided at the time of
5 dropping out of school, or from the chief administrator of the
6 non-public high school attended or last attended by such
7 person, as the case may be, that such person is not ineligible
8 to receive a certificate of completion under this Section.

9 (Source: P.A. 93-408, eff. 1-1-04.)

10 (625 ILCS 5/6-409) (from Ch. 95 1/2, par. 6-409)

11 Sec. 6-409. Display of License.

12 Each driver exam training school must display at a
13 prominent place in its main office all of the following:

14 (a) The State license issued to the school;

15 (b) The names and addresses and State instructors licenses
16 of all instructors employed by the school;

17 (c) The address of all branch offices and branch class
18 rooms.

19 (Source: P.A. 76-1586.)

20 (625 ILCS 5/6-410) (from Ch. 95 1/2, par. 6-410)

21 Sec. 6-410. Vehicle inspections. The Department of
22 Transportation shall provide for the inspection of all motor
23 vehicles used for driver exam training, and shall issue a
24 safety inspection sticker provided:

1 (a) The motor vehicle has been inspected by the Department
2 and found to be in safe mechanical condition;

3 (b) The motor vehicle is equipped with dual control brakes
4 and a mirror on each side of the motor vehicle so located as to
5 reflect to the driver a view of the highway for a distance of
6 at least 200 feet to the rear of such motor vehicle; and

7 (c) The motor vehicle is equipped with a sign or signs
8 visible from the front and the rear in letters no less than 2
9 inches tall, listing the full name of the driver exam training
10 school which has registered and insured the motor vehicle.

11 (Source: P.A. 85-951.)

12 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

13 Sec. 6-411. Qualifications of Driver Exam Training
14 Instructors. In order to qualify for a license as an instructor
15 for a driving exam school, an applicant must:

16 (a) Be of good moral character;

17 (b) Authorize an investigation to include a
18 fingerprint based background check to determine if the
19 applicant has ever been convicted of a crime and if so, the
20 disposition of those convictions; this authorization shall
21 indicate the scope of the inquiry and the agencies which
22 may be contacted. Upon this authorization the Secretary of
23 State may request and receive information and assistance
24 from any federal, state or local governmental agency as
25 part of the authorized investigation. Each applicant shall

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

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

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

23 (d) Be physically able to operate safely a motor
24 vehicle and to train others in the operation of motor
25 vehicles. An instructors license application must be
26 accompanied by a medical examination report completed by a

1 competent physician licensed to practice in the State of
2 Illinois;

3 (e) Hold a valid Illinois drivers license;

4 (f) Have graduated from an accredited high school after
5 at least 4 years of high school education or the
6 equivalent; and

7 (g) Pay to the Secretary of State an application and
8 license fee of \$70.

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

1 driver education course at a commercial driving school.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 (625 ILCS 5/6-412) (from Ch. 95 1/2, par. 6-412)

4 Sec. 6-412. Issuance of Licenses to Driver Exam Training
5 Schools and Driver Exam Training Instructors.

6 The Secretary of State shall issue a license certificate to
7 each applicant to conduct a driver exam training school or to
8 each driver exam training instructor when the Secretary of
9 State is satisfied that such person has met the qualifications
10 required under this Act.

11 (Source: P.A. 76-1586.)

12 (625 ILCS 5/6-413) (from Ch. 95 1/2, par. 6-413)

13 Sec. 6-413. Expiration of Licenses. All outstanding
14 licenses issued to any driver exam training school or driver
15 exam training instructor under this Act shall expire by
16 operation of law 24 months from the date of issuance, unless
17 sooner cancelled, suspended or revoked under the provisions of
18 Section 6-420.

19 (Source: P.A. 93-408, eff. 1-1-04.)

20 (625 ILCS 5/6-414) (from Ch. 95 1/2, par. 6-414)

21 Sec. 6-414. Renewal of Licenses. The license of each driver
22 exam training school may be renewed subject to the same
23 conditions as the original license, and upon the payment of a

1 renewal license fee of \$500 and \$50 for each renewal of a
2 branch application.

3 (Source: P.A. 93-408, eff. 1-1-04.)

4 (625 ILCS 5/6-415) (from Ch. 95 1/2, par. 6-415)

5 Sec. 6-415. Renewal Fee. The license of each driver exam
6 training instructor may be renewed subject to the same
7 conditions of the original license, and upon the payment of
8 annual renewal license fee of \$70.

9 (Source: P.A. 93-408, eff. 1-1-04.)

10 (625 ILCS 5/6-416) (from Ch. 95 1/2, par. 6-416)

11 Sec. 6-416. Licenses: Form and Filing. All applications for
12 renewal of a driver exam training school license or driver exam
13 training instructor's license shall be on a form prescribed by
14 the Secretary, and must be filed with the Secretary not less
15 than 15 days preceding the expiration date of the license to be
16 renewed.

17 (Source: P.A. 87-829; 87-832.)

18 (625 ILCS 5/6-417) (from Ch. 95 1/2, par. 6-417)

19 Sec. 6-417. Instructor's license.

20 Each driver exam training instructor's license shall
21 authorize the licensee to instruct only at or for the driver
22 exam training school indicated on the license. The Secretary
23 shall not issue a driver training instructor's license to any

1 individual who is licensed to instruct at or for another driver
2 exam training school.

3 (Source: P.A. 76-1586.)

4 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

5 Sec. 6-419. Rules and Regulations.

6 The Secretary is authorized to prescribe by rule standards
7 for the eligibility, conduct and operation of driver exam
8 training schools, and instructors and to adopt other reasonable
9 rules and regulations necessary to carry out the provisions of
10 this Act.

11 (Source: P.A. 76-1586.)

12 (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)

13 Sec. 6-420. Denial, Cancellation, Suspension, Revocation
14 and Failure to Renew License. The Secretary may deny, cancel,
15 suspend or revoke, or refuse to renew any driver exam training
16 school license or any driver exam training instructor license:

17 (1) When the Secretary is satisfied that the licensee fails
18 to meet the requirements to receive or hold a license under
19 this Code;

20 (2) Whenever the licensee fails to keep the records
21 required by this Code;

22 (3) Whenever the licensee permits fraud or engages in
23 fraudulent practices either with reference to a student or the
24 Secretary, or induces or countenances fraud or fraudulent

1 practices on the part of any applicant for a driver's license
2 or permit;

3 (4) Whenever the licensee fails to comply with any
4 provision of this Code or any rule of the Secretary made
5 pursuant thereto;

6 (5) Whenever the licensee represents himself as an agent or
7 employee of the Secretary or uses advertising designed to lead
8 or which would reasonably have the effect of leading persons to
9 believe that such licensee is in fact an employee or
10 representative of the Secretary;

11 (6) Whenever the licensee or any employee or agent of the
12 licensee solicits driver training or instruction in an office
13 of any department of the Secretary of State having to do with
14 the administration of any law relating to motor vehicles, or
15 within 1,500 feet of any such office;

16 (7) Whenever the licensee is convicted of driving while
17 under the influence of alcohol, other drugs, or a combination
18 thereof; leaving the scene of an accident; reckless homicide or
19 reckless driving; or

20 (8) Whenever a driver exam training school advertises that
21 a driver's license is guaranteed upon completion of the course
22 of instruction.

23 (Source: P.A. 85-951.)

24 (625 ILCS 5/6-422) (from Ch. 95 1/2, par. 6-422)

25 Sec. 6-422. Prior law and licenses thereunder.

1 This Act shall not affect the validity of any outstanding
2 license issued to any driver exam training school or driver
3 exam training instructor by the Secretary of State under any
4 prior law, nor shall this Act affect the validity or legality
5 of any contract, agreement or undertaking entered into by any
6 driver exam training school or driver exam training instructor,
7 or any person, firm, corporation, partnership or association
8 based on those provisions of any prior law.

9 (Source: P.A. 76-1586.)

10 (625 ILCS 5/Ch. 6 Art. X heading new)

11 ARTICLE X. ENHANCED SKILLS DRIVING SCHOOLS

12 (625 ILCS 5/6-1001 new)

13 Sec. 6-1001. Enhanced skills driving schools.

14 (a) As used in this Code, "enhanced skills driving school"
15 means a school for teaching advanced driving skills, such as
16 emergency braking, crash avoidance, and defensive driving
17 techniques to licensed drivers for a fee, and does not mean a
18 school for preparing students for examinations given the by
19 Secretary of State.

20 (b) No person, firm, association, partnership, or
21 corporation shall operate an enhanced skills driving school
22 unless issued a license by the Secretary. No enhanced skills
23 driving school may prepare students for examinations given by
24 the Secretary of State unless the school is also licensed under

1 Article IV of Chapter 6 of this Code.

2 (c) All behind-the-wheel instructions, practice, and
3 experience offered by enhanced skills driving schools shall be
4 on private property, such as race course facilities. The
5 Secretary of State shall have the authority to inspect all
6 facilities and to adopt rules to provide standards for enhanced
7 skills driving school facilities. No behind-the-wheel
8 instruction, practice, or experience may be given on public
9 roadways.

10 (d) The curriculum for courses and programs offered by
11 enhanced skills driving schools shall be reviewed and approved
12 by the Secretary.

13 (625 ILCS 5/6-1002 new)

14 Sec. 6-1002. Enhanced skills driving school
15 qualifications. In order to qualify for a license to operate an
16 enhanced skills driving school, each applicant must:

17 (1) Be of good moral character;

18 (2) Be at least 21 years of age;

19 (3) Maintain bodily injury and property damage
20 liability insurance on motor vehicles while used in driving
21 instruction, insuring the liability of the driving school,
22 the driving instructors and any person taking instruction
23 in at least the following amounts: \$500,000 for bodily
24 injury to or death of one person in any one accident and,
25 subject to said limit for one person, \$1,000,000 for bodily

1 injury to or death of 2 or more persons in any one accident
2 and the amount of \$100,000 for damage to property of others
3 in any one accident. Evidence of such insurance coverage in
4 the form of a certificate from the insurance carrier shall
5 be filed with the Secretary of State, and such certificate
6 shall stipulate that the insurance shall not be cancelled
7 except upon 10 days' prior written notice to the Secretary
8 of State;

9 (4) Have the equipment necessary to the giving of
10 proper instruction in the operation of motor vehicles; and

11 (5) Pay to the Secretary of State an application fee of
12 \$500 and \$50 for each branch application.

13 (625 ILCS 5/6-1003 new)

14 Sec. 6-1003. Display of license. Each enhanced skills
15 driving school must display at a prominent place in its main
16 office all of the following:

17 (1) The State license issued to the school;

18 (2) The names, addresses, and State instructors
19 license numbers of all instructors employed by the school;
20 and

21 (3) The addresses of each branch office and branch
22 classrooms.

23 (625 ILCS 5/6-1004 new)

24 Sec. 6-1004. Qualifications of enhanced skills driving

1 school instructors. In order to qualify for a license as an
2 instructor for an enhanced skills driving school, an applicant
3 must:

4 (1) Be of good moral character;

5 (2) Have never been convicted of driving while under
6 the influence of alcohol, other drugs, or a combination
7 thereof; leaving the scene of an accident; reckless
8 homicide or reckless driving;

9 (3) Be physically able to operate safely a motor
10 vehicle and to train others in the operation of motor
11 vehicles;

12 (4) Hold a valid drivers license; and

13 (5) Pay to the Secretary of State an application and
14 license fee of \$70.

15 (625 ILCS 5/6-1005 new)

16 Sec. 6-1005. Renewal of license; enhanced skills driving
17 school. The license of each enhanced skills driving school may
18 be renewed subject to the same conditions as the original
19 license, and upon the payment of a renewal license fee of \$500
20 and \$50 for each renewal of a branch application.

21 (625 ILCS 5/6-1006 new)

22 Sec. 6-1006. Renewal of license; enhanced skills driving
23 school instructor. The license of each enhanced skills driving
24 school instructor may be renewed subject to the same conditions

1 of the original license, and upon the payment of annual renewal
2 license fee of \$70.

3 (625 ILCS 5/6-1007 new)

4 Sec. 6-1007. Licenses; form and filing. All applications
5 for renewal of an enhanced skills driving school license or
6 instructor's license shall be on a form prescribed by the
7 Secretary, and must be filed with the Secretary not less than
8 15 days preceding the expiration date of the license to be
9 renewed.

10 (625 ILCS 5/6-1008 new)

11 Sec. 6-1008. Instructor's records. Every enhanced skills
12 driving school shall keep records regarding instructors,
13 students, courses, and equipment, as required by
14 administrative rules prescribed by the Secretary. Such records
15 shall be open to the inspection of the Secretary or his
16 representatives at all reasonable times.

17 (625 ILCS 5/6-1009 new)

18 Sec. 6-1009. Denial, cancellation, suspension, revocation,
19 and failure to renew license. The Secretary may deny, cancel,
20 suspend or revoke, or refuse to renew any enhanced skills
21 driving school license or any enhanced skills driving school
22 instructor license:

23 (1) When the Secretary is satisfied that the licensee

1 fails to meet the requirements to receive or hold a license
2 under this Code;

3 (2) Whenever the licensee fails to keep records
4 required by this Code or by any rule prescribed by the
5 Secretary;

6 (3) Whenever the licensee fails to comply with any
7 provision of this Code or any rule of the Secretary made
8 pursuant thereto;

9 (4) Whenever the licensee represents himself or
10 herself as an agent or employee of the Secretary or uses
11 advertising designed to lead or which would reasonably have
12 the effect of leading persons to believe that such licensee
13 is in fact an employee or representative of the Secretary;

14 (5) Whenever the licensee or any employee or agent of
15 the licensee solicits driver training or instruction in an
16 office of any department of the Secretary of State having
17 to do with the administration of any law relating to motor
18 vehicles, or within 1,500 feet of any such office; or

19 (6) Whenever the licensee is convicted of driving while
20 under the influence of alcohol, other drugs, or a
21 combination thereof; leaving the scene of an accident;
22 reckless homicide or reckless driving.

23 (625 ILCS 5/6-1010 new)

24 Sec. 6-1010. Judicial review. The action of the Secretary
25 in canceling, suspending, revoking, or denying any license

1 under this Article shall be subject to judicial review in the
2 Circuit Court of Sangamon County or the Circuit Court of Cook
3 County, and the provisions of the Administrative Review Law and
4 the rules adopted pursuant thereto are hereby adopted and shall
5 apply to and govern every action for judicial review of the
6 final acts or decisions of the Secretary under this Article.

7 (625 ILCS 5/6-1011 new)

8 Sec. 6-1011. Injunctions. If any person, firm,
9 association, partnership, or corporation operates in violation
10 of any provision of this Article, or any rule, regulation,
11 order, or decision of the Secretary of State established under
12 this Article, or in violation of any term, condition, or
13 limitation of any license issued under this Article, the
14 Secretary of State, or any other person injured as a result, or
15 any interested person, may apply to the circuit court of the
16 county where the violation or some part occurred, or where the
17 person complained of has an established or additional place of
18 business or resides, to prevent the violation. The court may
19 enforce compliance by injunction or other process restraining
20 the person from further violation and compliance.

21 (625 ILCS 5/6-1012 new)

22 Sec. 6-1012. Rules and regulations. The Secretary is
23 authorized to prescribe by rule standards for the eligibility,
24 conduct, and operation of enhanced driver skills training

1 schools, and instructors and to adopt other reasonable rules
2 and regulations necessary to carry out the provisions of this
3 Article.

4 (625 ILCS 5/6-1013 new)

5 Sec. 6-1013. Deposit of fees. Fees collected under this
6 Article shall be deposited into the Road Fund.

7 Section 15. The Criminal Code of 1961 is amended by
8 changing Section 33-6 as follows:

9 (720 ILCS 5/33-6)

10 Sec. 33-6. Bribery to obtain driving privileges.

11 (a) A person commits the offense of bribery to obtain
12 driving privileges when:

13 (1) with intent to influence any act related to the
14 issuance of any driver's license or permit by an employee
15 of the Illinois Secretary of State's Office, or the owner
16 or employee of any commercial driver exam training school
17 licensed by the Illinois Secretary of State, or any other
18 individual authorized by the laws of this State to give
19 driving instructions or administer all or part of a
20 driver's license examination, he or she promises or tenders
21 to that person any property or personal advantage which
22 that person is not authorized by law to accept; or

23 (2) with intent to cause any person to influence any

1 act related to the issuance of any driver's license or
2 permit by an employee of the Illinois Secretary of State's
3 Office, or the owner or employee of any commercial driver
4 exam training school licensed by the Illinois Secretary of
5 State, or any other individual authorized by the laws of
6 this State to give driving instructions or administer all
7 or part of a driver's license examination, he or she
8 promises or tenders to that person any property or personal
9 advantage which that person is not authorized by law to
10 accept; or

11 (3) as an employee of the Illinois Secretary of State's
12 Office, or the owner or employee of any commercial driver
13 exam training school licensed by the Illinois Secretary of
14 State, or any other individual authorized by the laws of
15 this State to give driving instructions or administer all
16 or part of a driver's license examination, solicits,
17 receives, retains, or agrees to accept any property or
18 personal advantage that he or she is not authorized by law
19 to accept knowing that such property or personal advantage
20 was promised or tendered with intent to influence the
21 performance of any act related to the issuance of any
22 driver's license or permit; or

23 (4) as an employee of the Illinois Secretary of State's
24 Office, or the owner or employee of any commercial driver
25 exam training school licensed by the Illinois Secretary of
26 State, or any other individual authorized by the laws of

1 this State to give driving instructions or administer all
2 or part of a driver's license examination, solicits,
3 receives, retains, or agrees to accept any property or
4 personal advantage pursuant to an understanding that he or
5 she shall improperly influence or attempt to influence the
6 performance of any act related to the issuance of any
7 driver's license or permit.

8 (b) Sentence. Bribery to obtain driving privileges is a
9 Class 2 felony.

10 (Source: P.A. 93-783, eff. 1-1-05.)".