



Rep. Jeanne M Ives

Filed: 4/1/2016

09900HB5793ham001

LRB099 19230 AXK 46430 a

1 AMENDMENT TO HOUSE BILL 5793

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5793 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 27-24.9 as follows:

6 (105 ILCS 5/27-24.9)

7 Sec. 27-24.9. Driver education standards. The State Board  
8 of Education, in consultation with the Secretary of State,  
9 shall adopt course content standards for driver education for  
10 those persons under the age of 18 years, which shall include  
11 the operation and equipment of motor vehicles, and information  
12 concerning the proper procedures following a vehicle stop by a  
13 law enforcement officer, including the driver's rights, the  
14 officer's rights, appropriate questioning, required  
15 documentation, and any other information the Secretary, in  
16 consultation with the Department of State Police, deems

1 necessary.

2 (Source: P.A. 97-1025, eff. 1-1-13.)

3 Section 10. The Illinois Vehicle Code is amended by  
4 changing Sections 6-107.5 and 6-419 as follows:

5 (625 ILCS 5/6-107.5)

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

7 (a) The Secretary shall establish by rule the curriculum  
8 and designate the materials to be used in an adult driver  
9 education course. The course shall be at least 6 hours in  
10 length and shall include instruction on traffic laws; highway  
11 signs, signals, and markings that regulate, warn, or direct  
12 traffic; and issues commonly associated with motor vehicle  
13 accidents including poor decision-making, risk taking,  
14 impaired driving, distraction, speed, failure to use a safety  
15 belt, driving at night, failure to yield the right-of-way,  
16 texting while driving, using wireless communication devices,  
17 and alcohol and drug awareness. The course shall also include  
18 instruction on the proper procedures following a vehicle stop  
19 by a law enforcement officer, including the driver's rights,  
20 the officer's rights, appropriate questioning, required  
21 documentation, and any other information the Secretary, in  
22 consultation with the Department of State Police, deems  
23 necessary. The curriculum shall not require the operation of a  
24 motor vehicle.

1           (b) The Secretary shall certify course providers. The  
2 requirements to be a certified course provider, the process for  
3 applying for certification, and the procedure for decertifying  
4 a course provider shall be established by rule.

5           (b-5) In order to qualify for certification as an adult  
6 driver education course provider, each applicant must  
7 authorize an investigation that includes a fingerprint-based  
8 background check to determine if the applicant has ever been  
9 convicted of a criminal offense and, if so, the disposition of  
10 any conviction. This authorization shall indicate the scope of  
11 the inquiry and the agencies that may be contacted. Upon  
12 receiving this authorization, the Secretary of State may  
13 request and receive information and assistance from any  
14 federal, State, or local governmental agency as part of the  
15 authorized investigation. Each applicant shall submit his or  
16 her fingerprints to the Department of State Police in the form  
17 and manner prescribed by the Department of State Police. These  
18 fingerprints shall be checked against fingerprint records now  
19 and hereafter filed in the Department of State Police and  
20 Federal Bureau of Investigation criminal history record  
21 databases. The Department of State Police shall charge  
22 applicants a fee for conducting the criminal history record  
23 check, which shall be deposited into the State Police Services  
24 Fund and shall not exceed the actual cost of the State and  
25 national criminal history record check. The Department of State  
26 Police shall furnish, pursuant to positive identification,

1 records of Illinois criminal convictions to the Secretary and  
2 shall forward the national criminal history record information  
3 to the Secretary. Applicants shall pay any other  
4 fingerprint-related fees. Unless otherwise prohibited by law,  
5 the information derived from the investigation, including the  
6 source of the information and any conclusions or  
7 recommendations derived from the information by the Secretary  
8 of State, shall be provided to the applicant upon request to  
9 the Secretary of State prior to any final action by the  
10 Secretary of State on the application. Any criminal conviction  
11 information obtained by the Secretary of State shall be  
12 confidential and may not be transmitted outside the Office of  
13 the Secretary of State, except as required by this subsection  
14 (b-5), and may not be transmitted to anyone within the Office  
15 of the Secretary of State except as needed for the purpose of  
16 evaluating the applicant. At any administrative hearing held  
17 under Section 2-118 of this Code relating to the denial,  
18 cancellation, suspension, or revocation of certification of an  
19 adult driver education course provider, the Secretary of State  
20 may utilize at that hearing any criminal history, criminal  
21 conviction, and disposition information obtained under this  
22 subsection (b-5). The information obtained from the  
23 investigation may be maintained by the Secretary of State or  
24 any agency to which the information was transmitted. Only  
25 information and standards which bear a reasonable and rational  
26 relation to the performance of providing adult driver education

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

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

10 (1) the identity of the person taking the course  
11 online; and

12 (2) the person completes the entire course.

13 (d) The Secretary shall establish a method of electronic  
14 verification of a student's successful completion of the  
15 course.

16 (e) The fee charged by the course provider must bear a  
17 reasonable relationship to the cost of the course. The  
18 Secretary shall post on the Secretary of State's website a list  
19 of approved course providers, the fees charged by the  
20 providers, and contact information for each provider.

21 (f) In addition to any other fee charged by the course  
22 provider, the course provider shall collect a fee of \$5 from  
23 each student to offset the costs incurred by the Secretary in  
24 administering this program. The \$5 shall be submitted to the  
25 Secretary within 14 days of the day on which it was collected.  
26 All such fees received by the Secretary shall be deposited in

1 the Secretary of State Driver Services Administration Fund.

2 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

3 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

4 Sec. 6-419. Rules and Regulations. The Secretary is  
5 authorized to prescribe by rule standards for the eligibility,  
6 conduct and operation of driver training schools, and  
7 instructors and to adopt other reasonable rules and regulations  
8 necessary to carry out the provisions of this Act. The  
9 Secretary may adopt rules exempting particular types of driver  
10 training schools from specific statutory provisions in  
11 Sections 6-401 through 6-424, where application of those  
12 provisions would be inconsistent with the manner of instruction  
13 offered by those schools. The Secretary, in consultation with  
14 the State Board of Education, shall adopt course content  
15 standards for driver education for those persons under the age  
16 of 18 years, which shall include the operation and equipment of  
17 motor vehicles, and information concerning the proper  
18 procedures following a vehicle stop by a law enforcement  
19 officer, including the driver's rights, the officer's rights,  
20 appropriate questioning, required documentation, and any other  
21 information the Secretary, in consultation with the Department  
22 of State Police, deems necessary.

23 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229,  
24 eff. 7-28-11; 97-1025, eff. 1-1-13.)"