**Section 1060.20 Requirements for School Licenses**

a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training school license:

1) Unless the applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, that has been safety-inspected and insurance-certified as required pursuant to IVC Section 6-402(d) for use by the school for driver training purposes and driving instruction.

2) Unless the applicant has at least one person who is employed by or associated with the school and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school.

3) Unless the physical facilities meet the requirements of this Part.

4) Unless the applicant is of good moral character as required pursuant to IVC Section 6-402(a). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

A) Whether the applicant has been convicted of a felony or a misdemeanor. The Department shall consider:

i) The relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school;

ii) The length of time that has elapsed since the applicant's last criminal conviction;

iii) Whether the applicant successfully completed any sentence imposed with the convictions;

iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.

B) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled.

i) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on the person's record in accordance with Section 1060.190(b) shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the IVC.

ii) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the IVC.

iii) If the person whose commercial driver training school license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the IVC.

5) To any licensed school owner who, during the course of any and all interaction with students:

A) engaged in activity that puts the student in danger; or

B) engaged in reckless behavior; or

C) failed to maintain a professional relationship with students at all times.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified, are already licensed, or have applied for another driver training school license.

c) The applicant shall not be a current salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

d) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur that would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities that are not up to standards only for the duration of the courses that have been started, if the Director of the Department consents. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local ordinance or State or federal law or regulation before the Director of the Department shall give consent. No new course can be started until facilities meet the minimum requirements for licensing.

e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of $10,000 for a non-accredited school, $40,000 for a CDL or teen accredited school, $60,000 for a CDL accredited and teen accredited school, $50,000 for a CDL or teen accredited school with three or more licensed branches, $70,000 for a CDL accredited and teen accredited school with three or more licensed branches, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students as provided in IVC Section 6-402(e). All bonds filed pursuant to this provision shall be in substantially the following form:

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| Know All Persons by These Presents, That  We, | | |  | | |  |
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|  | | | | | , |
| hereinafter referred to as Principal and |  | | | , a | |
| corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of $10,000 for a non-accredited school, $40,000 for a CDL or teen accredited school, $60,000 for a CDL accredited and teen accredited school, $50,000 for a CDL or teen accredited school with three or more licensed branches, $70,000 for a CDL accredited and teen accredited school with three or more licensed branches, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The condition of this obligation is such that the principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a driver training school. If the Principal faithfully complies with the Illinois Vehicle Code and all rules and regulations that have been or may hereafter be in force concerning the license or permit, and shall save and keep harmless the Obligees from all loss or damage that may be sustained as a result of the issuance of the license or permit to the Principal, this obligation shall be void; otherwise, this obligation shall remain in full force and effect. The bond will expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving 30 days written notice to the Commercial Driver Training School Section of the Driver Services Department, 1800 W. Hawthorne Lane, West Chicago, Illinois 60185, and the Surety shall not be liable for any default after that 30-day notice period, except for defaults occurring prior thereto. | | | | | |

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| Signed, Sealed and Dated this | | | | |  | day of |  | , 20\_\_. |
| Principal | | |  | | | | |
| Surety | |  | | | | | |
| By |  | | | | | | |
|  | Attorney-in-fact | | | | | | |

f) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5.

h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.

i) Licenses shall be issued by the Department.

j) An owner shall not knowingly use unlicensed instructors for the purpose of classroom or behind the wheel instruction.

k) An owner or applicant shall not be employed as an administrator and/or teacher of a State-approved high school driver education program.

l) An owner of a commercial driver training school that provides motorcycle instruction shall not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

m) An individual whose commercial driver training school license has been denied, cancelled, suspended or revoked  pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

(Source: Amended at 46 Ill. Reg. 6670, effective April 11, 2022)