**Section 1065.70 Requirements to Obtain and Retain an Enhanced Skills Driving School Instructor's License**

a) The Department shall not issue, or shall deny, cancel, suspend or revoke, an ESDS instructor's license:

1) To any person who:

A) does not have a current, valid driver's license;

B) has not held a valid driver's license for any two year period preceding the date of application for an instructor's license;

C) intends to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30(e) and (f);

D) has not held the representative classification for three consecutive years immediately prior to the date of application;

E) has been convicted of three or more offenses against traffic regulations governing the movement of traffic within the two year period immediately preceding the date of application for an instructor's license;

F) has had two or more convictions of a violation that caused an auto accident within the two year period immediately preceding the date of application for an instructor's license;

G) is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle;

H) fails to properly and fully complete an application for a license or otherwise indicates that he/she is unqualified to receive an enhanced driving skills instructor's license;

I) is not employed or associated with an ESDS;

J) is currently a salaried or contractual employee of the Secretary of State;

K) fails to supply a complete set of fingerprints to the Department so that a background check may be completed;

L) is not at least 21 years of age;

M) is not of good moral character as required pursuant to IVC Section 6-1004(1). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

i) If the person has been convicted of a felony or a misdemeanor, the relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school and the length of time that has elapsed since the applicant's last criminal conviction;

ii) 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 if:

• the person whose ESDS instructor licenses has been denied or cancelled under this Part is found "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with Section 1065.85(b) shall stand.  This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;

• the person is found "not guilty" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded.  This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;

• the person is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on the license in accordance with Section 1065.85(b) shall be rescinded.  This action does not preclude further suspension and/or revocation of the ESDS instructor license under another Section of this Part or the IVC;

N) holds a driver's license that has had a revocation that has terminated within 10 years prior to the date of application;

O) has ever been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof, leaving the scene of an accident, reckless homicide, or reckless driving.

b) If an applicant indicates that he/she has been convicted of a felony or misdemeanor, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

c) No ESDS instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license.  An instructor may hold two classifications, one classification from Classes A, B, C and D and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(e) and (f). An instructor holding a Class A commercial driver's license may teach enhanced driving skills in Classes A, B, C and D vehicles.  An instructor holding a Class B commercial driver's license may teach enhanced driving skills in Classes B, C and D vehicles.  An instructor holding a Class C commercial driver's license may teach enhanced driving skills in Classes C and D vehicles.  However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license.  An instructor holding a Class M license may teach students enhanced driving skills in Classes L and M vehicles.

d) All instructors who have ceased to be employed or associated with the school designated on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after the cessation.

e) An instructor shall not engage in fraudulent activity as defined in Section 1065.10.

f) During the course of instruction, an instructor shall not engage in any non-school related activity that puts the student in danger.

g) A licensed ESDS instructor who holds a license from a state other than Illinois must provide the Department with a copy of his/her current driving record with the original application and every six months subsequent to licensure.