**Section 1066.20 Requirements for Online Only Adult Education Course Providers**

a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, an online only adult education course provider certification:

1) Unless the applicant/provider is of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider, the following:

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

i) The relationship of any crime of which the applicant/provider has been convicted to the ability to operate an online only adult driver education course;

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

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

iv) Whether the applicant/provider 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 certification shall be either denied or cancelled.

i) If the person whose certification has been denied or cancelled under this Part is adjudicated "guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.

ii) If the person whose certification has been denied or cancelled under this Part is adjudicated "not guilty" by the court, the denial or cancellation previously entered on his/her record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.

iii) If the person whose certification has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court, the denial or cancellation previously entered on his/her record in accordance this with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the certification under another Section of this Part or the IVC.

2) To any owner or employee who, during the course of 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.

3) Unless the applicant/provider files and maintains with the Department a continuous surety bond in the principal sum of $50,000, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of $50,000. The surety on any bond may cancel the bond on giving 30 days notice in writing to the Secretary of State and shall be relieved of liability for any breach of any conditions of the bond that occurs after the effective date of cancellation. All bonds filed pursuant to this provision shall be in substantially the following form:

|  |  |
| --- | --- |
| Know All Persons by These Presents, That We, |  |
|  |  | , of |
|  |  | , |
|  | 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 $50,000, 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 to the Illinois Secretary of State for certification for the purpose of exercising the vocation of an online only adult education course provider.  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 Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, 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 |

4) Unless the Secretary is satisfied that the applicant/provider has established adequate procedures for verifying the identity of the student taking the course and ensuring that the student completes the course in its entirety.

5) Unless the applicant submits a copy of its course content, conforming with Section 1066.45, to the Department for review and approval, including the questions and answers on the quizzes and final examination.

6) If a provider fails to immediately report to the Department any unauthorized access to consumer information, including computer breaches, or fails to comply with the Illinois Personal Information Protection Act [815 ILCS 530/5].

7) If the applicant/provider is an Illinois corporation, unless the corporation is in good standing with the Illinois Secretary of State, Department of Business Services.

8) If the applicant/provider is a foreign corporation, unless the corporation is authorized to transact business in Illinois, as evidenced by submission of an Application for Authority to Transact Business in Illinois and acceptance of the same by the Illinois Secretary of State, Department of Business Services.

9) If the applicant/provider is a foreign limited liability company, unless the limited liability company is authorized to transact business in Illinois, as evidenced by submission of an Application for Admission to Transact Business and acceptance of that application by the Illinois Secretary of State, Department of Business Services.

10) If the owner or any employee of the applicant/provider is a current salaried or contractual employee of the Secretary of State.

11) If an applicant/provider, owner or manager engages in fraudulent activity as defined in Section 1066.5.

12) If an applicant, owner or employee has been declared to have engaged in fraudulent activity within the 5 years prior to making application for certification.

13) If an applicant/provider or owner owes outstanding fees to the Secretary of State.

14) If an applicant/provider sells or discloses any consumer information or fails to post a statement indicating consumer information will not be sold or disclosed on its website.

15) If an applicant/provider requests the social security number of students.

16) If a provider fails to immediately report to the Department any unauthorized access to consumer information, including computer breaches.

17) Unless the provider/applicant maintains a staffed customer service telephone number or live agent online support local Illinois time between 9:00 a.m. and 9:00 p.m. CST Monday through Friday and between 9:00 a.m. and 7:00 p.m. Saturday and also maintains an email address or voice mail or answering service 24 hours a day, 7 days a week. All inquiries must be resolved within 48 hours after first contact.

18) Unless the provider/applicant provides the Department with a detailed description of each position involved in every facet of the adult driver education course, with contact information for each employee. The provider must report any staffing changes to the Department within 72 hours after the change.

19) If the provider uses voice recognition as a method of verification, unless the provider furnishes a toll free number for the purposes of providing the required voice exemplars.

b) Only one provider certification shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny an application for certification as a provider if any of the applicants are unqualified, are already certified or have made application as another provider.

c) Upon receipt of a properly executed application for certification, the Department shall investigate the qualifications of the applicant to determine whether the application should be granted or denied.

d) Certifications may only be issued by the Department.

e) An entity whose certification has been denied, cancelled, suspended or revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

f) All monies required to be remitted by a provider to the Department must be submitted in United States currency.