**Section 1457.80 Requirements to Show Fitness**

The applicant shall present clear and convincing evidence that fitness has been established for the issuance of the requested authority.

a) In determining whether the applicant is fit to operate as a household goods carrier, the Illinois Commerce Commission shall require proof of the following factors:

1) The applicant has attended a seminar regarding this Part conducted or approved by the Commission's Compliance Advisory Service;

2) The applicant has obtained a 75% or better passing grade on a written test administered by the Commission that tests the applicant's knowledge of this Part related to the requested authority.

A) The applicant may not take this test more than once in any seven day period;

B) An applicant may not have more than one partner or controlling stockholder take this test in any seven day period;

3) The applicant possesses, or can acquire, equipment and facilities of a type required for the transport of household goods as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment that is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);

4) The applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;

5) The financial condition of the applicant as represented by the completed financial statement (Supporting Document FIS, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements;

6) Required insurance coverage on file with the Commission including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].

b) In determining whether the applicant is fit to operate as a household goods carrier, the Commission shall consider the following:

1) The applicant's safety record as evidenced by a certification or record from the Federal Motor Carrier Safety Administration of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:

A) Any motor carrier safety citations issued against the applicant during the three years preceding application; and

B) Whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application.

2) Any citations or disciplinary actions against the applicant to determine whether a pattern of violations exists and will consider the severity of the violations.

3) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he/she was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.

4) Whether the applicant is currently, or has been, the subject of civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been, the subject of prior civil penalty action, the Commission shall consider:

A) Whether the violations were committed knowingly and willfully;

B) Whether the violations caused economic harm to authorized carriers;

C) Whether a pattern of violations exists;

D) The applicant's cooperation in resolving previous violations; and

E) Whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.

5) Other facts that may bear on the applicant's fitness to hold the license applied for.

c) For purposes of subsections (a)(1) and (2) and (b)(4) of this Section, "applicant" shall mean proprietors, partners, a member or manager of a limited liability company, or, in the case of a corporation, an officer or anyone holding a controlling interest in the corporation.

(Source: Amended at 28 Ill. Reg. 3840, effective March 1, 2004)