**Section 1710.22 Policy on Applications**

a) Relocator's Licenses.

1) The Commission shall consider, with regard to applications for new or renewed relocator's licenses, the criminal conviction records (see Section 1710.22(b)(1)) of the applicant, its owners or controllers, directors, officers, members, managers, employees and agents; the safety record of those persons; the compliance record of those persons; the equipment, facilities and storage lots of the applicant; and other facts that may bear on their fitness to hold the license.

2) The Fitness Test.

A) No person shall be deemed fit to hold a relocator's license unless the person:

i) Owns, or has exclusive possession of under a written lease with a term of at least 1 year, at least one storage lot that meets the requirements of Subpart M;

ii) Employs sufficient full-time employees at each storage lot to comply with Section 1710.123;

iii) Owns or has under exclusive lease at least 2 tow trucks dedicated to use under the relocator's license;

iv) Employs at least 2 individuals who will work as the relocator's operators; and

v) Is in compliance with Section 4 of the Illinois Workers' Compensation Act [820 ILCS 305/4].

B) If the person is an applicant for a new relocator's license or the extension of a relocator's license, the requirements of subsection (a)(2)(A) must be met at the time of the hearing.

C) If the person is an applicant for renewal of a relocator's license, the requirements of subsection (a)(2)(A) must have been met throughout the previous year.

D) Each applicant for a relocator's license shall have the burden of proving its fitness by clear and convincing evidence.

b) Operator's and Dispatcher's Employment Permits.

1) The Commission shall consider, with regard to applications for new or renewed operator's and dispatcher's employment permits, any record of the applicant of convictions involving injury or death to persons, use of a deadly weapon, injury to property, or unlawful taking of property; crimes relevant to the determination of the credibility of a witness; or of violation of the Law or this Part.

2) No provisional employment permits shall be issued to persons who have been convicted of crimes specified in subsection (b)(1) within the 5 year period preceding filing of the application, or to persons who are defendants in pending criminal proceedings involving those crimes. The Commission may deny a provisional employment permit to any person with a record of violations of the Law or this Part. In determining whether to deny a provisional employment permit on the basis of violations of the Law or this Part, the Commission will consider such factors as the type of violation, when the violation occurred, and the age of the applicant at the time of the violation. The Commission may also deny a provisional employment permit on the basis of the applicant's criminal or driving record, in the case of an application for a provisional operator's employment permit, or on the basis of the applicant's criminal record, in the case of an application for a provisional dispatcher's employment permit. In determining whether to deny a provisional employment permit on the basis of a criminal or driving record, the Commission will consider such factors as the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.

3) When the applicant has a record of convictions for crimes specified in subsection (b)(1), or the applicant was convicted for those crimes, or the applicant was convicted more than 5 years prior to filing the application, or the applicant has a record of violations of the Law or this Part, the application for a permanent employment permit shall be set for hearing.

4) Applications for operator's employment permits shall be accompanied by written proof from the Secretary of State that the applicant has a valid driver's license.

5) No person under the age of 18 years shall be issued an operator's employment permit.

6) A spotter must obtain a dispatcher's or operator's employment permit prior to performing spotting services for a relocator.

c) In making the finding that an applicant previously convicted constitutes no threat to public safety (see 625 ILCS 5/18a-404(c)), the Commission will consider such factors as the findings of the convicting court, the sentence imposed, the age of the applicant at the time of conviction, the age at the time of application, the nature of the arrest, and the length of time since the arrest that resulted in the conviction.

(Source: Amended at 34 Ill. Reg. 18470, effective January 1, 2011)