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1 AMENDMENT TO SENATE BILL 2217

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2217 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Transportation Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Section 2705-125 as follows:

7 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

8 Sec. 2705-125. Safety inspection of motor vehicles;  
9 transfer from various State agencies. The Department has the  
10 power to administer, exercise, and enforce the rights, powers,  
11 and duties presently vested in the Department of State Police  
12 and the Division of State Troopers under the Illinois Vehicle  
13 Inspection Law, in the Illinois Commerce Commission, in the  
14 State Board of Education, and in the Secretary of State under  
15 laws relating to the safety inspection of motor vehicles  
16 operated by common carriers, of school buses, and of motor

1 vehicles used in the transportation of school children and  
2 motor vehicles used in driver exam training schools for hire  
3 licensed under Article IV of the Illinois Driver Licensing Law  
4 or under any other law relating to the safety inspection of  
5 motor vehicles of the second division as defined in the  
6 Illinois Vehicle Code.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing the heading of Article IV of Chapter 6 and Sections  
10 1-103, 6-103, 6-401, 6-402, 6-403, 6-404, 6-405, 6-406, 6-407,  
11 6-408, 6-408.5, 6-409, 6-410, 6-411, 6-412, 6-413, 6-414,  
12 6-415, 6-416, 6-417, 6-419, 6-420, and 6-422 and by adding  
13 Article X to Chapter 6 as follows:

14 (625 ILCS 5/1-103) (from Ch. 95 1/2, par. 1-103)

15 Sec. 1-103. Approved driver education course. (a) Any  
16 course of driver education approved by the State Board of  
17 Education, offered by public or private schools maintaining  
18 grades 9 through 12, and meeting at least the minimum  
19 requirements of the "Driver Education Act", as now or hereafter  
20 amended, ~~or~~ (b) any course of driver education offered by a  
21 school licensed to give driver education instructions under  
22 this Act which meets at least the minimum educational  
23 requirements of the "Driver Education Act", as now or hereafter  
24 amended, and is approved by the State Board of Education, ~~or~~

1 (c) any course of driver education given in another State to an  
2 Illinois resident attending school in such State and approved  
3 by the State administrator of the Driver Education Program of  
4 such other State, or (d) any course of driver education given  
5 at a Department of Defense Education Activity school that is  
6 approved by the Department of Defense Education Activity and  
7 taught by an adult driver education instructor or traffic  
8 safety officer.

9 (Source: P.A. 81-1508.)

10 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

11 Sec. 6-103. What persons shall not be licensed as drivers  
12 or granted permits. The Secretary of State shall not issue,  
13 renew, or allow the retention of any driver's license nor issue  
14 any permit under this Code:

15 1. To any person, as a driver, who is under the age of  
16 18 years except as provided in Section 6-107, and except  
17 that an instruction permit may be issued under Section  
18 6-107.1 to a child who is not less than 15 years of age if  
19 the child is enrolled in an approved driver education  
20 course as defined in Section 1-103 of this Code and  
21 requires an instruction permit to participate therein,  
22 except that an instruction permit may be issued under the  
23 provisions of Section 6-107.1 to a child who is 17 years  
24 and 3 months of age without the child having enrolled in an  
25 approved driver education course and except that an

1 instruction permit may be issued to a child who is at least  
2 15 years and 6 months of age, is enrolled in school, meets  
3 the educational requirements of the Driver Education Act,  
4 and has passed examinations the Secretary of State in his  
5 or her discretion may prescribe;

6 2. To any person who is under the age of 18 as an  
7 operator of a motorcycle other than a motor driven cycle  
8 unless the person has, in addition to meeting the  
9 provisions of Section 6-107 of this Code, successfully  
10 completed a motorcycle training course approved by the  
11 Illinois Department of Transportation and successfully  
12 completes the required Secretary of State's motorcycle  
13 driver's examination;

14 3. To any person, as a driver, whose driver's license  
15 or permit has been suspended, during the suspension, nor to  
16 any person whose driver's license or permit has been  
17 revoked, except as provided in Sections 6-205, 6-206, and  
18 6-208;

19 4. To any person, as a driver, who is a user of alcohol  
20 or any other drug to a degree that renders the person  
21 incapable of safely driving a motor vehicle;

22 5. To any person, as a driver, who has previously been  
23 adjudged to be afflicted with or suffering from any mental  
24 or physical disability or disease and who has not at the  
25 time of application been restored to competency by the  
26 methods provided by law;

1           6. To any person, as a driver, who is required by the  
2 Secretary of State to submit an alcohol and drug evaluation  
3 or take an examination provided for in this Code unless the  
4 person has successfully passed the examination and  
5 submitted any required evaluation;

6           7. To any person who is required under the provisions  
7 of the laws of this State to deposit security or proof of  
8 financial responsibility and who has not deposited the  
9 security or proof;

10          8. To any person when the Secretary of State has good  
11 cause to believe that the person by reason of physical or  
12 mental disability would not be able to safely operate a  
13 motor vehicle upon the highways, unless the person shall  
14 furnish to the Secretary of State a verified written  
15 statement, acceptable to the Secretary of State, from a  
16 competent medical specialist to the effect that the  
17 operation of a motor vehicle by the person would not be  
18 inimical to the public safety;

19          9. To any person, as a driver, who is 69 years of age  
20 or older, unless the person has successfully complied with  
21 the provisions of Section 6-109;

22          10. To any person convicted, within 12 months of  
23 application for a license, of any of the sexual offenses  
24 enumerated in paragraph 2 of subsection (b) of Section  
25 6-205;

26          11. To any person who is under the age of 21 years with

1 a classification prohibited in paragraph (b) of Section  
2 6-104 and to any person who is under the age of 18 years  
3 with a classification prohibited in paragraph (c) of  
4 Section 6-104;

5 12. To any person who has been either convicted of or  
6 adjudicated under the Juvenile Court Act of 1987 based upon  
7 a violation of the Cannabis Control Act, the Illinois  
8 Controlled Substances Act, or the Methamphetamine Control  
9 and Community Protection Act while that person was in  
10 actual physical control of a motor vehicle. For purposes of  
11 this Section, any person placed on probation under Section  
12 10 of the Cannabis Control Act, Section 410 of the Illinois  
13 Controlled Substances Act, or Section 70 of the  
14 Methamphetamine Control and Community Protection Act shall  
15 not be considered convicted. Any person found guilty of  
16 this offense, while in actual physical control of a motor  
17 vehicle, shall have an entry made in the court record by  
18 the judge that this offense did occur while the person was  
19 in actual physical control of a motor vehicle and order the  
20 clerk of the court to report the violation to the Secretary  
21 of State as such. The Secretary of State shall not issue a  
22 new license or permit for a period of one year;

23 13. To any person who is under the age of 18 years and  
24 who has committed the offense of operating a motor vehicle  
25 without a valid license or permit in violation of Section  
26 6-101;

1           14. To any person who is 90 days or more delinquent in  
2 court ordered child support payments or has been  
3 adjudicated in arrears in an amount equal to 90 days'  
4 obligation or more and who has been found in contempt of  
5 court for failure to pay the support, subject to the  
6 requirements and procedures of Article VII of Chapter 7 of  
7 the Illinois Vehicle Code;

8           14.5. To any person certified by the Illinois  
9 Department of Healthcare and Family Services as being 90  
10 days or more delinquent in payment of support under an  
11 order of support entered by a court or administrative body  
12 of this or any other State, subject to the requirements and  
13 procedures of Article VII of Chapter 7 of this Code  
14 regarding those certifications;

15           15. To any person released from a term of imprisonment  
16 for violating Section 9-3 of the Criminal Code of 1961 or a  
17 similar provision of a law of another state relating to  
18 reckless homicide or for violating subparagraph (F) of  
19 paragraph (1) of subsection (d) of Section 11-501 of this  
20 Code relating to aggravated driving under the influence of  
21 alcohol, other drug or drugs, intoxicating compound or  
22 compounds, or any combination thereof, if the violation was  
23 the proximate cause of a death, within 24 months of release  
24 from a term of imprisonment;

25           16. To any person who, with intent to influence any act  
26 related to the issuance of any driver's license or permit,

1 by an employee of the Secretary of State's Office, or the  
2 owner or employee of any commercial driver exam training  
3 school licensed by the Secretary of State, or any other  
4 individual authorized by the laws of this State to give  
5 driving instructions or administer all or part of a  
6 driver's license examination, promises or tenders to that  
7 person any property or personal advantage which that person  
8 is not authorized by law to accept. Any persons promising  
9 or tendering such property or personal advantage shall be  
10 disqualified from holding any class of driver's license or  
11 permit for 120 consecutive days. The Secretary of State  
12 shall establish by rule the procedures for implementing  
13 this period of disqualification and the procedures by which  
14 persons so disqualified may obtain administrative review  
15 of the decision to disqualify;

16 17. To any person for whom the Secretary of State  
17 cannot verify the accuracy of any information or  
18 documentation submitted in application for a driver's  
19 license; or

20 18. To any person who has been adjudicated under the  
21 Juvenile Court Act of 1987 based upon an offense that is  
22 determined by the court to have been committed in  
23 furtherance of the criminal activities of an organized  
24 gang, as provided in Section 5-710 of that Act, and that  
25 involved the operation or use of a motor vehicle or the use  
26 of a driver's license or permit. The person shall be denied



1 a license or permit for the period determined by the court.

2 The Secretary of State shall retain all conviction  
3 information, if the information is required to be held  
4 confidential under the Juvenile Court Act of 1987.

5 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;  
6 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; 95-876, eff.  
7 8-21-08.)

8 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

9 Sec. 6-401. Driver exam training schools for preparation  
10 for examination given by Secretary of State-license required.

11 No person, firm, association, partnership or corporation shall  
12 operate a driver exam training school or engage in the business  
13 of giving instruction for hire or for a fee in the driving of  
14 motor vehicles for ~~or in~~ the preparation of an applicant for  
15 examination given by the Secretary of State for a drivers  
16 license or permit, unless a license therefor has been issued by  
17 the Secretary. No public schools or educational institutions  
18 shall contract with entities engaged in the business of giving  
19 instruction for hire or for a fee in the driving of motor  
20 vehicles for ~~or in~~ the preparation of an applicant for  
21 examination given by the Secretary of State for a driver's  
22 license or permit, unless a license therefor has been issued by  
23 the Secretary.

24 This Section shall not apply to (i) public schools or to  
25 educational institutions in which driving instruction is part

1 of the curriculum, ~~or (ii) to~~ employers giving instruction to  
2 their employees, or (iii) schools that teach enhanced driving  
3 skills to licensed drivers as set forth in Article X of Chapter  
4 6 of this Code.

5 (Source: P.A. 93-408, eff. 1-1-04.)

6 (625 ILCS 5/Ch. 6 Art. IV heading)

7 ARTICLE IV. COMMERCIAL DRIVER EXAM TRAINING SCHOOLS

8 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

9 Sec. 6-402. Qualifications of driver exam training  
10 schools. In order to qualify for a license to operate a driver  
11 exam training school, each applicant must:

12 (a) be of good moral character;

13 (b) be at least 21 years of age;

14 (c) maintain an established place of business open to  
15 the public which meets the requirements of Section 6-403  
16 through 6-407;

17 (d) maintain bodily injury and property damage  
18 liability insurance on motor vehicles while used in driving  
19 exam instruction, insuring the liability of the driving  
20 school, the driving instructors and any person taking  
21 instruction in at least the following amounts: \$50,000 for  
22 bodily injury to or death of one person in any one accident  
23 and, subject to said limit for one person, \$100,000 for  
24 bodily injury to or death of 2 or more persons in any one

1 accident and the amount of \$10,000 for damage to property  
2 of others in any one accident. Evidence of such insurance  
3 coverage in the form of a certificate from the insurance  
4 carrier shall be filed with the Secretary of State, and  
5 such certificate shall stipulate that the insurance shall  
6 not be cancelled except upon 10 days prior written notice  
7 to the Secretary of State. The decal showing evidence of  
8 insurance shall be affixed to the windshield of the  
9 vehicle;

10 (e) provide a continuous surety company bond in the  
11 principal sum of \$20,000 for the protection of the  
12 contractual rights of students in such form as will meet  
13 with the approval of the Secretary of State and written by  
14 a company authorized to do business in this State. However,  
15 the aggregate liability of the surety for all breaches of  
16 the condition of the bond in no event shall exceed the  
17 principal sum of \$20,000. The surety on any such bond may  
18 cancel such bond on giving 30 days notice thereof in  
19 writing to the Secretary of State and shall be relieved of  
20 liability for any breach of any conditions of the bond  
21 which occurs after the effective date of cancellation;

22 (f) have the equipment necessary to the giving of  
23 proper instruction in the operation of motor vehicles;

24 (g) have and use a business telephone listing for all  
25 business purposes;

26 (h) pay to the Secretary of State an application fee of

1           \$500 and \$50 for each branch application; and

2           (i) authorize an investigation to include a  
3 fingerprint based background check to determine if the  
4 applicant has ever been convicted of a crime and if so, the  
5 disposition of those convictions. The authorization shall  
6 indicate the scope of the inquiry and the agencies that may  
7 be contacted. Upon this authorization, the Secretary of  
8 State may request and receive information and assistance  
9 from any federal, State, or local governmental agency as  
10 part of the authorized investigation. Each applicant shall  
11 have his or her fingerprints submitted to the Department of  
12 State Police in the form and manner prescribed by the  
13 Department of State Police. The fingerprints shall be  
14 checked against the Department of State Police and Federal  
15 Bureau of Investigation criminal history record  
16 information databases. The Department of State Police  
17 shall charge a fee for conducting the criminal history  
18 records check, which shall be deposited in the State Police  
19 Services Fund and shall not exceed the actual cost of the  
20 records check. The applicant shall be required to pay all  
21 related fingerprint fees including, but not limited to, the  
22 amounts established by the Department of State Police and  
23 the Federal Bureau of Investigation to process fingerprint  
24 based criminal background investigations. The Department  
25 of State Police shall provide information concerning any  
26 criminal convictions and disposition of criminal

1 convictions brought against the applicant upon request of  
2 the Secretary of State provided that the request is made in  
3 the form and manner required by the Department of the State  
4 Police. Unless otherwise prohibited by law, the  
5 information derived from the investigation including the  
6 source of the information and any conclusions or  
7 recommendations derived from the information by the  
8 Secretary of State shall be provided to the applicant, or  
9 his designee, upon request to the Secretary of State, prior  
10 to any final action by the Secretary of State on the  
11 application. Any criminal convictions and disposition  
12 information obtained by the Secretary of State shall be  
13 confidential and may not be transmitted outside the Office  
14 of the Secretary of State, except as required herein, and  
15 may not be transmitted to anyone within the Office of the  
16 Secretary of State except as needed for the purpose of  
17 evaluating the applicant. The information obtained from  
18 the investigation may be maintained by the Secretary of  
19 State or any agency to which the information was  
20 transmitted. Only information and standards, which bear a  
21 reasonable and rational relation to the performance of a  
22 driver exam training school owner, shall be used by the  
23 Secretary of State. Any employee of the Secretary of State  
24 who gives or causes to be given away any confidential  
25 information concerning any criminal charges or disposition  
26 of criminal charges of an applicant shall be guilty of a

1 Class A misdemeanor, unless release of the information is  
2 authorized by this Section.

3 No license shall be issued under this Section to a person  
4 who is a spouse, offspring, sibling, parent, grandparent,  
5 grandchild, uncle or aunt, nephew or niece, cousin, or in-law  
6 of the person whose license to do business at that location has  
7 been revoked or denied or to a person who was an officer or  
8 employee of a business firm that has had its license revoked or  
9 denied, unless the Secretary of State is satisfied the  
10 application was submitted in good faith and not for the purpose  
11 or effect of defeating the intent of this Code.

12 (Source: P.A. 93-408, eff. 1-1-04.)

13 (625 ILCS 5/6-403) (from Ch. 95 1/2, par. 6-403)

14 Sec. 6-403. Established Place of Business.

15 The established place of business of each driver exam  
16 training school must be owned or leased by the driver exam  
17 training school and regularly occupied and primarily used by  
18 that driver exam training school for the business of selling  
19 and giving driving instructions for hire or for a fee, and the  
20 business of preparing members of the public for examination  
21 given by the Secretary of State for a drivers license.

22 (Source: P.A. 76-1586.)

23 (625 ILCS 5/6-404) (from Ch. 95 1/2, par. 6-404)

24 Sec. 6-404. Location of Schools.

1           The established place of business of each driver exam  
2 training school must be located in a district which is zoned  
3 for business or commercial purposes. The driver exam training  
4 school office must have a permanent sign clearly readable from  
5 the street, from a distance of no less than 100 feet, with the  
6 name of the driving exam school upon it.

7           (Source: P.A. 76-1753.)

8           (625 ILCS 5/6-405) (from Ch. 95 1/2, par. 6-405)

9           Sec. 6-405. Restrictions of Locations.

10          The established place of business, or branch office, branch  
11 class room or advertised address of any driver exam training  
12 school shall not consist of or include a house trailer,  
13 residence, tent, temporary stand, temporary address, office  
14 space, a room or rooms in a hotel, rooming house or apartment  
15 house, or premises occupied by a single or multiple unit  
16 dwelling house or telephone answering service.

17          (Source: P.A. 76-1586.)

18          (625 ILCS 5/6-406) (from Ch. 95 1/2, par. 6-406)

19          Sec. 6-406. Required Facilities.

20          (a) The established place of business of each driver exam  
21 training school must consist of at least the following  
22 permanent facilities:

23           (1) An office facility;

24           (2) A class room facility.

1 (b) The main class room facility of each driver exam  
2 training school must be reasonably accessible to the main  
3 office facility of the driver exam training school.

4 (c) All class room facilities must have adequate lighting,  
5 heating, ventilation, and must comply with all state, and local  
6 laws relating to public health, safety and sanitation.

7 (d) The main office facility and branch office facility of  
8 each driver exam training school must contain sufficient space,  
9 equipment, records and personnel to carry on the business of  
10 the driver exam training school. The main office facility must  
11 be specifically devoted to driver exam training school  
12 business.

13 (e) A driver exam training school which as an established  
14 place of business and a main office facility, may operate a  
15 branch office or a branch class room provided that all the  
16 requirements for the main office or main class room are met and  
17 that such branch office bears the same name and is operated as  
18 a part of the same business entity as the main office facility.

19 (f) No driver exam training school may share any main or  
20 branch facility or facilities with any other driver exam  
21 training school.

22 (Source: P.A. 76-1586.)

23 (625 ILCS 5/6-407) (from Ch. 95 1/2, par. 6-407)

24 Sec. 6-407. Locations and State Facilities.

25 No office or place of business of a driver exam training



1 school shall be established within 1,500 feet of any building  
2 used as an office by any department of the Secretary of State  
3 having to do with the administration of any laws relating to  
4 motor vehicles, nor may any driving school solicit or advertise  
5 for business within 1,500 feet of any building used as an  
6 office by the Secretary of State having to do with the  
7 administration of any laws relating to motor vehicles.

8 (Source: P.A. 76-1586.)

9 (625 ILCS 5/6-408) (from Ch. 95 1/2, par. 6-408)

10 Sec. 6-408. Records.

11 All driver exam training schools licensed by the Secretary  
12 of State must maintain a permanent record of instructions given  
13 to each student. The record must contain the name of the school  
14 and the name of the student, the number of all licenses or  
15 permits held by the student, the type and date of instruction  
16 given, whether class room or behind the wheel, and the  
17 signature of the instructor.

18 All permanent student instruction records must be kept on  
19 file in the main office of each driver exam training school for  
20 a period of 3 calendar years after the student has ceased  
21 taking instruction at or with the school.

22 The records should show the fees and charges of the school  
23 and also the record should show the course content and  
24 instructions given to each student.

25 (Source: P.A. 76-1754.)

1 (625 ILCS 5/6-408.5)

2 Sec. 6-408.5. Courses for students or high school dropouts;  
3 limitation.

4 (a) No driver exam training school or driving exam training  
5 instructor licensed under this Act may request a certificate of  
6 completion from the Secretary of State as provided in Section  
7 6-411 for any person who is enrolled as a student in any public  
8 or non-public secondary school at the time such instruction is  
9 to be provided, or who was so enrolled during the semester last  
10 ended if that instruction is to be provided between semesters  
11 or during the summer after the regular school term ends, unless  
12 that student has received a passing grade in at least 8 courses  
13 during the 2 semesters last ending prior to requesting a  
14 certificate of completion from the Secretary of State for the  
15 student.

16 (b) No driver exam training school or driving exam training  
17 instructor licensed under this Act may request a certificate of  
18 completion from the Secretary of State as provided in Section  
19 6-411 for any person who has dropped out of school and has not  
20 yet attained the age of 18 years unless the driver exam  
21 training school or driving exam training instructor has: 1)  
22 obtained written documentation verifying the dropout's  
23 enrollment in a GED or alternative education program or has  
24 obtained a copy of the dropout's GED certificate; 2) obtained  
25 verification that the student prior to dropping out had

1 received a passing grade in at least 8 courses during the 2  
2 previous semesters last ending prior to requesting a  
3 certificate of completion; or 3) obtained written consent from  
4 the dropout's parents or guardians and the regional  
5 superintendent.

6 (c) Students shall be informed of the eligibility  
7 requirements of this Act in writing at the time of  
8 registration.

9 (d) The superintendent of schools of the school district in  
10 which the student resides and attends school or in which the  
11 student resides at the time he or she drops out of school (with  
12 respect to a public high school student or a dropout from the  
13 public high school) or the chief school administrator (with  
14 respect to a student who attends a non-public high school or a  
15 dropout from a non-public high school) may waive the  
16 requirements of this Section if the superintendent or chief  
17 school administrator, as the case may be, deems it to be in the  
18 best interests of the student or dropout. Before requesting a  
19 certificate of completion from the Secretary of State for any  
20 person who is enrolled as a student in any public or non-public  
21 secondary school or who was so enrolled in the semester last  
22 ending prior to the request for a certificate of completion  
23 from the Secretary of State or who is of high school age, the  
24 driver exam training school shall determine from the school  
25 district in which that person resides or resided at the time of  
26 dropping out of school, or from the chief administrator of the

1 non-public high school attended or last attended by such  
2 person, as the case may be, that such person is not ineligible  
3 to receive a certificate of completion under this Section.

4 (Source: P.A. 93-408, eff. 1-1-04.)

5 (625 ILCS 5/6-409) (from Ch. 95 1/2, par. 6-409)

6 Sec. 6-409. Display of License.

7 Each driver exam training school must display at a  
8 prominent place in its main office all of the following:

9 (a) The State license issued to the school;

10 (b) The names and addresses and State instructors licenses  
11 of all instructors employed by the school;

12 (c) The address of all branch offices and branch class  
13 rooms.

14 (Source: P.A. 76-1586.)

15 (625 ILCS 5/6-410) (from Ch. 95 1/2, par. 6-410)

16 Sec. 6-410. Vehicle inspections. The Department of  
17 Transportation shall provide for the inspection of all motor  
18 vehicles used for driver exam training, and shall issue a  
19 safety inspection sticker provided:

20 (a) The motor vehicle has been inspected by the Department  
21 and found to be in safe mechanical condition;

22 (b) The motor vehicle is equipped with dual control brakes  
23 and a mirror on each side of the motor vehicle so located as to  
24 reflect to the driver a view of the highway for a distance of

1 at least 200 feet to the rear of such motor vehicle; and

2 (c) The motor vehicle is equipped with a sign or signs  
3 visible from the front and the rear in letters no less than 2  
4 inches tall, listing the full name of the driver exam training  
5 school which has registered and insured the motor vehicle.

6 (Source: P.A. 85-951.)

7 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

8 Sec. 6-411. Qualifications of Driver Exam Training  
9 Instructors. In order to qualify for a license as an instructor  
10 for a driving exam school, an applicant must:

11 (a) Be of good moral character;

12 (b) Authorize an investigation to include a  
13 fingerprint based background check to determine if the  
14 applicant has ever been convicted of a crime and if so, the  
15 disposition of those convictions; this authorization shall  
16 indicate the scope of the inquiry and the agencies which  
17 may be contacted. Upon this authorization the Secretary of  
18 State may request and receive information and assistance  
19 from any federal, state or local governmental agency as  
20 part of the authorized investigation. Each applicant shall  
21 submit his or her fingerprints to the Department of State  
22 Police in the form and manner prescribed by the Department  
23 of State Police. These fingerprints shall be checked  
24 against the fingerprint records now and hereafter filed in  
25 the Department of State Police and Federal Bureau of

1 Investigation criminal history records databases. The  
2 Department of State Police shall charge a fee for  
3 conducting the criminal history records check, which shall  
4 be deposited in the State Police Services Fund and shall  
5 not exceed the actual cost of the records check. The  
6 applicant shall be required to pay all related fingerprint  
7 fees including, but not limited to, the amounts established  
8 by the Department of State Police and the Federal Bureau of  
9 Investigation to process fingerprint based criminal  
10 background investigations. The Department of State Police  
11 shall provide information concerning any criminal  
12 convictions, and their disposition, brought against the  
13 applicant upon request of the Secretary of State when the  
14 request is made in the form and manner required by the  
15 Department of State Police. Unless otherwise prohibited by  
16 law, the information derived from this investigation  
17 including the source of this information, and any  
18 conclusions or recommendations derived from this  
19 information by the Secretary of State shall be provided to  
20 the applicant, or his designee, upon request to the  
21 Secretary of State, prior to any final action by the  
22 Secretary of State on the application. Any criminal  
23 convictions and their disposition information obtained by  
24 the Secretary of State shall be confidential and may not be  
25 transmitted outside the Office of the Secretary of State,  
26 except as required herein, and may not be transmitted to

1 anyone within the Office of the Secretary of State except  
2 as needed for the purpose of evaluating the applicant. The  
3 information obtained from this investigation may be  
4 maintained by the Secretary of State or any agency to which  
5 such information was transmitted. Only information and  
6 standards which bear a reasonable and rational relation to  
7 the performance of a driver exam training instructor shall  
8 be used by the Secretary of State. Any employee of the  
9 Secretary of State who gives or causes to be given away any  
10 confidential information concerning any criminal charges  
11 and their disposition of an applicant shall be guilty of a  
12 Class A misdemeanor unless release of such information is  
13 authorized by this Section;

14 (c) Pass such examination as the Secretary of State  
15 shall require on (1) traffic laws, (2) safe driving  
16 practices, (3) operation of motor vehicles, and (4)  
17 qualifications of teacher;

18 (d) Be physically able to operate safely a motor  
19 vehicle and to train others in the operation of motor  
20 vehicles. An instructors license application must be  
21 accompanied by a medical examination report completed by a  
22 competent physician licensed to practice in the State of  
23 Illinois;

24 (e) Hold a valid Illinois drivers license;

25 (f) Have graduated from an accredited high school after  
26 at least 4 years of high school education or the

1 equivalent; and

2 (g) Pay to the Secretary of State an application and  
3 license fee of \$70.

4 If a driver exam training school class room instructor  
5 teaches an approved driver education course, as defined in  
6 Section 1-103 of this Code, to students under 18 years of age,  
7 he or she shall furnish to the Secretary of State a certificate  
8 issued by the State Board of Education that the said instructor  
9 is qualified and meets the minimum educational standards for  
10 teaching driver education courses in the local public or  
11 parochial school systems, except that no State Board of  
12 Education certification shall be required of any instructor who  
13 teaches exclusively in a commercial driving school. On and  
14 after July 1, 1986, the existing rules and regulations of the  
15 State Board of Education concerning commercial driving schools  
16 shall continue to remain in effect but shall be administered by  
17 the Secretary of State until such time as the Secretary of  
18 State shall amend or repeal the rules in accordance with the  
19 Illinois Administrative Procedure Act. Upon request, the  
20 Secretary of State shall issue a certificate of completion to a  
21 student under 18 years of age who has completed an approved  
22 driver education course at a commercial driving school.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 (625 ILCS 5/6-412) (from Ch. 95 1/2, par. 6-412)

25 Sec. 6-412. Issuance of Licenses to Driver Exam Training



1 Schools and Driver Exam Training Instructors.

2 The Secretary of State shall issue a license certificate to  
3 each applicant to conduct a driver exam training school or to  
4 each driver exam training instructor when the Secretary of  
5 State is satisfied that such person has met the qualifications  
6 required under this Act.

7 (Source: P.A. 76-1586.)

8 (625 ILCS 5/6-413) (from Ch. 95 1/2, par. 6-413)

9 Sec. 6-413. Expiration of Licenses. All outstanding  
10 licenses issued to any driver exam training school or driver  
11 exam training instructor under this Act shall expire by  
12 operation of law 24 months from the date of issuance, unless  
13 sooner cancelled, suspended or revoked under the provisions of  
14 Section 6-420.

15 (Source: P.A. 93-408, eff. 1-1-04.)

16 (625 ILCS 5/6-414) (from Ch. 95 1/2, par. 6-414)

17 Sec. 6-414. Renewal of Licenses. The license of each driver  
18 exam training school may be renewed subject to the same  
19 conditions as the original license, and upon the payment of a  
20 renewal license fee of \$500 and \$50 for each renewal of a  
21 branch application.

22 (Source: P.A. 93-408, eff. 1-1-04.)

23 (625 ILCS 5/6-415) (from Ch. 95 1/2, par. 6-415)

1           Sec. 6-415. Renewal Fee. The license of each driver exam  
2 training instructor may be renewed subject to the same  
3 conditions of the original license, and upon the payment of  
4 annual renewal license fee of \$70.

5           (Source: P.A. 93-408, eff. 1-1-04.)

6           (625 ILCS 5/6-416) (from Ch. 95 1/2, par. 6-416)

7           Sec. 6-416. Licenses: Form and Filing. All applications for  
8 renewal of a driver exam training school license or driver exam  
9 training instructor's license shall be on a form prescribed by  
10 the Secretary, and must be filed with the Secretary not less  
11 than 15 days preceding the expiration date of the license to be  
12 renewed.

13           (Source: P.A. 87-829; 87-832.)

14           (625 ILCS 5/6-417) (from Ch. 95 1/2, par. 6-417)

15           Sec. 6-417. Instructor's license.

16           Each driver exam training instructor's license shall  
17 authorize the licensee to instruct only at or for the driver  
18 exam training school indicated on the license. The Secretary  
19 shall not issue a driver training instructor's license to any  
20 individual who is licensed to instruct at or for another driver  
21 exam training school.

22           (Source: P.A. 76-1586.)

23           (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

1           Sec. 6-419. Rules and Regulations.

2           The Secretary is authorized to prescribe by rule standards  
3 for the eligibility, conduct and operation of driver exam  
4 training schools, and instructors and to adopt other reasonable  
5 rules and regulations necessary to carry out the provisions of  
6 this Act.

7           (Source: P.A. 76-1586.)

8           (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)

9           Sec. 6-420. Denial, Cancellation, Suspension, Revocation  
10 and Failure to Renew License. The Secretary may deny, cancel,  
11 suspend or revoke, or refuse to renew any driver exam training  
12 school license or any driver exam training instructor license:

13           (1) When the Secretary is satisfied that the licensee fails  
14 to meet the requirements to receive or hold a license under  
15 this Code;

16           (2) Whenever the licensee fails to keep the records  
17 required by this Code;

18           (3) Whenever the licensee permits fraud or engages in  
19 fraudulent practices either with reference to a student or the  
20 Secretary, or induces or countenances fraud or fraudulent  
21 practices on the part of any applicant for a driver's license  
22 or permit;

23           (4) Whenever the licensee fails to comply with any  
24 provision of this Code or any rule of the Secretary made  
25 pursuant thereto;

1           (5) Whenever the licensee represents himself as an agent or  
2 employee of the Secretary or uses advertising designed to lead  
3 or which would reasonably have the effect of leading persons to  
4 believe that such licensee is in fact an employee or  
5 representative of the Secretary;

6           (6) Whenever the licensee or any employee or agent of the  
7 licensee solicits driver training or instruction in an office  
8 of any department of the Secretary of State having to do with  
9 the administration of any law relating to motor vehicles, or  
10 within 1,500 feet of any such office;

11           (7) Whenever the licensee is convicted of driving while  
12 under the influence of alcohol, other drugs, or a combination  
13 thereof; leaving the scene of an accident; reckless homicide or  
14 reckless driving; or

15           (8) Whenever a driver exam training school advertises that  
16 a driver's license is guaranteed upon completion of the course  
17 of instruction.

18           (Source: P.A. 85-951.)

19           (625 ILCS 5/6-422) (from Ch. 95 1/2, par. 6-422)

20           Sec. 6-422. Prior law and licenses thereunder.

21           This Act shall not affect the validity of any outstanding  
22 license issued to any driver exam training school or driver  
23 exam training instructor by the Secretary of State under any  
24 prior law, nor shall this Act affect the validity or legality  
25 of any contract, agreement or undertaking entered into by any

1 driver exam training school or driver exam training instructor,  
2 or any person, firm, corporation, partnership or association  
3 based on those provisions of any prior law.

4 (Source: P.A. 76-1586.)

5 (625 ILCS 5/Ch. 6 Art. X heading new)

6 ARTICLE X. ENHANCED SKILLS DRIVING SCHOOLS

7 (625 ILCS 5/6-1001 new)

8 Sec. 6-1001. Enhanced skills driving schools.

9 (a) As used in this Code, "enhanced skills driving school"  
10 means a school for teaching advanced driving skills, such as  
11 emergency braking, crash avoidance, and defensive driving  
12 techniques to licensed drivers for a fee, and does not mean a  
13 school for preparing students for examinations given the by  
14 Secretary of State.

15 (b) No person, firm, association, partnership, or  
16 corporation shall operate an enhanced skills driving school  
17 unless issued a license by the Secretary. No enhanced skills  
18 driving school may prepare students for examinations given by  
19 the Secretary of State unless the school is also licensed under  
20 Article IV of Chapter 6 of this Code.

21 (c) All behind-the-wheel instructions, practice, and  
22 experience offered by enhanced skills driving schools shall be  
23 on private property, such as race course facilities. The  
24 Secretary of State shall have the authority to inspect all

1 facilities and to adopt rules to provide standards for enhanced  
2 skills driving school facilities. No behind-the-wheel  
3 instruction, practice, or experience may be given on public  
4 roadways.

5 (d) The curriculum for courses and programs offered by  
6 enhanced skills driving schools shall be reviewed and approved  
7 by the Secretary.

8 (625 ILCS 5/6-1002 new)

9 Sec. 6-1002. Enhanced skills driving school  
10 qualifications. In order to qualify for a license to operate an  
11 enhanced skills driving school, each applicant must:

12 (1) Be of good moral character;

13 (2) Be at least 21 years of age;

14 (3) Maintain bodily injury and property damage  
15 liability insurance on motor vehicles while used in driving  
16 instruction, insuring the liability of the driving school,  
17 the driving instructors and any person taking instruction  
18 in at least the following amounts: \$500,000 for bodily  
19 injury to or death of one person in any one accident and,  
20 subject to said limit for one person, \$1,000,000 for bodily  
21 injury to or death of 2 or more persons in any one accident  
22 and the amount of \$100,000 for damage to property of others  
23 in any one accident. Evidence of such insurance coverage in  
24 the form of a certificate from the insurance carrier shall  
25 be filed with the Secretary of State, and such certificate

1       shall stipulate that the insurance shall not be cancelled  
2       except upon 10 days' prior written notice to the Secretary  
3       of State;

4           (4) Have the equipment necessary to the giving of  
5       proper instruction in the operation of motor vehicles; and

6           (5) Pay to the Secretary of State an application fee of  
7       \$500 and \$50 for each branch application.

8       (625 ILCS 5/6-1003 new)

9       Sec. 6-1003. Display of license. Each enhanced skills  
10      driving school must display at a prominent place in its main  
11      office all of the following:

12           (1) The State license issued to the school;

13           (2) The names, addresses, and State instructors  
14      license numbers of all instructors employed by the school;  
15      and

16           (3) The addresses of each branch office and branch  
17      classrooms.

18       (625 ILCS 5/6-1004 new)

19      Sec. 6-1004. Qualifications of enhanced skills driving  
20      school instructors. In order to qualify for a license as an  
21      instructor for an enhanced skills driving school, an applicant  
22      must:

23           (1) Be of good moral character;

24           (2) Have never been convicted of driving while under

1 the influence of alcohol, other drugs, or a combination  
2 thereof; leaving the scene of an accident; reckless  
3 homicide or reckless driving;

4 (3) Be physically able to operate safely a motor  
5 vehicle and to train others in the operation of motor  
6 vehicles;

7 (4) Hold a valid drivers license; and

8 (5) Pay to the Secretary of State an application and  
9 license fee of \$70.

10 (625 ILCS 5/6-1005 new)

11 Sec. 6-1005. Renewal of license; enhanced skills driving  
12 school. The license of each enhanced skills driving school may  
13 be renewed subject to the same conditions as the original  
14 license, and upon the payment of a renewal license fee of \$500  
15 and \$50 for each renewal of a branch application.

16 (625 ILCS 5/6-1006 new)

17 Sec. 6-1006. Renewal of license; enhanced skills driving  
18 school instructor. The license of each enhanced skills driving  
19 school instructor may be renewed subject to the same conditions  
20 of the original license, and upon the payment of annual renewal  
21 license fee of \$70.

22 (625 ILCS 5/6-1007 new)

23 Sec. 6-1007. Licenses; form and filing. All applications



1 for renewal of an enhanced skills driving school license or  
2 instructor's license shall be on a form prescribed by the  
3 Secretary, and must be filed with the Secretary not less than  
4 15 days preceding the expiration date of the license to be  
5 renewed.

6 (625 ILCS 5/6-1008 new)

7 Sec. 6-1008. Instructor's records. Every enhanced skills  
8 driving school shall keep records regarding instructors,  
9 students, courses, and equipment, as required by  
10 administrative rules prescribed by the Secretary. Such records  
11 shall be open to the inspection of the Secretary or his  
12 representatives at all reasonable times.

13 (625 ILCS 5/6-1009 new)

14 Sec. 6-1009. Denial, cancellation, suspension, revocation,  
15 and failure to renew license. The Secretary may deny, cancel,  
16 suspend or revoke, or refuse to renew any enhanced skills  
17 driving school license or any enhanced skills driving school  
18 instructor license:

19 (1) When the Secretary is satisfied that the licensee  
20 fails to meet the requirements to receive or hold a license  
21 under this Code;

22 (2) Whenever the licensee fails to keep records  
23 required by this Code or by any rule prescribed by the  
24 Secretary;

1           (3) Whenever the licensee fails to comply with any  
2           provision of this Code or any rule of the Secretary made  
3           pursuant thereto;

4           (4) Whenever the licensee represents himself or  
5           herself as an agent or employee of the Secretary or uses  
6           advertising designed to lead or which would reasonably have  
7           the effect of leading persons to believe that such licensee  
8           is in fact an employee or representative of the Secretary;

9           (5) Whenever the licensee or any employee or agent of  
10           the licensee solicits driver training or instruction in an  
11           office of any department of the Secretary of State having  
12           to do with the administration of any law relating to motor  
13           vehicles, or within 1,500 feet of any such office; or

14           (6) Whenever the licensee is convicted of driving while  
15           under the influence of alcohol, other drugs, or a  
16           combination thereof; leaving the scene of an accident;  
17           reckless homicide or reckless driving.

18           (625 ILCS 5/6-1010 new)

19           Sec. 6-1010. Judicial review. The action of the Secretary  
20           in canceling, suspending, revoking, or denying any license  
21           under this Article shall be subject to judicial review in the  
22           Circuit Court of Sangamon County or the Circuit Court of Cook  
23           County, and the provisions of the Administrative Review Law and  
24           the rules adopted pursuant thereto are hereby adopted and shall  
25           apply to and govern every action for judicial review of the

1 final acts or decisions of the Secretary under this Article.

2 (625 ILCS 5/6-1011 new)

3 Sec. 6-1011. Injunctions. If any person, firm,  
4 association, partnership, or corporation operates in violation  
5 of any provision of this Article, or any rule, regulation,  
6 order, or decision of the Secretary of State established under  
7 this Article, or in violation of any term, condition, or  
8 limitation of any license issued under this Article, the  
9 Secretary of State, or any other person injured as a result, or  
10 any interested person, may apply to the circuit court of the  
11 county where the violation or some part occurred, or where the  
12 person complained of has an established or additional place of  
13 business or resides, to prevent the violation. The court may  
14 enforce compliance by injunction or other process restraining  
15 the person from further violation and compliance.

16 (625 ILCS 5/6-1012 new)

17 Sec. 6-1012. Rules and regulations. The Secretary is  
18 authorized to prescribe by rule standards for the eligibility,  
19 conduct, and operation of enhanced driver skills training  
20 schools, and instructors and to adopt other reasonable rules  
21 and regulations necessary to carry out the provisions of this  
22 Article.

23 (625 ILCS 5/6-1013 new)

1       Sec. 6-1013. Deposit of fees. Fees collected under this  
2       Article shall be deposited into the Road Fund.

3       Section 15. The Criminal Code of 1961 is amended by  
4       changing Section 33-6 as follows:

5           (720 ILCS 5/33-6)

6       Sec. 33-6. Bribery to obtain driving privileges.

7       (a) A person commits the offense of bribery to obtain  
8       driving privileges when:

9           (1) with intent to influence any act related to the  
10       issuance of any driver's license or permit by an employee  
11       of the Illinois Secretary of State's Office, or the owner  
12       or employee of any commercial driver exam training school  
13       licensed by the Illinois Secretary of State, or any other  
14       individual authorized by the laws of this State to give  
15       driving instructions or administer all or part of a  
16       driver's license examination, he or she promises or tenders  
17       to that person any property or personal advantage which  
18       that person is not authorized by law to accept; or

19           (2) with intent to cause any person to influence any  
20       act related to the issuance of any driver's license or  
21       permit by an employee of the Illinois Secretary of State's  
22       Office, or the owner or employee of any commercial driver  
23       exam training school licensed by the Illinois Secretary of  
24       State, or any other individual authorized by the laws of

1           this State to give driving instructions or administer all  
2           or part of a driver's license examination, he or she  
3           promises or tenders to that person any property or personal  
4           advantage which that person is not authorized by law to  
5           accept; or

6           (3) as an employee of the Illinois Secretary of State's  
7           Office, or the owner or employee of any commercial driver  
8           exam training school licensed by the Illinois Secretary of  
9           State, or any other individual authorized by the laws of  
10          this State to give driving instructions or administer all  
11          or part of a driver's license examination, solicits,  
12          receives, retains, or agrees to accept any property or  
13          personal advantage that he or she is not authorized by law  
14          to accept knowing that such property or personal advantage  
15          was promised or tendered with intent to influence the  
16          performance of any act related to the issuance of any  
17          driver's license or permit; or

18          (4) as an employee of the Illinois Secretary of State's  
19          Office, or the owner or employee of any commercial driver  
20          exam training school licensed by the Illinois Secretary of  
21          State, or any other individual authorized by the laws of  
22          this State to give driving instructions or administer all  
23          or part of a driver's license examination, solicits,  
24          receives, retains, or agrees to accept any property or  
25          personal advantage pursuant to an understanding that he or  
26          she shall improperly influence or attempt to influence the

1 performance of any act related to the issuance of any  
2 driver's license or permit.

3 (b) Sentence. Bribery to obtain driving privileges is a  
4 Class 2 felony.

5 (Source: P.A. 93-783, eff. 1-1-05.)".