



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2135

2 AMENDMENT NO. _____. Amend Senate Bill 2135, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 6-411 as follows:

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

8 Sec. 6-411. Qualifications of Driver Training Instructors.

9 (1) In order to qualify for a license as an instructor for
10 a driving 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

1 may be contacted. Upon this authorization the Secretary of
2 State may request and receive information and assistance
3 from any federal, state or local governmental agency as
4 part of the authorized investigation. Each applicant shall
5 submit his or her fingerprints to the Department of State
6 Police in the form and manner prescribed by the Department
7 of State Police. These fingerprints shall be checked
8 against the fingerprint records now and hereafter filed in
9 the Department of State Police and Federal Bureau of
10 Investigation criminal history records databases. The
11 Department of State Police shall charge a fee for
12 conducting the criminal history records check, which shall
13 be deposited in the State Police Services Fund and shall
14 not exceed the actual cost of the records check. The
15 applicant shall be required to pay all related fingerprint
16 fees including, but not limited to, the amounts established
17 by the Department of State Police and the Federal Bureau of
18 Investigation to process fingerprint based criminal
19 background investigations. The Department of State Police
20 shall provide information concerning any criminal
21 convictions, and their disposition, brought against the
22 applicant upon request of the Secretary of State when the
23 request is made in the form and manner required by the
24 Department of State Police. Unless otherwise prohibited by
25 law, the information derived from this investigation
26 including the source of this information, and any

1 conclusions or recommendations derived from this
2 information by the Secretary of State shall be provided to
3 the applicant, or his designee, upon request to the
4 Secretary of State, prior to any final action by the
5 Secretary of State on the application. Any criminal
6 convictions and their disposition information obtained by
7 the Secretary of State shall be confidential and may not be
8 transmitted outside the Office of the Secretary of State,
9 except as required herein, and may not be transmitted to
10 anyone within the Office of the Secretary of State except
11 as needed for the purpose of evaluating the applicant. The
12 information obtained from this investigation may be
13 maintained by the Secretary of State or any agency to which
14 such information was transmitted. Only information and
15 standards which bear a reasonable and rational relation to
16 the performance of a driver training instructor shall be
17 used by the Secretary of State. Any employee of the
18 Secretary of State who gives or causes to be given away any
19 confidential information concerning any criminal charges
20 and their disposition of an applicant shall be guilty of a
21 Class A misdemeanor unless release of such information is
22 authorized by this Section;

23 (c) (Blank); ~~Pass such examination as the Secretary of~~
24 ~~State shall require on (1) traffic laws, (2) safe driving~~
25 ~~practices, (3) operation of motor vehicles, and (4)~~
26 ~~qualifications of teacher;~~

1 (d) Be physically able to operate safely a motor
2 vehicle and to train others in the operation of motor
3 vehicles. An instructors license application must be
4 accompanied by a medical examination report completed by a
5 competent physician licensed to practice in the State of
6 Illinois;

7 (e) Be at least 21 years of age, hold ~~Hold~~ a valid
8 Illinois drivers license, and have at least 5 years of
9 driving experience as a licensed operator;

10 (f) Have graduated from an accredited high school after
11 at least 4 years of high school education or the
12 equivalent; and

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

15 (2) If a driver training school class room instructor or
16 behind-the-wheel instructor teaches an approved driver
17 education course, as defined in Section 1-103 of this Code, to
18 students under 18 years of age, the instructor must meet the
19 following requirements in addition to the requirements
20 contained in subsection (1) of this Section:

21 (a) the instructor must have completed 3 consecutive
22 courses in driver task analysis, class room knowledge, and
23 vehicle operational and instructional skills at a State of
24 Illinois accredited university or college. The courses
25 shall include no less than 8 hours of classroom observation
26 and 12 hours of driving observation of a qualified

1 State-licensed or Illinois State Board of Education
2 certified and endorsed driving instructor;

3 (b) the instructor must have passed a standardized
4 Illinois minimal competency instructor exam on how to teach
5 driver education as administered by an accredited State
6 university or college;

7 (c) the instructor must first have taught adults over
8 18 years of age the driving portion of the course for 8
9 months;

10 (d) the instructor must qualify for re-certification
11 every 2 years through participation in 15 hours of
12 continuing education to improve driver education teaching
13 competency. The professional development training may be
14 obtained through a State agency, college, or university or
15 professional education organization. Professional
16 development hours shall be accepted for the purpose of
17 enhancing instructional knowledge and skills in support of
18 teaching driver education best practices. The instructor
19 must maintain a professional development file that
20 includes the agenda, objectives, time schedule, and all
21 completion certificates for the continuing education,
22 which must be submitted to the Secretary of State for
23 approval, collection, and storage;

24 (e) the instructor must submit to a teaching
25 observation and evaluation by a State official every 2
26 years.

1 (f) the instructor may only use a vehicle to instruct
2 students under 18 years of age that exhibits an Illinois
3 safety sticker showing that the vehicle has passed
4 inspection at a State-approved safety lane; and

5 (g) the instructor must use the Illinois version of the
6 National Driver Education Standards curriculum. The
7 curriculum must be endorsed by the Illinois State Board of
8 Education for both public and commercial driving schools. A
9 driver training school class room instructor or
10 behind-the-wheel instructor under this subsection (g)
11 shall require students under 18 years of age to obtain at
12 least 12 hours of in-car driving observation of another
13 student that is under the direct supervision of an
14 instructor meeting the qualifications contained in this
15 Section. The curriculum required under this subsection (g)
16 shall include but is not limited to the following:

17 (i) elements of distracted driving, including text
18 messaging and cell phone use;

19 (ii) highway construction and maintenance zones;

20 (iii) railroad crossing safety;

21 (iv) alcohol and drug use prevention awareness;

22 (v) organ donation education;

23 (vi) a unit on driving laws that pertain primarily
24 to teen drivers, including graduated driver's license
25 requirements, curfew laws, and zero tolerance;

26 (vii) an educationally sound, widely accepted

1 driver education textbook that will be provided for
2 purchase or loan, to be kept by each student throughout
3 the duration of the course for use at both home and
4 school;

5 (viii) professional speakers discussing traffic
6 safety and other related topics;

7 (viii) use of an educationally sound, widely
8 accepted driver education instructor's textbook; and

9 (ix) a State-approved standardized final exam to
10 insure minimal student competencies in both the
11 classroom and driving portions of the course.

12 (3) If a driver training school class room instructor or
13 behind-the-wheel instructor teaches an approved driver
14 education course, as defined in Section 1-103 of this Code, to
15 students under 18 years of age, the instructor shall be subject
16 to oversight by the Secretary of State. The collection and
17 storage of all personnel teaching credentials, including
18 background and fingerprint checks of all employees, instructor
19 teaching certificates or licenses, endorsements or other
20 credentials, instructor driving records, and other pertinent
21 commercial driving school licensing requirements will be
22 required of the Secretary of State. An instructor under this
23 subsection (3) shall be subject to an audit every 2 years by an
24 unannounced visit from the Secretary of State. Collection and
25 storage of requirements for approved driver education courses
26 as defined by Section 1-103 of this Code shall be the

1 responsibility of the Secretary of State.

2 (4) Whenever there is an agreement such as, but not limited
3 to, a contractual relationship between a school district and a
4 commercial or private driving school to outsource or contract
5 out a course required by Section 27-24.2 of the School Code,
6 the driver training instructor teaching the course must meet
7 the requirements of Section 252.40 of Title 23 of the Illinois
8 Administrative Code.

9 (5) If on July 1, 2011, a driver training school class room
10 instructor or behind-the-wheel instructor is teaching an
11 approved driver education course, as defined in Section 1-103
12 of this Code, to students under 18 years of age, he or she will
13 have 2 years from July 1, 2011 to complete the courses required
14 by paragraph (a) of subsection (3) of this Section. A driver
15 training school class room instructor or behind-the-wheel
16 instructor who has not prior to July 1, 2011 taught an approved
17 driver education course, as defined in Section 1-103 of this
18 Code, to students under 18 years of age, or whose existing
19 driver education course instructor certification has expired
20 on or after July 1, 2011, shall complete the certification
21 course requirements required by paragraph (a) of subsection (3)
22 of this Section prior to conducting an approved driver
23 education course in any licensed commercial driving school in
24 this State.

25 (6) If a driver training school class room instructor or
26 behind-the-wheel instructor teaches an approved driver

1 education course, as defined in Section 1-103 of this Code, to
2 students under 18 years of age, he or she shall furnish to the
3 Secretary of State a certificate issued by the State Board of
4 Education that the said instructor is qualified and meets the
5 minimum educational standards for teaching driver education
6 courses in the local public or parochial school systems, except
7 that no State Board of Education certification shall be
8 required of any instructor who teaches exclusively in a
9 commercial driving school unless that same commercial driving
10 school is in a contractual relationship with a public school
11 for the purpose of teaching an approved driver education course
12 as defined by Section 1-103 of this Code. On and after July 1,
13 2011 ~~July 1, 1986~~, the existing rules and regulations of the
14 State Board of Education concerning commercial driving schools
15 shall continue to remain in effect and ~~but~~ shall be
16 administered by the Secretary of State until such time as the
17 Secretary of State shall amend or repeal the rules in
18 accordance with the Illinois Administrative Procedure Act.
19 Upon request, the Secretary of State shall issue a certificate
20 of completion to a student under 18 years of age who has
21 completed an approved driver education course at a commercial
22 driving school.

23 (7) The State agency responsible for overseeing each
24 commercial driving school shall make available verification
25 that each instructor has met all instructor certification
26 requirements.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-740, eff. 1-1-10;
2 96-962, eff. 7-2-10.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2011."