

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

10 (a) Be of good moral character;

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

1 Illinois State Police and Federal Bureau of Investigation
2 criminal history records databases. The Illinois State
3 Police shall charge a fee for conducting the criminal
4 history records check, which shall be deposited in the
5 State Police Services Fund and shall not exceed the actual
6 cost of the records check. The applicant shall be required
7 to pay all related fingerprint fees including, but not
8 limited to, the amounts established by the Illinois State
9 Police and the Federal Bureau of Investigation to process
10 fingerprint based criminal background investigations. The
11 Illinois State Police shall provide information concerning
12 any criminal convictions, and their disposition, brought
13 against the applicant upon request of the Secretary of
14 State when the request is made in the form and manner
15 required by the Illinois State Police. Unless otherwise
16 prohibited by law, the information derived from this
17 investigation including the source of this information,
18 and any 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. At any
23 administrative hearing held under Section 2-118 of this
24 Code relating to the denial, cancellation, suspension, or
25 revocation of a driver training school license, the
26 Secretary of State is authorized to utilize at that

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

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

25 (d) Be physically able to operate safely a motor
26 vehicle and to train others in the operation of motor

1 vehicles. An instructors license application must be
2 accompanied by a medical examination report completed by a
3 competent physician licensed to practice in the State of
4 Illinois;

5 (e) Hold a valid Illinois drivers license;

6 (e-5) Have held a valid driver's license for any
7 2-year period preceding the date of application for an
8 instructor's license, including a temporary visitor's
9 driver's license issued under Section 6-105.1, and be
10 currently authorized to work in the United States;

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

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

16 If a driver training school class room instructor teaches
17 an approved driver education course, as defined in Section
18 1-103 of this Code, to students under 18 years of age, he or
19 she shall furnish to the Secretary of State a certificate
20 issued by the State Board of Education that the said
21 instructor is qualified and meets the minimum educational
22 standards for teaching driver education courses in the local
23 public or parochial school systems, except that no State Board
24 of Education certification shall be required of any instructor
25 who teaches exclusively in a commercial driving school. On and
26 after July 1, 1986, the existing rules and regulations of the

1 State Board of Education concerning commercial driving schools
2 shall continue to remain in effect but shall be administered
3 by the Secretary of State until such time as the Secretary of
4 State shall amend or repeal the rules in accordance with the
5 Illinois Administrative Procedure Act. Upon request, the
6 Secretary of State shall issue a certificate of completion to
7 a student under 18 years of age who has completed an approved
8 driver education course at a commercial driving school.

9 (Source: P.A. 102-538, eff. 8-20-21.)