

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 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
17 vehicles used in the transportation of school children and
18 motor vehicles used in driver exam training schools for hire
19 licensed under Article IV of the Illinois Driver Licensing Law
20 or under any other law relating to the safety inspection of
21 motor vehicles of the second division as defined in the
22 Illinois Vehicle Code.

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

1 Section 10. The Illinois Vehicle Code is amended by
2 changing the heading of Article IV of Chapter 6 and Sections
3 1-103, 6-103, 6-401, 6-402, 6-403, 6-404, 6-405, 6-406, 6-407,
4 6-408, 6-408.5, 6-409, 6-410, 6-411, 6-412, 6-413, 6-414,
5 6-415, 6-416, 6-417, 6-419, 6-420, and 6-422 and by adding
6 Article X to Chapter 6 as follows:

7 (625 ILCS 5/1-103) (from Ch. 95 1/2, par. 1-103)

8 Sec. 1-103. Approved driver education course. (a) Any
9 course of driver education approved by the State Board of
10 Education, offered by public or private schools maintaining
11 grades 9 through 12, and meeting at least the minimum
12 requirements of the "Driver Education Act", as now or hereafter
13 amended, ~~or~~ (b) any course of driver education offered by a
14 school licensed to give driver education instructions under
15 this Act which meets at least the minimum educational
16 requirements of the "Driver Education Act", as now or hereafter
17 amended, and is approved by the State Board of Education, ~~or~~
18 (c) any course of driver education given in another State to an
19 Illinois resident attending school in such State and approved
20 by the State administrator of the Driver Education Program of
21 such other State, or (d) any course of driver education given
22 at a Department of Defense Education Activity school that is
23 approved by the Department of Defense Education Activity and
24 taught by an adult driver education instructor or traffic

1 safety officer.

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

3 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

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

8 1. To any person, as a driver, who is under the age of
9 18 years except as provided in Section 6-107, and except
10 that an instruction permit may be issued under Section
11 6-107.1 to a child who is not less than 15 years of age if
12 the child is enrolled in an approved driver education
13 course as defined in Section 1-103 of this Code and
14 requires an instruction permit to participate therein,
15 except that an instruction permit may be issued under the
16 provisions of Section 6-107.1 to a child who is 17 years
17 and 3 months of age without the child having enrolled in an
18 approved driver education course and except that an
19 instruction permit may be issued to a child who is at least
20 15 years and 6 months of age, is enrolled in school, meets
21 the educational requirements of the Driver Education Act,
22 and has passed examinations the Secretary of State in his
23 or her discretion may prescribe;

24 2. To any person who is under the age of 18 as an
25 operator of a motorcycle other than a motor driven cycle

1 unless the person has, in addition to meeting the
2 provisions of Section 6-107 of this Code, successfully
3 completed a motorcycle training course approved by the
4 Illinois Department of Transportation and successfully
5 completes the required Secretary of State's motorcycle
6 driver's examination;

7 3. To any person, as a driver, whose driver's license
8 or permit has been suspended, during the suspension, nor to
9 any person whose driver's license or permit has been
10 revoked, except as provided in Sections 6-205, 6-206, and
11 6-208;

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

15 5. To any person, as a driver, who has previously been
16 adjudged to be afflicted with or suffering from any mental
17 or physical disability or disease and who has not at the
18 time of application been restored to competency by the
19 methods provided by law;

20 6. To any person, as a driver, who is required by the
21 Secretary of State to submit an alcohol and drug evaluation
22 or take an examination provided for in this Code unless the
23 person has successfully passed the examination and
24 submitted any required evaluation;

25 7. To any person who is required under the provisions
26 of the laws of this State to deposit security or proof of

1 financial responsibility and who has not deposited the
2 security or proof;

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

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

15 10. To any person convicted, within 12 months of
16 application for a license, of any of the sexual offenses
17 enumerated in paragraph 2 of subsection (b) of Section
18 6-205;

19 11. To any person who is under the age of 21 years with
20 a classification prohibited in paragraph (b) of Section
21 6-104 and to any person who is under the age of 18 years
22 with a classification prohibited in paragraph (c) of
23 Section 6-104;

24 12. To any person who has been either convicted of or
25 adjudicated under the Juvenile Court Act of 1987 based upon
26 a violation of the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act while that person was in
3 actual physical control of a motor vehicle. For purposes of
4 this Section, any person placed on probation under Section
5 10 of the Cannabis Control Act, Section 410 of the Illinois
6 Controlled Substances Act, or Section 70 of the
7 Methamphetamine Control and Community Protection Act shall
8 not be considered convicted. Any person found guilty of
9 this offense, while in actual physical control of a motor
10 vehicle, shall have an entry made in the court record by
11 the judge that this offense did occur while the person was
12 in actual physical control of a motor vehicle and order the
13 clerk of the court to report the violation to the Secretary
14 of State as such. The Secretary of State shall not issue a
15 new license or permit for a period of one year;

16 13. To any person who is under the age of 18 years and
17 who has committed the offense of operating a motor vehicle
18 without a valid license or permit in violation of Section
19 6-101;

20 14. To any person who is 90 days or more delinquent in
21 court ordered child support payments or has been
22 adjudicated in arrears in an amount equal to 90 days'
23 obligation or more and who has been found in contempt of
24 court for failure to pay the support, subject to the
25 requirements and procedures of Article VII of Chapter 7 of
26 the Illinois Vehicle Code;

1 14.5. To any person certified by the Illinois
2 Department of Healthcare and Family Services as being 90
3 days or more delinquent in payment of support under an
4 order of support entered by a court or administrative body
5 of this or any other State, subject to the requirements and
6 procedures of Article VII of Chapter 7 of this Code
7 regarding those certifications;

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

18 16. To any person who, with intent to influence any act
19 related to the issuance of any driver's license or permit,
20 by an employee of the Secretary of State's Office, or the
21 owner or employee of any commercial driver exam training
22 school licensed by the Secretary of State, or any other
23 individual authorized by the laws of this State to give
24 driving instructions or administer all or part of a
25 driver's license examination, promises or tenders to that
26 person any property or personal advantage which that person

1 is not authorized by law to accept. Any persons promising
2 or tendering such property or personal advantage shall be
3 disqualified from holding any class of driver's license or
4 permit for 120 consecutive days. The Secretary of State
5 shall establish by rule the procedures for implementing
6 this period of disqualification and the procedures by which
7 persons so disqualified may obtain administrative review
8 of the decision to disqualify;

9 17. To any person for whom the Secretary of State
10 cannot verify the accuracy of any information or
11 documentation submitted in application for a driver's
12 license; or

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

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

24 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
25 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; 95-876, eff.
26 8-21-08.)

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

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

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

17 This Section shall not apply to (i) public schools or to
18 educational institutions in which driving instruction is part
19 of the curriculum, ~~or~~ (ii) ~~to~~ employers giving instruction to
20 their employees, or (iii) schools that teach enhanced driving
21 skills to licensed drivers as set forth in Article X of Chapter
22 6 of this Code.

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

24 (625 ILCS 5/Ch. 6 Art. IV heading)

1 ARTICLE IV. COMMERCIAL DRIVER EXAM TRAINING SCHOOLS

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

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

6 (a) be of good moral character;

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

8 (c) maintain an established place of business open to
9 the public which meets the requirements of Section 6-403
10 through 6-407;11 (d) maintain bodily injury and property damage
12 liability insurance on motor vehicles while used in driving
13 exam instruction, insuring the liability of the driving
14 school, the driving instructors and any person taking
15 instruction in at least the following amounts: \$50,000 for
16 bodily injury to or death of one person in any one accident
17 and, subject to said limit for one person, \$100,000 for
18 bodily injury to or death of 2 or more persons in any one
19 accident and the amount of \$10,000 for damage to property
20 of others in any one accident. Evidence of such insurance
21 coverage in the form of a certificate from the insurance
22 carrier shall be filed with the Secretary of State, and
23 such certificate shall stipulate that the insurance shall
24 not be cancelled except upon 10 days prior written notice
25 to the Secretary of State. The decal showing evidence of

1 insurance shall be affixed to the windshield of the
2 vehicle;

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

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

17 (g) have and use a business telephone listing for all
18 business purposes;

19 (h) pay to the Secretary of State an application fee of
20 \$500 and \$50 for each branch application; and

21 (i) authorize an investigation to include a
22 fingerprint based background check to determine if the
23 applicant has ever been convicted of a crime and if so, the
24 disposition of those convictions. The authorization shall
25 indicate the scope of the inquiry and the agencies that may
26 be contacted. Upon this authorization, the Secretary of

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

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

22 No license shall be issued under this Section to a person
23 who is a spouse, offspring, sibling, parent, grandparent,
24 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
25 of the person whose license to do business at that location has
26 been revoked or denied or to a person who was an officer or

1 employee of a business firm that has had its license revoked or
2 denied, unless the Secretary of State is satisfied the
3 application was submitted in good faith and not for the purpose
4 or effect of defeating the intent of this Code.

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

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

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

8 The established place of business of each driver exam
9 training school must be owned or leased by the driver exam
10 training school and regularly occupied and primarily used by
11 that driver exam training school for the business of selling
12 and giving driving instructions for hire or for a fee, and the
13 business of preparing members of the public for examination
14 given by the Secretary of State for a drivers license.

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

16 (625 ILCS 5/6-404) (from Ch. 95 1/2, par. 6-404)

17 Sec. 6-404. Location of Schools.

18 The established place of business of each driver exam
19 training school must be located in a district which is zoned
20 for business or commercial purposes. The driver exam training
21 school office must have a permanent sign clearly readable from
22 the street, from a distance of no less than 100 feet, with the
23 name of the driving exam school upon it.

24 (Source: P.A. 76-1753.)

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

2 Sec. 6-405. Restrictions of Locations.

3 The established place of business, or branch office, branch
4 class room or advertised address of any driver exam training
5 school shall not consist of or include a house trailer,
6 residence, tent, temporary stand, temporary address, office
7 space, a room or rooms in a hotel, rooming house or apartment
8 house, or premises occupied by a single or multiple unit
9 dwelling house or telephone answering service.

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

11 (625 ILCS 5/6-406) (from Ch. 95 1/2, par. 6-406)

12 Sec. 6-406. Required Facilities.

13 (a) The established place of business of each driver exam
14 training school must consist of at least the following
15 permanent facilities:

16 (1) An office facility;

17 (2) A class room facility.

18 (b) The main class room facility of each driver exam
19 training school must be reasonably accessible to the main
20 office facility of the driver exam training school.

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

24 (d) The main office facility and branch office facility of

1 each driver exam training school must contain sufficient space,
2 equipment, records and personnel to carry on the business of
3 the driver exam training school. The main office facility must
4 be specifically devoted to driver exam training school
5 business.

6 (e) A driver exam training school which as an established
7 place of business and a main office facility, may operate a
8 branch office or a branch class room provided that all the
9 requirements for the main office or main class room are met and
10 that such branch office bears the same name and is operated as
11 a part of the same business entity as the main office facility.

12 (f) No driver exam training school may share any main or
13 branch facility or facilities with any other driver exam
14 training school.

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

16 (625 ILCS 5/6-407) (from Ch. 95 1/2, par. 6-407)

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

18 No office or place of business of a driver exam training
19 school shall be established within 1,500 feet of any building
20 used as an office by any department of the Secretary of State
21 having to do with the administration of any laws relating to
22 motor vehicles, nor may any driving school solicit or advertise
23 for business within 1,500 feet of any building used as an
24 office by the Secretary of State having to do with the
25 administration of any laws relating to motor vehicles.

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

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

3 Sec. 6-408. Records.

4 All driver exam training schools licensed by the Secretary
5 of State must maintain a permanent record of instructions given
6 to each student. The record must contain the name of the school
7 and the name of the student, the number of all licenses or
8 permits held by the student, the type and date of instruction
9 given, whether class room or behind the wheel, and the
10 signature of the instructor.

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

15 The records should show the fees and charges of the school
16 and also the record should show the course content and
17 instructions given to each student.

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

19 (625 ILCS 5/6-408.5)

20 Sec. 6-408.5. Courses for students or high school dropouts;
21 limitation.

22 (a) No driver exam training school or driving exam training
23 instructor licensed under this Act may request a certificate of
24 completion from the Secretary of State as provided in Section

1 6-411 for any person who is enrolled as a student in any public
2 or non-public secondary school at the time such instruction is
3 to be provided, or who was so enrolled during the semester last
4 ended if that instruction is to be provided between semesters
5 or during the summer after the regular school term ends, unless
6 that student has received a passing grade in at least 8 courses
7 during the 2 semesters last ending prior to requesting a
8 certificate of completion from the Secretary of State for the
9 student.

10 (b) No driver exam training school or driving exam training
11 instructor licensed under this Act may request a certificate of
12 completion from the Secretary of State as provided in Section
13 6-411 for any person who has dropped out of school and has not
14 yet attained the age of 18 years unless the driver exam
15 training school or driving exam training instructor has: 1)
16 obtained written documentation verifying the dropout's
17 enrollment in a GED or alternative education program or has
18 obtained a copy of the dropout's GED certificate; 2) obtained
19 verification that the student prior to dropping out had
20 received a passing grade in at least 8 courses during the 2
21 previous semesters last ending prior to requesting a
22 certificate of completion; or 3) obtained written consent from
23 the dropout's parents or guardians and the regional
24 superintendent.

25 (c) Students shall be informed of the eligibility
26 requirements of this Act in writing at the time of

1 registration.

2 (d) The superintendent of schools of the school district in
3 which the student resides and attends school or in which the
4 student resides at the time he or she drops out of school (with
5 respect to a public high school student or a dropout from the
6 public high school) or the chief school administrator (with
7 respect to a student who attends a non-public high school or a
8 dropout from a non-public high school) may waive the
9 requirements of this Section if the superintendent or chief
10 school administrator, as the case may be, deems it to be in the
11 best interests of the student or dropout. Before requesting a
12 certificate of completion from the Secretary of State for any
13 person who is enrolled as a student in any public or non-public
14 secondary school or who was so enrolled in the semester last
15 ending prior to the request for a certificate of completion
16 from the Secretary of State or who is of high school age, the
17 driver exam training school shall determine from the school
18 district in which that person resides or resided at the time of
19 dropping out of school, or from the chief administrator of the
20 non-public high school attended or last attended by such
21 person, as the case may be, that such person is not ineligible
22 to receive a certificate of completion under this Section.

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

24 (625 ILCS 5/6-409) (from Ch. 95 1/2, par. 6-409)

25 Sec. 6-409. Display of License.

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

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

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

6 (c) The address of all branch offices and branch class
7 rooms.

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

9 (625 ILCS 5/6-410) (from Ch. 95 1/2, par. 6-410)

10 Sec. 6-410. Vehicle inspections. The Department of
11 Transportation shall provide for the inspection of all motor
12 vehicles used for driver exam training, and shall issue a
13 safety inspection sticker provided:

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

16 (b) The motor vehicle is equipped with dual control brakes
17 and a mirror on each side of the motor vehicle so located as to
18 reflect to the driver a view of the highway for a distance of
19 at least 200 feet to the rear of such motor vehicle; and

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

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

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

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

5 (a) Be of good moral character;

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

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

1 be used by the Secretary of State. Any employee of the
2 Secretary of State who gives or causes to be given away any
3 confidential information concerning any criminal charges
4 and their disposition of an applicant shall be guilty of a
5 Class A misdemeanor unless release of such information is
6 authorized by this Section;

7 (c) Pass such examination as the Secretary of State
8 shall require on (1) traffic laws, (2) safe driving
9 practices, (3) operation of motor vehicles, and (4)
10 qualifications of teacher;

11 (d) Be physically able to operate safely a motor
12 vehicle and to train others in the operation of motor
13 vehicles. An instructors license application must be
14 accompanied by a medical examination report completed by a
15 competent physician licensed to practice in the State of
16 Illinois;

17 (e) Hold a valid Illinois drivers license;

18 (f) Have graduated from an accredited high school after
19 at least 4 years of high school education or the
20 equivalent; and

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

23 If a driver exam training school class room instructor
24 teaches an approved driver education course, as defined in
25 Section 1-103 of this Code, to students under 18 years of age,
26 he or she shall furnish to the Secretary of State a certificate

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

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

17 (625 ILCS 5/6-412) (from Ch. 95 1/2, par. 6-412)

18 Sec. 6-412. Issuance of Licenses to Driver Exam Training
19 Schools and Driver Exam Training Instructors.

20 The Secretary of State shall issue a license certificate to
21 each applicant to conduct a driver exam training school or to
22 each driver exam training instructor when the Secretary of
23 State is satisfied that such person has met the qualifications
24 required under this Act.

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

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

2 Sec. 6-413. Expiration of Licenses. All outstanding
3 licenses issued to any driver exam training school or driver
4 exam training instructor under this Act shall expire by
5 operation of law 24 months from the date of issuance, unless
6 sooner cancelled, suspended or revoked under the provisions of
7 Section 6-420.

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

9 (625 ILCS 5/6-414) (from Ch. 95 1/2, par. 6-414)

10 Sec. 6-414. Renewal of Licenses. The license of each driver
11 exam training school may be renewed subject to the same
12 conditions as the original license, and upon the payment of a
13 renewal license fee of \$500 and \$50 for each renewal of a
14 branch application.

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

16 (625 ILCS 5/6-415) (from Ch. 95 1/2, par. 6-415)

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

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

22 (625 ILCS 5/6-416) (from Ch. 95 1/2, par. 6-416)

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

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

8 (625 ILCS 5/6-417) (from Ch. 95 1/2, par. 6-417)

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

10 Each driver exam training instructor's license shall
11 authorize the licensee to instruct only at or for the driver
12 exam training school indicated on the license. The Secretary
13 shall not issue a driver training instructor's license to any
14 individual who is licensed to instruct at or for another driver
15 exam training school.

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

17 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

18 Sec. 6-419. Rules and Regulations.

19 The Secretary is authorized to prescribe by rule standards
20 for the eligibility, conduct and operation of driver exam
21 training schools, and instructors and to adopt other reasonable
22 rules and regulations necessary to carry out the provisions of
23 this Act.

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

1 (625 ILCS 5/6-420) (from Ch. 95 1/2, par. 6-420)
2 Sec. 6-420. Denial, Cancellation, Suspension, Revocation
3 and Failure to Renew License. The Secretary may deny, cancel,
4 suspend or revoke, or refuse to renew any driver exam training
5 school license or any driver exam training instructor license:

6 (1) When the Secretary is satisfied that the licensee fails
7 to meet the requirements to receive or hold a license under
8 this Code;

9 (2) Whenever the licensee fails to keep the records
10 required by this Code;

11 (3) Whenever the licensee permits fraud or engages in
12 fraudulent practices either with reference to a student or the
13 Secretary, or induces or countenances fraud or fraudulent
14 practices on the part of any applicant for a driver's license
15 or permit;

16 (4) Whenever the licensee fails to comply with any
17 provision of this Code or any rule of the Secretary made
18 pursuant thereto;

19 (5) Whenever the licensee represents himself as an agent or
20 employee of the Secretary or uses advertising designed to lead
21 or which would reasonably have the effect of leading persons to
22 believe that such licensee is in fact an employee or
23 representative of the Secretary;

24 (6) Whenever the licensee or any employee or agent of the
25 licensee solicits driver training or instruction in an office

1 of any department of the Secretary of State having to do with
2 the administration of any law relating to motor vehicles, or
3 within 1,500 feet of any such office;

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

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

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

12 (625 ILCS 5/6-422) (from Ch. 95 1/2, par. 6-422)

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

14 This Act shall not affect the validity of any outstanding
15 license issued to any driver exam training school or driver
16 exam training instructor by the Secretary of State under any
17 prior law, nor shall this Act affect the validity or legality
18 of any contract, agreement or undertaking entered into by any
19 driver exam training school or driver exam training instructor,
20 or any person, firm, corporation, partnership or association
21 based on those provisions of any prior law.

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

23 (625 ILCS 5/Ch. 6 Art. X heading new)

24 ARTICLE X. ENHANCED SKILLS DRIVING SCHOOLS

1 (625 ILCS 5/6-1001 new)

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

3 (a) As used in this Code, "enhanced skills driving school"
4 means a school for teaching advanced driving skills, such as
5 emergency braking, crash avoidance, and defensive driving
6 techniques to licensed drivers for a fee, and does not mean a
7 school for preparing students for examinations given by the
8 Secretary of State.

9 (b) No person, firm, association, partnership, or
10 corporation shall operate an enhanced skills driving school
11 unless issued a license by the Secretary. No enhanced skills
12 driving school may prepare students for examinations given by
13 the Secretary of State unless the school is also licensed under
14 Article IV of Chapter 6 of this Code.

15 (c) All behind-the-wheel instructions, practice, and
16 experience offered by enhanced skills driving schools shall be
17 on private property, such as race course facilities. The
18 Secretary of State shall have the authority to inspect all
19 facilities and to adopt rules to provide standards for enhanced
20 skills driving school facilities. No behind-the-wheel
21 instruction, practice, or experience may be given on public
22 roadways.

23 (d) The curriculum for courses and programs offered by
24 enhanced skills driving schools shall be reviewed and approved
25 by the Secretary.

1 (625 ILCS 5/6-1002 new)

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

5 (1) Be of good moral character;

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

7 (3) Maintain bodily injury and property damage
8 liability insurance on motor vehicles while used in driving
9 instruction, insuring the liability of the driving school,
10 the driving instructors and any person taking instruction
11 in at least the following amounts: \$500,000 for bodily
12 injury to or death of one person in any one accident and,
13 subject to said limit for one person, \$1,000,000 for bodily
14 injury to or death of 2 or more persons in any one accident
15 and the amount of \$100,000 for damage to property of others
16 in any one accident. Evidence of such insurance coverage in
17 the form of a certificate from the insurance carrier shall
18 be filed with the Secretary of State, and such certificate
19 shall stipulate that the insurance shall not be cancelled
20 except upon 10 days' prior written notice to the Secretary
21 of State;

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

24 (5) Pay to the Secretary of State an application fee of
25 \$500 and \$50 for each branch application.

1 (625 ILCS 5/6-1003 new)

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

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

6 (2) The names, addresses, and State instructors
7 license numbers of all instructors employed by the school;
8 and

9 (3) The addresses of each branch office and branch
10 classrooms.

11 (625 ILCS 5/6-1004 new)

12 Sec. 6-1004. Qualifications of enhanced skills driving
13 school instructors. In order to qualify for a license as an
14 instructor for an enhanced skills driving school, an applicant
15 must:

16 (1) Be of good moral character;

17 (2) Have never been convicted of driving while under
18 the influence of alcohol, other drugs, or a combination
19 thereof; leaving the scene of an accident; reckless
20 homicide or reckless driving;

21 (3) Be physically able to operate safely a motor
22 vehicle and to train others in the operation of motor
23 vehicles;

24 (4) Hold a valid drivers license; and

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

3 (625 ILCS 5/6-1005 new)

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

9 (625 ILCS 5/6-1006 new)

10 Sec. 6-1006. Renewal of license; enhanced skills driving
11 school instructor. The license of each enhanced skills driving
12 school instructor may be renewed subject to the same conditions
13 of the original license, and upon the payment of annual renewal
14 license fee of \$70.

15 (625 ILCS 5/6-1007 new)

16 Sec. 6-1007. Licenses; form and filing. All applications
17 for renewal of an enhanced skills driving school license or
18 instructor's license shall be on a form prescribed by the
19 Secretary, and must be filed with the Secretary not less than
20 15 days preceding the expiration date of the license to be
21 renewed.

22 (625 ILCS 5/6-1008 new)

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

7 (625 ILCS 5/6-1009 new)

8 Sec. 6-1009. Denial, cancellation, suspension, revocation,
9 and failure to renew license. The Secretary may deny, cancel,
10 suspend or revoke, or refuse to renew any enhanced skills
11 driving school license or any enhanced skills driving school
12 instructor license:

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

16 (2) Whenever the licensee fails to keep records
17 required by this Code or by any rule prescribed by the
18 Secretary;

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

22 (4) Whenever the licensee represents himself or
23 herself as an agent or employee of the Secretary or uses
24 advertising designed to lead or which would reasonably have
25 the effect of leading persons to believe that such licensee

1 is in fact an employee or representative of the Secretary;

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

7 (6) Whenever the licensee is convicted of driving while
8 under the influence of alcohol, other drugs, or a
9 combination thereof; leaving the scene of an accident;
10 reckless homicide or reckless driving.

11 (625 ILCS 5/6-1010 new)

12 Sec. 6-1010. Judicial review. The action of the Secretary
13 in canceling, suspending, revoking, or denying any license
14 under this Article shall be subject to judicial review in the
15 Circuit Court of Sangamon County or the Circuit Court of Cook
16 County, and the provisions of the Administrative Review Law and
17 the rules adopted pursuant thereto are hereby adopted and shall
18 apply to and govern every action for judicial review of the
19 final acts or decisions of the Secretary under this Article.

20 (625 ILCS 5/6-1011 new)

21 Sec. 6-1011. Injunctions. If any person, firm,
22 association, partnership, or corporation operates in violation
23 of any provision of this Article, or any rule, regulation,
24 order, or decision of the Secretary of State established under

1 this Article, or in violation of any term, condition, or
2 limitation of any license issued under this Article, the
3 Secretary of State, or any other person injured as a result, or
4 any interested person, may apply to the circuit court of the
5 county where the violation or some part occurred, or where the
6 person complained of has an established or additional place of
7 business or resides, to prevent the violation. The court may
8 enforce compliance by injunction or other process restraining
9 the person from further violation and compliance.

10 (625 ILCS 5/6-1012 new)

11 Sec. 6-1012. Rules and regulations. The Secretary is
12 authorized to prescribe by rule standards for the eligibility,
13 conduct, and operation of enhanced driver skills training
14 schools, and instructors and to adopt other reasonable rules
15 and regulations necessary to carry out the provisions of this
16 Article.

17 (625 ILCS 5/6-1013 new)

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

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

22 (720 ILCS 5/33-6)

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

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

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

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

25 (3) as an employee of the Illinois Secretary of State's
26 Office, or the owner or employee of any commercial driver

1 exam training school licensed by the Illinois Secretary of
2 State, or any other individual authorized by the laws of
3 this State to give driving instructions or administer all
4 or part of a driver's license examination, solicits,
5 receives, retains, or agrees to accept any property or
6 personal advantage that he or she is not authorized by law
7 to accept knowing that such property or personal advantage
8 was promised or tendered with intent to influence the
9 performance of any act related to the issuance of any
10 driver's license or permit; or

11 (4) as an employee of the Illinois Secretary of State's
12 Office, or the owner or employee of any commercial driver
13 exam training school licensed by the Illinois Secretary of
14 State, or any other individual authorized by the laws of
15 this State to give driving instructions or administer all
16 or part of a driver's license examination, solicits,
17 receives, retains, or agrees to accept any property or
18 personal advantage pursuant to an understanding that he or
19 she shall improperly influence or attempt to influence the
20 performance of any act related to the issuance of any
21 driver's license or permit.

22 (b) Sentence. Bribery to obtain driving privileges is a
23 Class 2 felony.

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