



Sen. Jennifer Bertino-Tarrant

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09800HB4561sam002

LRB098 15243 MLW 59598 a

1 AMENDMENT TO HOUSE BILL 4561

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4561 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-107.5 as follows:

6 (625 ILCS 5/6-107.5)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 Sec. 6-107.5. Adult Driver Education Course.

10 (a) The Secretary shall establish by rule the curriculum  
11 and designate the materials to be used in an adult driver  
12 education course. The course shall be at least 6 hours in  
13 length and shall include instruction on traffic laws; highway  
14 signs, signals, and markings that regulate, warn, or direct  
15 traffic; and issues commonly associated with motor vehicle  
16 accidents including poor decision-making, risk taking,

1 impaired driving, distraction, speed, failure to use a safety  
2 belt, driving at night, failure to yield the right-of-way,  
3 texting while driving, using wireless communication devices,  
4 and alcohol and drug awareness. The curriculum shall not  
5 require the operation of a motor vehicle.

6 (b) The Secretary shall certify course providers. The  
7 requirements to be a certified course provider, the process for  
8 applying for certification, and the procedure for decertifying  
9 a course provider shall be established by rule.

10 (b-5) In order to qualify for certification as an adult  
11 driver education course provider, each applicant must  
12 authorize an investigation that includes a fingerprint-based  
13 background check to determine if the applicant has ever been  
14 convicted of a criminal offense and, if so, the disposition of  
15 any conviction. This authorization shall indicate the scope of  
16 the inquiry and the agencies that may be contacted. Upon  
17 receiving this authorization, the Secretary of State may  
18 request and receive information and assistance from any  
19 federal, State, or local governmental agency as part of the  
20 authorized investigation. Each applicant shall submit his or  
21 her fingerprints to the Department of State Police in the form  
22 and manner prescribed by the Department of State Police. These  
23 fingerprints shall be checked against fingerprint records now  
24 and hereafter filed in the Department of State Police and  
25 Federal Bureau of Investigation criminal history record  
26 databases. The Department of State Police shall charge

1 applicants a fee for conducting the criminal history record  
2 check, which shall be deposited into the State Police Services  
3 Fund and shall not exceed the actual cost of the State and  
4 national criminal history record check. The Department of State  
5 Police shall furnish, pursuant to positive identification,  
6 records of Illinois criminal convictions to the Secretary and  
7 shall forward the national criminal history record information  
8 to the Secretary. Applicants shall pay any other  
9 fingerprint-related fees. Unless otherwise prohibited by law,  
10 the information derived from the investigation, including the  
11 source of the information and any conclusions or  
12 recommendations derived from the information by the Secretary  
13 of State, shall be provided to the applicant upon request to  
14 the Secretary of State prior to any final action by the  
15 Secretary of State on the application. Any criminal conviction  
16 information obtained by the Secretary of State shall be  
17 confidential and may not be transmitted outside the Office of  
18 the Secretary of State, except as required by this subsection  
19 (b-5), and may not be transmitted to anyone within the Office  
20 of the Secretary of State except as needed for the purpose of  
21 evaluating the applicant. At any administrative hearing held  
22 under Section 2-118 of this Code relating to the denial,  
23 cancellation, suspension, or revocation of certification of an  
24 adult driver education course provider, the Secretary of State  
25 may utilize at that hearing any criminal history, criminal  
26 conviction, and disposition information obtained under this

1 subsection (b-5). The information obtained from the  
2 investigation may be maintained by the Secretary of State or  
3 any agency to which the information was transmitted. Only  
4 information and standards which bear a reasonable and rational  
5 relation to the performance of providing adult driver education  
6 shall be used by the Secretary of State. Any employee of the  
7 Secretary of State who gives or causes to be given away any  
8 confidential information concerning any criminal convictions  
9 or disposition of criminal convictions of an applicant shall be  
10 guilty of a Class A misdemeanor unless release of the  
11 information is authorized by this Section.

12 (c) The Secretary may permit a course provider to offer the  
13 course online, if the Secretary is satisfied the course  
14 provider has established adequate procedures for verifying:

15 (1) the identity of the person taking the course  
16 online; and

17 (2) the person completes the entire course.

18 (d) The Secretary shall establish a method of electronic  
19 verification of a student's successful completion of the  
20 course.

21 (e) The fee charged by the course provider must bear a  
22 reasonable relationship to the cost of the course. The  
23 Secretary shall post on the Secretary of State's website a list  
24 of approved course providers, the fees charged by the  
25 providers, and contact information for each provider.

26 (f) In addition to any other fee charged by the course

1 provider, the course provider shall collect a fee of \$5 from  
2 each student to offset the costs incurred by the Secretary in  
3 administering this program. The \$5 shall be submitted to the  
4 Secretary within 14 days of the day on which it was collected.  
5 All such fees received by the Secretary shall be deposited in  
6 the Secretary of State Driver Services Administration Fund.  
7 (Source: P.A. 98-167, eff. 7-1-14.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.".