

SECRETARY OF STATE
Government Services/Constitutional Office
FY14 Headcount: 3,701

<http://www.cyberdriveillinois.com/>

SUMMARY OF AGENCY OPERATIONS:

The Secretary of State (SOS) maintains Illinois' official records and the state seal as its constitutional duty. The office maintains the 28 buildings on the Capitol Complex, oversees the state's network of libraries and preserves some of the state's most historic documents. The office is best known for issuing driver's licenses and license plates, which account for about 60 percent of the office's annual revenues.

Internal Hiring

Agency positions subject to restrictions based on criminal history

This agency is subject to personnel or non personnel code.

This is a non personal code agency

Employment background information:

15 ILCS 310/10b.3 (Eligible lists)

For the establishment of eligible lists for appointment to positions in the Office of the Secretary of State upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations. The Director may establish eligible list by numerical ratings or rankings such as superior, excellent, qualified or well-qualified. Such rules may provide for lists by area or location, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, and for such other provisions as may be necessary.

15 ILCS 310/10b.4 (Rejection of candidates or eligibles)

For the rejection of candidates or eligibles who fail to comply with reasonable, previously specified job requirements of the Director in regard to such factors as physical and psychological condition, training and experience; who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to controlled substances; or who have attempted any deception or fraud in connection with an examination.

Statutory Restrictions Applicable to Internal Hiring:

15 ILCS 305/14 (Inspector General)

(b) The Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

Restriction Type: Mandatory

Restriction Duration: Not mentioned in statute

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15 ILCS 310/10b.1 (Competitive examinations)

(a) For open competitive examinations to test the relative fitness of applicants for the respective positions. Tests shall be designed to eliminate those who are not qualified for entrance into the Office of the Secretary of State and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education and experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical skill; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. All examinations shall be announced publicly at least 2 weeks in advance of the date of examinations and may be advertised through the press, radio or other media.

The Director may, at his discretion, accept the results of competitive examinations conducted by any merit system established by Federal law or by the law of any State, and may compile eligible lists there from or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. No person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived by the Director of Personnel and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Personnel for similar positions. Special linguistic options may also be established where deemed appropriate.

Administrative Code: Title 80, Subtitle B, Chapter II, Part 420 Sub part C, Section 420.300 Application and Examination

d. Removal of Names From Eligible Lists:

2. The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following:

L. Conviction of an eligible applicant of a felony or of a crime that is relevant to the position for which the person is testing or being hired;

M. Conviction of a crime involving alcohol or drugs.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

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Administrative Code: Title 80, Subtitle B, Chapter II, Part 420, Sub part C, Section 20.310 Appointment and Selection

d. Removal of Names From Eligible Lists:

2. The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following:

L. Conviction of an eligible applicant of a felony or of a crime that is relevant to the position for which the person is testing or being hired;

M. Conviction of a crime involving alcohol or drugs.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Background Check Procedures:

(1) Self-disclosure on application

Yes

(2) background check review procedure

15 ILCS 310/10b.1 (Competitive examinations)

(b) The Director of Personnel may require that each person seeking employment with the Secretary of State, as part of the application process, authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director of Personnel may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. The investigation shall be undertaken after the fingerprinting of an applicant in the form and manner prescribed by the Department of State Police. The investigation shall consist of a criminal history records check performed by the Department of State Police and the Federal Bureau of Investigation, or some other entity that has the ability to check the applicant's fingerprints against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. If the Department of State Police and the Federal Bureau of Investigation conduct an investigation directly for the Secretary of State's Office, then the Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant or prospective employee of the Secretary of State upon request of the Department of Personnel when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Director of Personnel shall be provided to the applicant or prospective employee, or his designee, upon request to the Director of Personnel prior to any final action by the Director of Personnel on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Director of Personnel shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to

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anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the application. The only physical identity materials which the applicant or prospective employee can be required to provide the Director of Personnel are photographs or fingerprints; these shall be returned to the applicant or prospective employee upon request to the Director of Personnel, after the investigation has been completed and no copy of these materials may be kept by the Director of Personnel or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel. The Secretary of State shall adopt rules and regulations for the administration of this Section. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions and their disposition of an applicant or prospective employee shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

Exemption, waiver, or review mechanisms

Not mentioned in the agency report

Total number of people who underwent a background check

Not mentioned in the agency report

AGENCY occupational licensing restrictions based on criminal history:

Notary

5 ILCS 312/2-102 (Application)

Every applicant for appointment and commission as a notary shall complete an application form furnished by the Secretary of State to be filed with the Secretary of State, stating:

(i) That the applicant has not been convicted of a felony

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

5 ILCS 312/3-103 (Notice)

(g) If a notary public of this State is convicted of 2 or more business offenses involving a violation of this Act within a 12-month period while commissioned, or of 3 or more business offenses involving a violation of this Act within a 5-year period regardless of being commissioned, the Secretary shall automatically revoke the notary public commission of that person on the date that the person's most recent business offense conviction is entered as a final judgment.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

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5 ILCS 312/7-108 (Revocation of Commission)

The Secretary of State may revoke the commission of any notary public who, during the current term of appointment:

(b) is convicted of any felony or official misconduct under this Act.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in the above listed statute

VEHICLE DEALERS, TRANSPORTERS, WRECKERS AND REBUILDERS

625 ILCS 5/5-105 (Investigation of Licensee required)

Every person seeking a license under Chapter 5 of this Act, as part of the application process, authorizes an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions.

625 ILCS 5/5-301 (Automotive parts recyclers, scrap processors, repairers and rebuilders must be licensed)

b. Any application filed with the Secretary of State, shall be duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

4) A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principles in the business have not committed in the past three years any one violation as determined in any civil or criminal or administrative proceedings of any one of the following Acts:

e. Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicle

Restriction Type: Mandatory

Restriction Duration: Have not committed in the past three years any one violation as determined in any civil or criminal or administrative proceedings

625 ILCS 5/5-501 (Denial, suspension or revocation or cancellation of a license)

c. Cancellation of a license

2. The license of a person issued under this Chapter may be cancelled without a hearing when the Secretary of State is notified that the applicant, or any officer, director, shareholder having a 10 percent or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or member of the applicant or the licensee has been convicted of any felony involving the selling, bartering, exchanging, offering for sale, or otherwise dealing in vehicles, chassis, essential parts, vehicle shells, or ownership documents relating to any of the above items.

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

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DRIVER'S LICENSE

625 ILCS 5/6-103 (What persons shall not be licensed as drivers or granted permits)

The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

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

Restriction Type: Mandatory

Restriction Duration: Within 12 months of application for a license

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

Restriction Type: Mandatory

Restriction Duration: The Secretary of State shall not issue a new license or permit for a period of one year

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment

Restriction Type: Mandatory

Restriction Duration: Within 24 months of release from a term of imprisonment

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

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CHARTER BUS DRIVER ENDORCEMENT

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.82 Third-Party Certification Program

a. Requirements of Driver Applicants for a Charter Bus Driver Endorsement

In order for the Department to issue a charter bus driver endorsement, all driver applicants must:

3. Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor (A consent form must be signed by the driver applicant/CDL holder that allows the Department to release the fingerprint information to the driver applicant's employer.);

8. Not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-508(c-1)(4).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

SEASONAL RESTRICTED COMMERCIAL DRIVER'S LICENSE

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.96 Seasonal Restricted Commercial Driver's License

a. In order to be eligible for a seasonal restricted CDL, the driver applicant must meet the following standards:

6. The driver applicant must not have been convicted of a "serious traffic violation" in any class of motor vehicle within two years prior to application for a restricted CDL;

Restriction Type: Mandatory

Restriction Duration: Within two years prior to application for a restricted CDL

g. A restricted CDL shall be invalidated and/or further action shall be taken against the individual's driving privileges if any of the following is received by the Department:

5. Reliable written report of a conviction of a "serious traffic violation" in any class of motor vehicle;

h. An individual whose restricted CDL has been invalidated shall not be eligible to apply for another restricted CDL until the expiration of two years from the effective date of the invalidation.

Restriction Type: Mandatory

Restriction Duration: Until the expiration of two years from the effective date of the invalidation.

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PROBATIONARY LICENSE

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.120 Issuance of a Probationary License

a. A person whose driving privileges have been suspended under IVC Section 6-206(a)(2) for conviction of not less than three offenses committed within a 12-month period against traffic regulations governing the movement of vehicles shall qualify for a probationary license if the individual meets the following requirements:

4. Has not previously or currently been arrested for an offense that requires mandatory revocation upon conviction, as stated in IVC Section 6-205.

Restriction Type: Mandatory

Restriction Duration: Within a 12-month period

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.130 Grounds for Cancellation of a Probationary License

a. A probationary license as defined in Section 1030.120 shall be canceled and/or further action taken against the individual's driving privileges if the Department receives:

2. Evidence that traffic convictions committed prior to the effective date of the suspension entered pursuant to IVC Section 6-206(a)(2) will result in the total points assessed against the individual's driving record exceeding 74 points within a 12-month period, as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).

Restriction Type: Mandatory

Restriction Duration: Within a 12-month period

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

a. When considering prior convictions, only convictions for driving without a valid driver's license within seven years prior to the arrest date of the incoming conviction shall be considered.

Restriction Type: Mandatory

Restriction Duration: Within seven years prior to the arrest date of the incoming conviction shall be considered.

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction

a. Local ordinance conviction. A person who has been convicted of a local ordinance violation that is similar to any of those offenses in IVC Section 6-205 or 6-206 shall have his/her driving privileges revoked or suspended in the same manner as if he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.36 Suspension for Violation of Restrictions on Driver's License

a. A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on a driver's license shall have his/her driving privileges suspended by the Department. If a corrected driver's license that removes the restriction that was violated at the time of arrest is issued on or prior to the conviction date of the incoming conviction for a first offense of a driver's license restriction violation, no action shall be taken against the individual by the Department.

Restriction Type: Mandatory

Restriction Duration: (See action table which outlines the number of convictions and the actions taken in reference to those convictions)

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit

a. A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

Restriction Type: Mandatory

Restriction Duration: (See action table which outlines the number of convictions and the actions taken in reference to those convictions)

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.38 Commission of a Traffic Offense in Another State

a. A person who has been convicted of a traffic offense in another state, that, if committed in this State, would be grounds for mandatory revocation pursuant to IVC Section 6-205 shall have his/her driving privileges revoked.

b. A person who has been convicted of a traffic offense in another state, that, if committed in this State, would be grounds for suspension or revocation pursuant to IVC Section 6-206, shall have his/her driving privileges reviewed, and shall be subject to the same action as if the offense had occurred within this State.

c. A person who has been convicted of a traffic offense in another state, that, if committed in this State, would be grounds for denial pursuant to IVC Section 6-107(c) or (d), shall have his/her driving privileges reviewed and shall be subject to the same action as if the offense had occurred within this State.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.40 Suspension or Revocation for Repeated Convictions or Collisions

a. A person who has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree that indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle, or whose record indicates disrespect for traffic laws and the safety of other persons on the highway, shall be reviewed by the Department for possible driver's license and/or driving privilege suspension or revocation pursuant to IVC Section 6-206(a)(3). Upon review, if a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.30, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension, the person's driving privileges shall be revoked pursuant to IVC Section 6-206(a)(3).

Restriction Type: Mandatory

Restriction Duration: If a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a 12-month suspension or revocation entered under Section 1040.30, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12-month suspension, the person's driving privileges shall be revoked pursuant to IVC Section 6-206(a)(3).

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.42 Suspension or Revocation for Fleeing and Eluding

a. A person who has been convicted of fleeing or attempting to elude a peace officer in a motor vehicle shall have his/her driving privileges suspended or revoked by the Department.

g. When considering prior convictions, only convictions for fleeing or attempting to elude a peace officer with conviction dates within seven years prior to the forthcoming suspension's effective date shall be used.

Restriction Type: Mandatory

Restriction Duration: Within seven years prior to the forthcoming suspension's effective date

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.43 Suspension or Revocation for Illegal Transportation

b. An individual who has two or more convictions, regardless of age at the time of arrest, and whose arrest dates fall within any 12-month period, for illegal transportation of alcohol as a driver, shall have his/her driving privileges suspended or revoked by the Department.

Restriction Type: Mandatory

Restriction Duration: Within any 12-month period

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.46 Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations

a. The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital. No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation. Fatal accidents that occur on or after January 1, 2011 shall not be subject to subsections (a) through (g), but shall be subject to subsection (h).

g. Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 shall have his/her driving privileges revoked under the applicable IVC Section.

h. Any person who is convicted of an offense regulating the movement of traffic with an arrest date on or after 1-1-11 that resulted in proximate death of any person shall have his/her driving privileges revoked under the applicable IVC Section.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.50 Occupational Driving Permit

d. Upon receipt by this Office of the fifth conviction within a 12-month period, if at least two of the convictions were issued for violations committed in his/her commercial vehicle, or a sixth conviction within a 12-month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to IVC Section 6-206(c)(3).

Restriction Type: Mandatory

Restriction Duration: Within a 12-month period

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.55 Suspension or Revocation for Driver's License Classification Violations

a. A person who is convicted of operating a motor vehicle without the proper license classification shall have his/her driving privileges suspended or revoked by the Department. If a new upgraded license has been issued for the proper classification of the vehicle being operated at the time of arrest on or prior to the conviction date for a first offense of a license classification violation, no action shall be taken against the individual by the Department.

c. When considering prior convictions, only convictions for operating a motor vehicle without the proper license classification within seven years prior to the arrest date of the incoming conviction shall be considered.

Restriction Type: Mandatory

Restriction Duration: Classification within seven years prior to the arrest date of the incoming conviction

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.65 Offenses Occurring on Military Bases

a. Reports of Conviction

1. All convictions for traffic offenses committed by an Illinois driver on a military base in the State of Illinois shall be reported to the Office of the Secretary of State by the Office of the Judge Advocate or other similar office from each base located in the State of Illinois on a form provided and prescribed by the Office of the Secretary of State.
2. All convictions for traffic offenses committed on a military base in the State of Illinois by an Illinois driver who is a civilian or military dependent that are adjudicated in a federal district court or by the U.S. Magistrate shall be reported by the federal district court clerk to the Office of the Secretary of State on a form provided and prescribed by the Office of the Secretary of State.
3. Reports of convictions received by the Office of the Secretary of State shall be entered upon the driver's record. Conviction shall mean that the case was disposed of or adjudicated by the U.S. District Court, the U.S. Magistrate, court-martial conviction, or non-judicial punishment pursuant to Article 15 of the Uniform Code of Military Justice (10 USC 810).

b. Revocation or Suspension Action to be Imposed

1. A person, military or civilian, who has been convicted of an offense on a military base that, if committed in this State, would be grounds for mandatory revocation pursuant to IVC Section 6-205, shall have his/her driving privileges revoked. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
2. A person, military or civilian, who has been convicted of an offense on a military base that, if committed in this State, would be grounds for suspension or revocation pursuant to IVC Section 6-206, shall have his/her driving privileges reviewed and shall be subject to the same action as if the offenses had occurred within this State. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
3. A military person who has been convicted under the Uniform Code of Military Justice of an offense similar to one of those listed in IVC Section 6-205 shall have his/her driving privileges reviewed in accordance with IVC Section 6-206(a)(24) and driving privileges may be suspended or revoked if the requirements of Section 6-206(a)(24) are met.
4. A civilian person who has been convicted in a federal district court for an offense listed in IVC Section 6-205 or 6-206 that would require suspension or revocation if committed in this State shall have the same sanction imposed as if the offenses had been reported by a State court. This action shall be taken in accordance with IVC Section 6-206(a)(6).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.66 Invalidation of a Restricted Driving Permit

Upon receipt of one or more of the following documents from a circuit clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a Restricted Driving Permit (RDP):

d. a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, drag racing in violation of IVC Section 11-504, or street racing in violation of IVC Section 11-506.

Restriction Type: Mandatory

Restriction Duration: Not mentioned the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle

a. If the Department receives a conviction for IVC Section 11-907(c), the Department shall take the following action:

Restriction Type: Mandatory

Restriction Duration: (See action table for a list of detailed convictions and the actions taken)

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violation

a. A person who is convicted of violating IVC Section 11-406 for failure to make a report of a vehicle accident shall have his/her driving privileges suspended by the Department.

b. When considering prior convictions, only those convictions for failure to make a report of a vehicle accident that have an arrest date within seven years prior to the arrest date of the incoming conviction shall be considered.

Restriction Type: Mandatory

Restriction Duration: Within seven years prior to the arrest date of the incoming conviction

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations

An individual who has two or more convictions for violating IVC Section 11-1201 shall have his/her driving privileges suspended by the Department in accordance with IVC Section 6-206(a)(39).

Restriction Type: Mandatory

Restriction Duration: (See action table for a list of detailed convictions and the actions taken)

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present

a. If a person has no open or pending suspensions or revocations and a conviction for violation of IVC Section 11-908(a-1) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

Restriction Type: Mandatory

Restriction Duration: 3-month suspension

b. If a person has one or more open or pending revocations and a conviction for violation of IVC Section 11-908(a-1) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

Restriction Type: Mandatory

Restriction Duration: 3-month suspension

c. If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for a violation of IVC Section 11-908(a-1) is received, the Department shall enter a 3-month suspension, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court. The suspension shall become effective upon the latest provisional or projected termination date of the suspension on record.

Restriction Type: Mandatory

Restriction Duration: 3-month suspension

d. If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for a violation of IVC Section 11-908(a-1) is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of suspension shall be entered for the period specified by the court. The suspension shall become effective upon the latest provisional or projected termination date of the suspension on record.

Restriction Type: Mandatory

Restriction Duration: 3-month suspension

e. If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

Restriction Type: Mandatory

Restriction Duration: 3-month suspension

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Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.115 Suspension for Theft of Motor Fuel

a. A person who has been convicted of theft of motor fuel as defined in Section 16J-15 prior to August 21, 2007 or Section 16K-15 on or after August 21, 2007 of the Criminal Code of 1961 [720 ILCS 5/16J-15 or 16K-15] shall have his/her driving privileges suspended by the Department.

c. A conviction for theft of motor fuel may be considered with prior convictions only if the arrest date falls within seven years after any previous conviction for theft of motor fuel.

Restriction Type: Mandatory

Restriction Duration: Within seven years after any previous conviction for theft of motor fuel.

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.110 Bribery

a. The Department shall, pursuant to IVC Section 6-103(16), deny for a period of 120 consecutive days the issuance of a driver's license and/or permit to any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept.

b. The Department shall, pursuant to IVC Section 6-103(16), invalidate for a period of 120 consecutive days the driver's license and/or permit of any person who, with intent to influence any act related to the issuance of any driver's license or permit, promises or tenders to an employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination any property or personal advantage that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit.

c. When any employee of the Secretary of State's Office, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is tendered a bribe or a bribe has been attempted as defined in Section 1040.1, the person bribed or attempted to be bribed shall immediately report the incident to authorized personnel, as defined in Section 1040.1. Authorized personnel shall immediately proceed in the following manner: complete the interview process; complete the designated bribery/attempted bribery form; and notify the appropriate staff of the bribery incident. All evidence collected from the incident shall be placed in a secure locked place. For purposes of this Section, the Department shall disqualify the individual for a designated time upon receipt of the prescribed bribery/attempted bribery form faxed by the authorized personnel.

Restriction Type: Mandatory

Restriction Duration: For a period of 120 consecutive days

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RELIGIOUS ORGANIZATION BUS DRIVER

625 ILCS 5/6-106.2 Religious organization bus driver

A religious organization bus driver shall meet the following requirements:

5. Has not been conviction of any of the following offenses within 3 years of the date of application:

Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Section 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

Restriction Type: Mandatory

Restriction Duration: Within 3 years of the date of application

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

b. In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of any of the offenses listed in IVC Section 6-106.2(5) or 6-106.3(5), that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:

1. The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible to operate a religious organization bus or senior citizen transportation vehicle.

2. A licensee shall surrender his/her Illinois driver's license at a Driver Services Facility within 10 days after receiving notification in order to have the restriction to operate the religious organization bus or senior citizen transportation vehicle removed from the driver's license.

3. A corrected driver's license shall be issued to each eligible licensee and the applicant shall be charged a fee in accordance with IVC Section 6-118(a).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

SENIOR CITIZEN TRANSPORTATION DRIVER

625 ILCS 5/6-106.3 (Senior citizen transportation – driver

A driver of a vehicle operated solely for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization shall meet the following requirements:

5. Has not been conviction of any of the following offenses within 3 years of the date of application:

Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Section 9-3 (manslaughter or reckless homicide) and 12-5

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(reckless conduct arising from use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

Restriction Type: Mandatory

Restriction Duration: Within 3 years of the date of application

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation

b. In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of any of the offenses listed in IVC Section 6-106.2(5) or 6-106.3(5), that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:

1. The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible to operate a religious organization bus or senior citizen transportation vehicle.
2. A licensee shall surrender his/her Illinois driver's license at a Driver Services Facility within 10 days after receiving notification in order to have the restriction to operate the religious organization bus or senior citizen transportation vehicle removed from the driver's license.
3. A corrected driver's license shall be issued to each eligible licensee and the applicant shall be charged a fee in accordance with IVC Section 6-118(a).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

FOR PROFIT RIDESHARING DRIVER

625 ILCS 5/6-106.4 (For-profit ridesharing arrangement – driver

No person may drive a commuter van while it is being used for a for-profit ridesharing arrangement unless such person:

5. Has not been conviction of any of the following offenses within 3 years of the date of application:

Sections 11-401 (leaving the scene of a traffic accident involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Section 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

Restriction Type: Mandatory

Restriction Duration: Within 3 years of the date of application

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Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

d. In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in IVC Section 6-106.4(5), that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:

1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible to operate a for-profit ridesharing arrangement vehicle.

2) The licensee shall surrender the Illinois driver's license at the Driver Services Facility within 10 days after receiving the notification in order to have the restriction to operate a for-profit ridesharing arrangement vehicle removed from the driver's license.

3) A corrected driver's license shall be issued to each eligible licensee and the applicant will be charged a fee in accordance with IVC Section 6-118(a).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

DRIVER TRAINING INSTRUCTORS

625 ILCS 5/6-411 (Qualifications of Driver Training Instructors)

In order to qualify for a license as an instructor for a driving school, an applicant must:

(a) Be of good moral character

(b) Authorize an investigation to include a fingerprint based background check to determine if the applicant has ever been convicted of a crime

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the statute

Administrative Code: Title 92, Chapter II, Part 1060 Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

a. The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training instructor's license:

2. To any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2 year period immediately preceding the date of application for an instructor's license

Restriction Type: Mandatory

Restriction Duration: Within the 2 year period immediately preceding the date of application

3. To any person who has had 2 or more convictions of a violation that caused an auto accident within the 2 year period immediately preceding the date of application for an instructor's license

Restriction Type: Mandatory

Restriction Duration: Within the 2 year period immediately preceding the date of application

4. To any person who has been conviction of driving under the influence of alcohol and/or other drugs, pursuant to IVC Section 11-501, leaving the scene of a fatal accident, pursuant to IVC Section 11-401, reckless homicide, pursuant to Section 9-3 of the Criminal Code of 2012 [720

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ILCS 5/9-3], reckless driving, pursuant to IVC Section 11-503, or any sex or drug related offenses within 10 years prior to the date of application; or to any person with more than one of these conviction

Restriction Type: Mandatory

Restriction Duration: Within the 10 year period immediately preceding the date of application

b. If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor, including for use at an administrative hearing should one be requested.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

13. To any person who is not of good moral character as required pursuant to IVC Section 6-411(a). In making a determination of good moral character, the Department is not limited to, but may consider the following:

a. If the person has been convicted of a felony or misdemeanor. The Department shall consider:

i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school;

ii) The length of time that has elapsed since the owner's last criminal conviction

iii) Whether the applicant successfully completed any sentence imposed with the convictions;

iv) Whether the applicant successfully completed any sentence imposed with the convictions;

b. If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor, including for use at an administrative hearing should one be requested.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the statute

625 ILCS 5/6-420 (Denial, cancellation, suspension, revocation and failure to renew license)

The Secretary may deny, cancel, suspend or revoke, or refuse to renew any driver training school license or any driver training instructor license:

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

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

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Administrative Code: Title 92, Chapter II, Part 1060 Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

a. The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training instructor's license:

2) To any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2 year period immediately preceding the date of application for an instructor's license;

Restriction Type: Mandatory

Restriction Duration: Within the 2 year period immediately preceding the date of application for an instructor's license

3) To any person who has had 2 or more convictions of a violation that caused an auto accident within the 2 year period immediately preceding the date of application for an instructor's license;

Restriction Type: Mandatory

Restriction Duration: Within the 2 year period immediately preceding the date of application for an instructor's license

4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to IVC Section 11-501, leaving the scene of a fatal accident, pursuant to IVC Section 11-401, reckless homicide, pursuant to Section 9-3 of the Criminal Code of 2012 [720 ILCS 5/9-3], reckless driving, pursuant to IVC Section 11-503, or any sex or drug related offense within 10 years prior to the date of application; or to any person with more than one of these convictions.

Restriction Type: Mandatory

Restriction Duration: Within 10 years prior to the date of application; or to any person with more than one of these convictions

SCHOOL BUS DRIVER

625 ILCS 5/6-508 (Commercial driver's license (CDL) – qualification standards

(c-1) The Secretary may issue a CDL with a school bus driver endorsement to allow a person to drive the type of bus described in subsection (d-5) of Section 6-104 of this Code. The CDL with a school bus driver endorsement may be issued only to a person meeting the following requirements:

(4) the person has not been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of

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Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in subsection (a) and subsection (b), clause (1), of Section 12-4, and in subsection (A), clauses (a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

(From 625 ILCS 5/6-104 referenced in 625 ILCS 5/6-508)

d-5) No person may drive a bus that does not meet the special requirements for school buses provided in Sections 12-801, 12-802, 12-803, and 12-805 of this Code that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid and properly classified commercial driver's license as provided in subsection (c-1) of Section 6-508 of this Code in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

Administrative Code: Title 92, Chapter II, Part 1035 Section 1035.15 Requirements of applicants for a School Bus Driver Permit

In order for the Secretary of State to issue a school bus driver permit, all applicants must:

j. not have been under an order of court supervision for or convicted, within 3 years prior to the date of application, of reckless driving (see IVC Section 11-503), aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof (see IVC Section 11-501) or reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]) resulting from the operation of a motor vehicle

Restriction Type: Mandatory

Restriction Duration: Within 3 years prior to the date of application

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Administrative Code: Title 92, Chapter II, Part 1035 Section 1035.15 Requirements of applicants for a School Bus Driver Permit

In order for the Secretary of State to issue a school bus driver permit, all applicants must:

l. Not have been convicted of committing or attempting to commit any one or more of the offenses set forth in IVC Section 6-106.1(a)(11)

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

m. Not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40;

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

Administrative Code: Title 92, Chapter II, Part 1035 Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit

a. The Secretary of State shall deny or cancel a school bus driver permit of an applicant:

1) Whose criminal background investigation discloses that he or she is not in compliance with any of the provisions of IVC Section 6-106.1(a)

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

ENHANCED SKILLS DRIVING SCHOOL INSTRUCTORS

625 ILCS 5/6-1004 (Qualifications of enhanced skills driving school instructors)

In order to qualify for a license as an instructor for an enhanced skills driving school, an applicant must:

(a) Be of good moral character

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

Restriction Type: Mandatory

Restriction Duration: Not mentioned in statute

625 ILCS 5/6-1009 (Denial, cancellation, suspension, revocation, and failure to renew license)

The Secretary may deny, cancel, suspend or revoke, or refuse to renew any enhanced skills driving school license or any enhanced skills driving school instructor license:

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

Restriction Type: Discretionary

Restriction Duration: Not mentioned in statute

INVESTMENT ADVISERS

815 ILCS 5/8

(Registration of dealers, limited Canadian dealers, salespersons, investment advisers, and investment adviser representatives)

A. Except as otherwise provided in this subsection A, every dealer, limited Canadian dealer, salesperson, investment adviser, and investment adviser representative shall be registered as such with the Secretary of State. No dealer or salesperson need be registered as such when offering or selling securities in transactions exempted by subsection A, B, C, D, E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act, provided that such dealer or salesperson is not regularly engaged in the business of offering or selling securities in reliance upon the exemption set forth in subsection G or M of Section 4 of this Act. No dealer, issuer or controlling person shall employ a salesperson unless such salesperson is registered as such with the Secretary of State or is employed for the purpose of offering or selling securities solely in transactions exempted by subsection A, B, C, D, E, G, H, I, J, K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that such salesperson need not be registered when effecting transactions in this State limited to those transactions described in Section 15(h)(2) of the Federal 1934 Act or engaging in the offer or sale of securities in respect of which he or she has beneficial ownership and is a controlling person. The Secretary of State may, by rule, regulation or order and subject to such terms, conditions, and fees as may be prescribed in such rule, regulation or order, exempt from the registration requirements of this Section 8 any investment adviser, if the Secretary of State shall find that such registration is not necessary in the public interest by reason of the small number of clients or otherwise limited character of operation of such investment adviser.

B. An application for registration as a dealer or limited Canadian dealer, executed, verified, or authenticated by or on behalf of the applicant, shall be filed with the Secretary of State, in such form as the Secretary of State may by rule, regulation or order prescribe, setting forth or accompanied by:

(4) (a) A brief description of any civil or criminal proceeding of which fraud is an essential element pending against the applicant and whether the applicant has ever been convicted of a felony, or of any misdemeanor of which fraud is an essential element

Restriction Type: Mandatory

Restriction Type: Not mentioned in statute

Administrative Code: Title 14, Subtitle A, Chapter I, Part 130, Sub part B, Section 130.212
Definition of Acts not Constituting an “Offer” Under Section 2.5A of the Act (Testing the Waters)

a. The solicitation of indications of interest to purchase a security made by or on behalf of an issuer for the sole purpose of soliciting an indication of interest in receiving a prospectus (or its equivalent) for such security does not constitute an offer under Section 5 of the Act provided that all of the following conditions are satisfied:

9. The solicitor does not know, and in the exercise of reasonable care, could not know that the issuer or any of the issuer's officers, directors, ten percent shareholders, partners, members or promoters (or any person performing a similar function):

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b. Has been convicted within five years prior to the filing of the Solicitation of Interest Form of any felony or misdemeanor in connection with the offer, purchase or sale of any security, or any felony involving fraud or deceit, including, without limitation, forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud.

The prohibitions listed above in subsections (a)(9)(A) through (E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is registered in this State and the Form BD filed with this State discloses the order, conviction, judgment or decree relating to such person. No person disqualified under this Section may act in a capacity other than that for which the person is registered. Any disqualification caused by this Section is automatically waived if the agency which created the basis for the disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 14, Subtitle A, Chapter I, Part 130 Sub part D, Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

a. Any offer or sale of securities offered or sold in compliance with the Federal 1933 Act, Regulation D, Rules 230.501-230.503 and 230.505 (17 CFR 230.501-230.503 and 230.505 (May 31, 2011)) and that satisfies the following further conditions and limitations is an exempt transaction.

1) No exemption under this Section shall be available for the securities of any issuer if any of the parties described in the Federal 1933 Act, Regulation A, Rule 230.262 Sections (a), (b) and (c) (17 CFR 230.262(a), (b) and (c) (May 31, 2011)).

b. Has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud

Restriction Type: Mandatory

Restriction Duration: Within five years prior to the filling of the notice required under this exemption of any felony or misdemeanor in connection with the offer

Administrative Code: Title 14, Subtitle A, Chapter I, Part 130 Sub part H, Section 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

a. If a person applying for registration as a dealer, salesperson, investment adviser, investment adviser representative, or principal seeks a waiver of the examination requirements as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.

c. The request shall be signed and notarized. By signing the waiver request, the applicant is attesting to the following (unless a detailed explanation is attached):

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3. The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any conduct as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company;

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

LOAN BROKER

815 ILCS 175/15-40 (Denial, suspension or revocation of registration; orders and hearing)

(a) The Secretary of State may deny, suspend or revoke the registration of a loan broker if the loan broker:

(5) Has been convicted, within 10 years before the date of the application, renewal or review, of any crime involving fraud or deceit.

Restriction Type: Discretionary

Restriction Duration: Within 10 years before the date of the application

Business Broker

815 ILCS 307/10-40 (Denial, suspension or revocation of registration; orders and hearing)

(a) The Secretary of State may deny, suspend or revoke the registration of a business broker if the business broker:

(4) Has been convicted, within 10 years before the date of the application, renewal or review, of any crime involving fraud or deceit.

Restriction Type: Discretionary

Restriction Duration: Within 10 years before the date of the application

REMITTANCE AGENT'S LICENSE

Administrative Code: Title 92, Chapter II, Part 1019 Section 1019.30 Suspension and Revocation of Remittance Agents' Licenses

c. A person shall have his/her remittance agent's license revoked under the following circumstances:

4. He/she is guilty of violating any provision of Chapters 2, 3 or 4 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-101 et seq., 3-100 et seq., and 4-100 et seq.) or the Use Tax Act (Ill. Rev. Stat. 1987, ch. 95½, par. 439.1 et seq.) or the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 95½, par. 439.101 et seq.);

6. He/she has been convicted of a felony.

e. A revocation shall be for at least one year. The remittance agent shall be notified by certified mail that his/her license to operate as a remittance agent is going to be revoked. The notice shall contain the effective date of the revocation, the violation which is the cause of the revocation, and how he/she can contest the revocation. The remittance agent shall be given ten (10) days

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from the date of the notice before the revocation will become effective. In order to be reinstated following a revocation, the person shall request an administrative hearing as provided in 92 Ill. Adm. Code 1001 et seq. The person's remittance agent license shall not be restored until the Secretary is satisfied that he/she will comply with the provisions of Article IX of Chapter 3 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code and is of good business integrity.

f. If a person wishes to contest the suspension or revocation of his/her remittance agent's license, he/she shall request an administrative hearing pursuant to Section 3-907 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907) and 92 Ill. Adm. Code 1001.

Restriction Type: Mandatory

Restriction Duration: A revocation shall be for at least one year.

SAFETY OFFICER LICENSE

Administrative Code: Title 92, Chapter II, Part 1030 Section 1030.60 Third-Party Certification Program

i. Safety Officer

2. Denial of License

The Department shall deny a safety officer's license upon evidence the individual:

A. has been convicted of driving under the influence of alcohol and/or other drugs (see IVC Section 11-501), leaving the scene of a fatal accident (see IVC Section 11-401), reckless homicide (see Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3]), reckless driving (see IVC Section 11-503), or similar out-of-state offenses within 10 years prior to the date of application; or has been convicted two or more times of any of these offenses or combination of these offenses within 20 years prior to the date of application.

Restriction Type: Mandatory

Restriction Duration: Within 10 years prior to the date of application; or has been convicted two or more times of any of these offenses or combination of these offenses within 20 years prior to the date of application.

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Administrative Code: Title 92, Chapter II, Part 1070 Section 1070.110 Illinois Safety and Family Financial Responsibility Law

e. Invalidation of FFRP

1. Upon receipt of any of the following documents from a circuit clerk, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate an FFRP:

b. a report of any disposition of court supervision or conviction for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1001 Sub part D, Section 1001.300 Applicability

o. Fourth Conviction. Pursuant to Section 6-208(b)4, the Secretary of State will not issue a restricted driving permit to any person who has a fourth conviction and revocation for the offenses listed in that Section and who is, therefore, not eligible to apply for the reinstatement of driving privileges, if the arrest that resulted in the fourth conviction was made after the effective date of P.A. 90-738 (1/1/99).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1001 Sub part D, Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

a. Burden of Proof. Petitioners who are not eligible for reinstatement of driving privileges at the time of their hearing must prove that there is no reasonable alternative means of transportation available, that they will not endanger the public safety and welfare, and that an undue hardship will result if they are not issued a restricted driving permit (RDP). The Secretary of State does not weigh the nature or extent of a petitioner's hardship against the risk he/she poses to the public safety and welfare. Rather, the petitioner must first carry his/her burden of proving that he/she will not endanger the public safety and welfare in order for the Secretary of State to consider whether the petitioner has an undue hardship.

o. Fourth Conviction. Pursuant to Section 6-208(b)4, the Secretary of State will not issue a restricted driving permit to any person who has a fourth conviction and revocation for the offenses listed in that Section and who is, therefore, not eligible to apply for the reinstatement of driving privileges, if the arrest that resulted in the fourth conviction was made after the effective date of P.A. 90-738 (1/1/99).

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Secretary of State

Administrative Code: Title 92, Chapter II, Part 1001 Sub part D, Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions

a. Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required

4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender may petition, at a formal hearing conducted pursuant to Section 2-118 of the IVC, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed administrative code

Administrative Code: Title 92, Chapter II, Part 1040 Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

a. The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206.

9. If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

Restriction Type: Mandatory

Restriction Duration: (See the above administrative code for a list of conviction and the actions taken)

EMPLOYMENT contracting restrictions based on criminal history:

15 ILCS 310/6a (Director - powers and duties)

The Director shall have the following duties and responsibilities:

(9) To enter into agreements with professional or educational organizations or the Illinois State Department of Central Management Services for the purpose of obtaining professional or technical assistance in the administration of this Act.

625 ILCS 5/6-106.11

(a) Any individual, corporation, partnership or association, who through contractual arrangements with a school district transports students, teachers or other personnel of that district for compensation, shall not permit any person to operate a school bus or any other motor vehicle requiring a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Sections 6-106.1 of this Code or such other rules or regulations that the Secretary of State may prescribe for the classification, restriction or licensing of the school bus driver permit holder.

Restriction Type: Mandatory

Restriction Duration: Not mentioned in the above listed statute

SUMMARY OF EMPLOYMENT RESTRICTIONS FROM AGENCY REPORT:

INTERNAL AGENCY HIRING

All job titles within the Secretary of State's Office are subject to criminal background checks. The statutory employment restrictions and authority for conducting such background checks and taking the resulting actions is section 10 b.1.(a) & (b) of the Secretary of State Merit Employment Code. Other violations of the law are considered on a case by case basis as it relates to the crime and the position the person is seeking.

Criminal history information is gathered through the application process and upon an offer of conditional employment, through a finger print based background search.

Based on the finger print background search, reports are generated by the Illinois Bureau of Investigation (IBI) and the Federal Bureau of Investigation (FBI). Once received, the reports are reviewed by the staff to determine if there is any negative criminal history, further research is conducted to determine the nature of the crime, including a review of the employment application. Once all the information is gathered it is reviewed by the Director of the Department of Personnel, or a designee and a decision is made as to how to proceed.

The basic review process was adopted after Secretary White took office in 1999, to make sure no employee has criminal convictions which could be relevant to the performance of his or her duties.

Once a determination is made that an applicant may be bypassed for the position he or she is seeking, and notice is sent to the applicant, an applicant can submit a rebuttal or statement of explanation to the Director of Personnel seeking to appeal the decision to by-pass. A review of the rebuttal or statement is conducted and a final determination is made as to whether the original decision shall stand. There is no administrative or judicial appeal process that exists at this time.

3547 employees are currently employed. All of the employees hired since 1999 were subject to a criminal background check.

1 applicant in 2010 was disqualified, which is .04% of the total backgrounds conducted.

5 applicants in 2011 were disqualified which is 1.5% of the total backgrounds conducted.

OCCUPATIONAL LICENSING / REGULATION

Responses were provided for the Departments of the Secretary of State and each occupation they regulate, as listed below:

A. Driver Services:

1. Driving School Owner and Driver Training Instructor
2. School and Charter Bus Drivers
3. Commercial Motor Vehicle Drivers with a Hazardous Materials

Endorsement

The statutes and regulations that authorize the restrictions of applicants were enumerated. There are no time limits for any of the disqualifying offenses. All initial applicants are required to participate in finger-print based background check through both the Illinois State Police and FBI.

Secretary of State

Applicants that are denied have the right to appeal the determination with the Secretary of State Department of Administrative Hearings.

School Bus Drivers who were subject to background check:
25,566 in 2010; 24,783 in 2011

The number of bus drivers found disqualified:
262 (2 percent) in 2010; 299 (3 percent) in 2011

B. Securities

1. Broker Dealers
2. Salespersons of Broker Dealers
3. Investment Advisors
4. Representatives of Investment Advisors
5. Business Brokers
6. Loan Brokers
7. Business Opportunities Salespersons

C. Index

1. Notary Public

D. Police

1. Janitors at Driver's Facilities

E. Vehicle Services

1. Motor Vehicle Dealer
2. Automotive Parts Recycler
3. Scrap Processors
4. Automotive Repairers
5. Automotive Rebuilders