



Rep. Pamela Reaves-Harris

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09900HB2555ham002

LRB099 03824 MRW 34249 a

1 AMENDMENT TO HOUSE BILL 2555

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2555, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514,  
7 6-517, 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2,  
8 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as  
9 follows:

10 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

11 Sec. 2-118. Hearings.

12 (a) Upon the suspension, revocation or denial of the  
13 issuance of a license, permit, registration or certificate of  
14 title under this Code of any person the Secretary of State  
15 shall immediately notify such person in writing and upon his  
16 written request shall, within 20 days after receipt thereof,

1 set a date for a hearing to commence within 90 calendar days  
2 from the date of the written request for all requests related  
3 to a suspension, revocation, or the denial of the issuance of a  
4 license, permit, registration, or certificate of title  
5 occurring after July 1, 2002, in the County of Sangamon, the  
6 County of Jefferson, or the County of Cook, as such person may  
7 specify, unless both parties agree that such hearing may be  
8 held in some other county. The Secretary may require the  
9 payment of a fee of not more than \$50 for the filing of any  
10 petition, motion, or request for hearing conducted pursuant to  
11 this Section. These fees must be deposited into the Secretary  
12 of State DUI Administration Fund, a special fund created in the  
13 State treasury, and, subject to appropriation and as directed  
14 by the Secretary of State, shall be used for operation of the  
15 Department of Administrative Hearings of the Office of the  
16 Secretary of State and for no other purpose. The Secretary  
17 shall establish by rule the amount and the procedures, terms,  
18 and conditions relating to these fees.

19 (b) At any time after the suspension, revocation or denial  
20 of a license, permit, registration or certificate of title of  
21 any person as hereinbefore referred to, the Secretary of State,  
22 in his or her discretion and without the necessity of a request  
23 by such person, may hold such a hearing, upon not less than 10  
24 days' notice in writing, in the Counties of Sangamon,  
25 Jefferson, or Cook or in any other county agreed to by the  
26 parties.

1           (c) Upon any such hearing, the Secretary of State, or his  
2 authorized agent may administer oaths and issue subpoenas for  
3 the attendance of witnesses and the production of relevant  
4 books and records and may require an examination of such  
5 person. Upon any such hearing, the Secretary of State shall  
6 either rescind or, good cause appearing therefor, continue,  
7 change or extend the Order of Revocation or Suspension, or upon  
8 petition therefore and subject to the provisions of this Code,  
9 issue a restricted driving permit or reinstate the license or  
10 permit of such person.

11           (d) All hearings and hearing procedures shall comply with  
12 requirements of the Constitution, so that no person is deprived  
13 of due process of law nor denied equal protection of the laws.  
14 All hearings shall be held before the Secretary of State or  
15 before such persons as may be designated by the Secretary of  
16 State and appropriate records of such hearings shall be kept.  
17 Where a transcript of the hearing is taken, the person  
18 requesting the hearing shall have the opportunity to order a  
19 copy thereof at his own expense. The Secretary of State shall  
20 enter an order upon any hearing conducted under this Section,  
21 related to a suspension, revocation, or the denial of the  
22 issuance of a license, permit, registration, or certificate of  
23 title occurring after July 1, 2002, within 90 days of its  
24 conclusion and shall immediately notify the person in writing  
25 of his or her action.

26           (d-5) Any hearing over which the Secretary of State has

1 jurisdiction because of a person's implied consent to testing  
2 of the person's blood, breath, other bodily substance, or urine  
3 for the presence of alcohol, drugs, or intoxicating compounds  
4 may be conducted upon a review of the official police reports.  
5 Either party, however, may subpoena the arresting officer and  
6 any other law enforcement officer who was involved in the  
7 petitioner's arrest or processing after arrest, as well as any  
8 other person whose testimony may be probative to the issues at  
9 the hearing. The failure of a law enforcement officer to answer  
10 the subpoena shall be considered grounds for a continuance if,  
11 in the hearing officer's discretion, the continuance is  
12 appropriate. The failure of the arresting officer to answer a  
13 subpoena shall not, in and of itself, be considered grounds for  
14 the rescission of an implied consent suspension. Rather, the  
15 hearing shall proceed on the basis of the other evidence  
16 available, and the hearing officer shall assign this evidence  
17 whatever probative value is deemed appropriate. The decision  
18 whether to rescind shall be based upon the totality of the  
19 evidence.

20 (e) The action of the Secretary of State in suspending,  
21 revoking or denying any license, permit, registration, or  
22 certificate of title shall be subject to judicial review in the  
23 Circuit Court of Sangamon County, in the Circuit Court of  
24 Jefferson County, or in the Circuit Court of Cook County, and  
25 the provisions of the Administrative Review Law, and all  
26 amendments and modifications thereto, and the rules adopted

1 pursuant thereto, are hereby adopted and shall apply to and  
2 govern every action for the judicial review of final acts or  
3 decisions of the Secretary of State hereunder.

4 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

5 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

6 Sec. 2-118.1. Opportunity for hearing; statutory summary  
7 alcohol or other drug related suspension or revocation pursuant  
8 to Section 11-501.1.

9 (a) A statutory summary suspension or revocation of driving  
10 privileges under Section 11-501.1 shall not become effective  
11 until the person is notified in writing of the impending  
12 suspension or revocation and informed that he may request a  
13 hearing in the circuit court of venue under paragraph (b) of  
14 this Section and the statutory summary suspension or revocation  
15 shall become effective as provided in Section 11-501.1.

16 (b) Within 90 days after the notice of statutory summary  
17 suspension or revocation served under Section 11-501.1, the  
18 person may make a written request for a judicial hearing in the  
19 circuit court of venue. The request to the circuit court shall  
20 state the grounds upon which the person seeks to have the  
21 statutory summary suspension or revocation rescinded. Within  
22 30 days after receipt of the written request or the first  
23 appearance date on the Uniform Traffic Ticket issued pursuant  
24 to a violation of Section 11-501, or a similar provision of a  
25 local ordinance, the hearing shall be conducted by the circuit

1 court having jurisdiction. This judicial hearing, request, or  
2 process shall not stay or delay the statutory summary  
3 suspension or revocation. The hearings shall proceed in the  
4 court in the same manner as in other civil proceedings.

5 The hearing may be conducted upon a review of the law  
6 enforcement officer's own official reports; provided however,  
7 that the person may subpoena the officer. Failure of the  
8 officer to answer the subpoena shall be considered grounds for  
9 a continuance if in the court's discretion the continuance is  
10 appropriate.

11 The scope of the hearing shall be limited to the issues of:

12 1. Whether the person was placed under arrest for an  
13 offense as defined in Section 11-501, or a similar  
14 provision of a local ordinance, as evidenced by the  
15 issuance of a Uniform Traffic Ticket, or issued a Uniform  
16 Traffic Ticket out of state as provided in subsection (a)  
17 of Section 11-501.1; and

18 2. Whether the officer had reasonable grounds to  
19 believe that the person was driving or in actual physical  
20 control of a motor vehicle upon a highway while under the  
21 influence of alcohol, other drug, or combination of both;  
22 and

23 3. Whether the person, after being advised by the  
24 officer that the privilege to operate a motor vehicle would  
25 be suspended or revoked if the person refused to submit to  
26 and complete the test or tests, did refuse to submit to or

1 complete the test or tests to determine the person's blood  
2 alcohol or drug concentration; or

3 4. Whether the person, after being advised by the  
4 officer that the privilege to operate a motor vehicle would  
5 be suspended if the person submits to a chemical test, or  
6 tests, and the test discloses an alcohol concentration of  
7 0.08 or more, a tetrahydrocannabinol concentration as  
8 defined in paragraph 6 of subsection (a) of Section  
9 11-501.2 of this Code, or any amount of a drug, substance,  
10 or compound in the person's blood, other bodily substance,  
11 or urine resulting from the unlawful use or consumption of  
12 ~~cannabis listed in the Cannabis Control Act,~~ a controlled  
13 substance listed in the Illinois Controlled Substances  
14 Act, an intoxicating compound as listed in the Use of  
15 Intoxicating Compounds Act, or methamphetamine as listed  
16 in the Methamphetamine Control and Community Protection  
17 Act, and the person did submit to and complete the test or  
18 tests that determined an alcohol concentration of 0.08 or  
19 more.

20 4.2. (Blank).

21 4.5. (Blank).

22 5. If the person's driving privileges were revoked,  
23 whether the person was involved in a motor vehicle accident  
24 that caused Type A injury or death to another.

25 Upon the conclusion of the judicial hearing, the circuit  
26 court shall sustain or rescind the statutory summary suspension

1 or revocation and immediately notify the Secretary of State.  
2 Reports received by the Secretary of State under this Section  
3 shall be privileged information and for use only by the courts,  
4 police officers, and Secretary of State.

5 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

6 (625 ILCS 5/6-106.1a)

7 Sec. 6-106.1a. Cancellation of school bus driver permit;  
8 trace of alcohol.

9 (a) A person who has been issued a school bus driver permit  
10 by the Secretary of State in accordance with Section 6-106.1 of  
11 this Code and who drives or is in actual physical control of a  
12 school bus or any other vehicle owned or operated by or for a  
13 public or private school, or a school operated by a religious  
14 institution, when the vehicle is being used over a regularly  
15 scheduled route for the transportation of persons enrolled as  
16 students in grade 12 or below, in connection with any activity  
17 of the entities listed, upon the public highways of this State  
18 shall be deemed to have given consent to a chemical test or  
19 tests of blood, breath, other bodily substance, or urine for  
20 the purpose of determining the alcohol content of the person's  
21 blood if arrested, as evidenced by the issuance of a Uniform  
22 Traffic Ticket for any violation of this Code or a similar  
23 provision of a local ordinance, if a police officer has  
24 probable cause to believe that the driver has consumed any  
25 amount of an alcoholic beverage based upon evidence of the

1 driver's physical condition or other first hand knowledge of  
2 the police officer. The test or tests shall be administered at  
3 the direction of the arresting officer. The law enforcement  
4 agency employing the officer shall designate which of the  
5 aforesaid tests shall be administered. A urine or other bodily  
6 substance test may be administered even after a blood or breath  
7 test or both has been administered.

8 (b) A person who is dead, unconscious, or who is otherwise  
9 in a condition rendering that person incapable of refusal,  
10 shall be deemed not to have withdrawn the consent provided by  
11 paragraph (a) of this Section and the test or tests may be  
12 administered subject to the following provisions:

13 (1) Chemical analysis of the person's blood, urine,  
14 breath, or other bodily substance, to be considered valid  
15 under the provisions of this Section, shall have been  
16 performed according to standards promulgated by the  
17 Department of State Police by an individual possessing a  
18 valid permit issued by the Department of State Police for  
19 this purpose. The Director of State Police is authorized to  
20 approve satisfactory techniques or methods, to ascertain  
21 the qualifications and competence of individuals to  
22 conduct analyses, to issue permits that shall be subject to  
23 termination or revocation at the direction of the  
24 Department of State Police, and to certify the accuracy of  
25 breath testing equipment. The Department of State Police  
26 shall prescribe rules as necessary.

1           (2) When a person submits to a blood test at the  
2 request of a law enforcement officer under the provisions  
3 of this Section, only a physician authorized to practice  
4 medicine, a licensed physician assistant, a licensed  
5 advanced practice nurse, a registered nurse, or other  
6 qualified person trained in venipuncture and acting under  
7 the direction of a licensed physician may withdraw blood  
8 for the purpose of determining the alcohol content. This  
9 limitation does not apply to the taking of breath, other  
10 bodily substance, or urine specimens.

11           (3) The person tested may have a physician, qualified  
12 technician, chemist, registered nurse, or other qualified  
13 person of his or her own choosing administer a chemical  
14 test or tests in addition to any test or tests administered  
15 at the direction of a law enforcement officer. The test  
16 administered at the request of the person may be admissible  
17 into evidence at a hearing conducted in accordance with  
18 Section 2-118 of this Code. The failure or inability to  
19 obtain an additional test by a person shall not preclude  
20 the consideration of the previously performed chemical  
21 test.

22           (4) Upon a request of the person who submits to a  
23 chemical test or tests at the request of a law enforcement  
24 officer, full information concerning the test or tests  
25 shall be made available to the person or that person's  
26 attorney by the requesting law enforcement agency within 72

1 hours of receipt of the test result.

2 (5) Alcohol concentration means either grams of  
3 alcohol per 100 milliliters of blood or grams of alcohol  
4 per 210 liters of breath.

5 (6) If a driver is receiving medical treatment as a  
6 result of a motor vehicle accident, a physician licensed to  
7 practice medicine, licensed physician assistant, licensed  
8 advanced practice nurse, registered nurse, or other  
9 qualified person trained in venipuncture and acting under  
10 the direction of a licensed physician shall withdraw blood  
11 for testing purposes to ascertain the presence of alcohol  
12 upon the specific request of a law enforcement officer.  
13 However, that testing shall not be performed until, in the  
14 opinion of the medical personnel on scene, the withdrawal  
15 can be made without interfering with or endangering the  
16 well-being of the patient.

17 (c) A person requested to submit to a test as provided in  
18 this Section shall be warned by the law enforcement officer  
19 requesting the test that a refusal to submit to the test, or  
20 submission to the test resulting in an alcohol concentration of  
21 more than 0.00, may result in the loss of that person's  
22 privilege to possess a school bus driver permit. The loss of  
23 the individual's privilege to possess a school bus driver  
24 permit shall be imposed in accordance with Section 6-106.1b of  
25 this Code.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law  
2 enforcement officer shall immediately submit a sworn report to  
3 the Secretary of State on a form prescribed by the Secretary of  
4 State certifying that the test or tests were requested under  
5 subsection (a) and the person refused to submit to a test or  
6 tests or submitted to testing which disclosed an alcohol  
7 concentration of more than 0.00. The law enforcement officer  
8 shall submit the same sworn report when a person who has been  
9 issued a school bus driver permit and who was operating a  
10 school bus or any other vehicle owned or operated by or for a  
11 public or private school, or a school operated by a religious  
12 institution, when the vehicle is being used over a regularly  
13 scheduled route for the transportation of persons enrolled as  
14 students in grade 12 or below, in connection with any activity  
15 of the entities listed, submits to testing under Section  
16 11-501.1 of this Code and the testing discloses an alcohol  
17 concentration of more than 0.00 and less than the alcohol  
18 concentration at which driving or being in actual physical  
19 control of a motor vehicle is prohibited under paragraph (1) of  
20 subsection (a) of Section 11-501.

21 Upon receipt of the sworn report of a law enforcement  
22 officer, the Secretary of State shall enter the school bus  
23 driver permit sanction on the individual's driving record and  
24 the sanction shall be effective on the 46th day following the  
25 date notice of the sanction was given to the person.

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this school bus driver permit  
2 sanction on the person and the sanction shall be effective on  
3 the 46th day following the date notice was given.

4 In cases where the blood alcohol concentration of more than  
5 0.00 is established by a subsequent analysis of blood, other  
6 bodily substance, or urine, the police officer or arresting  
7 agency shall give notice as provided in this Section or by  
8 deposit in the United States mail of that notice in an envelope  
9 with postage prepaid and addressed to that person at his or her  
10 last known address and the loss of the school bus driver permit  
11 shall be effective on the 46th day following the date notice  
12 was given.

13 Upon receipt of the sworn report of a law enforcement  
14 officer, the Secretary of State shall also give notice of the  
15 school bus driver permit sanction to the driver and the  
16 driver's current employer by mailing a notice of the effective  
17 date of the sanction to the individual. However, shall the  
18 sworn report be defective by not containing sufficient  
19 information or be completed in error, the notice of the school  
20 bus driver permit sanction may not be mailed to the person or  
21 his current employer or entered to the driving record, but  
22 rather the sworn report shall be returned to the issuing law  
23 enforcement agency.

24 (e) A driver may contest this school bus driver permit  
25 sanction by requesting an administrative hearing with the  
26 Secretary of State in accordance with Section 2-118 of this

1 Code. An individual whose blood alcohol concentration is shown  
2 to be more than 0.00 is not subject to this Section if he or she  
3 consumed alcohol in the performance of a religious service or  
4 ceremony. An individual whose blood alcohol concentration is  
5 shown to be more than 0.00 shall not be subject to this Section  
6 if the individual's blood alcohol concentration resulted only  
7 from ingestion of the prescribed or recommended dosage of  
8 medicine that contained alcohol. The petition for that hearing  
9 shall not stay or delay the effective date of the impending  
10 suspension. The scope of this hearing shall be limited to the  
11 issues of:

12 (1) whether the police officer had probable cause to  
13 believe that the person was driving or in actual physical  
14 control of a school bus or any other vehicle owned or  
15 operated by or for a public or private school, or a school  
16 operated by a religious institution, when the vehicle is  
17 being used over a regularly scheduled route for the  
18 transportation of persons enrolled as students in grade 12  
19 or below, in connection with any activity of the entities  
20 listed, upon the public highways of the State and the  
21 police officer had reason to believe that the person was in  
22 violation of any provision of this Code or a similar  
23 provision of a local ordinance; and

24 (2) whether the person was issued a Uniform Traffic  
25 Ticket for any violation of this Code or a similar  
26 provision of a local ordinance; and

1           (3) whether the police officer had probable cause to  
2 believe that the driver had consumed any amount of an  
3 alcoholic beverage based upon the driver's physical  
4 actions or other first-hand knowledge of the police  
5 officer; and

6           (4) whether the person, after being advised by the  
7 officer that the privilege to possess a school bus driver  
8 permit would be canceled if the person refused to submit to  
9 and complete the test or tests, did refuse to submit to or  
10 complete the test or tests to determine the person's  
11 alcohol concentration; and

12           (5) whether the person, after being advised by the  
13 officer that the privileges to possess a school bus driver  
14 permit would be canceled if the person submits to a  
15 chemical test or tests and the test or tests disclose an  
16 alcohol concentration of more than 0.00 and the person did  
17 submit to and complete the test or tests that determined an  
18 alcohol concentration of more than 0.00; and

19           (6) whether the test result of an alcohol concentration  
20 of more than 0.00 was based upon the person's consumption  
21 of alcohol in the performance of a religious service or  
22 ceremony; and

23           (7) whether the test result of an alcohol concentration  
24 of more than 0.00 was based upon the person's consumption  
25 of alcohol through ingestion of the prescribed or  
26 recommended dosage of medicine.

1           The Secretary of State may adopt administrative rules  
2 setting forth circumstances under which the holder of a school  
3 bus driver permit is not required to appear in person at the  
4 hearing.

5           Provided that the petitioner may subpoena the officer, the  
6 hearing may be conducted upon a review of the law enforcement  
7 officer's own official reports. Failure of the officer to  
8 answer the subpoena shall be grounds for a continuance if, in  
9 the hearing officer's discretion, the continuance is  
10 appropriate. At the conclusion of the hearing held under  
11 Section 2-118 of this Code, the Secretary of State may rescind,  
12 continue, or modify the school bus driver permit sanction.

13           (f) The results of any chemical testing performed in  
14 accordance with subsection (a) of this Section are not  
15 admissible in any civil or criminal proceeding, except that the  
16 results of the testing may be considered at a hearing held  
17 under Section 2-118 of this Code. However, the results of the  
18 testing may not be used to impose driver's license sanctions  
19 under Section 11-501.1 of this Code. A law enforcement officer  
20 may, however, pursue a statutory summary suspension or  
21 revocation of driving privileges under Section 11-501.1 of this  
22 Code if other physical evidence or first hand knowledge forms  
23 the basis of that suspension or revocation.

24           (g) This Section applies only to drivers who have been  
25 issued a school bus driver permit in accordance with Section  
26 6-106.1 of this Code at the time of the issuance of the Uniform

1 Traffic Ticket for a violation of this Code or a similar  
2 provision of a local ordinance, and a chemical test request is  
3 made under this Section.

4 (h) The action of the Secretary of State in suspending,  
5 revoking, canceling, or denying any license, permit,  
6 registration, or certificate of title shall be subject to  
7 judicial review in the Circuit Court of Sangamon County or in  
8 the Circuit Court of Cook County, and the provisions of the  
9 Administrative Review Law and its rules are hereby adopted and  
10 shall apply to and govern every action for the judicial review  
11 of final acts or decisions of the Secretary of State under this  
12 Section.

13 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11.)

14 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

15 Sec. 6-208.1. Period of statutory summary alcohol, other  
16 drug, or intoxicating compound related suspension or  
17 revocation.

18 (a) Unless the statutory summary suspension has been  
19 rescinded, any person whose privilege to drive a motor vehicle  
20 on the public highways has been summarily suspended, pursuant  
21 to Section 11-501.1, shall not be eligible for restoration of  
22 the privilege until the expiration of:

23 1. twelve months from the effective date of the  
24 statutory summary suspension for a refusal or failure to  
25 complete a test or tests to determine the alcohol, other

1 drug, or intoxicating compound concentration under Section  
2 11-501.1, if the person was not involved in a motor vehicle  
3 accident that caused personal injury or death to another;  
4 or

5 2. six months from the effective date of the statutory  
6 summary suspension imposed following the person's  
7 submission to a chemical test which disclosed an alcohol  
8 concentration of 0.08 or more, the presence of cannabis as  
9 listed in the Cannabis Control Act with a  
10 tetrahydrocannabinol concentration as defined in paragraph  
11 6 of subsection (a) of Section 11-501.2 of this Code, or  
12 any amount of a drug, substance, or intoxicating compound  
13 in such person's breath, blood, other bodily substance, or  
14 urine resulting from the unlawful use or consumption of  
15 ~~cannabis listed in the Cannabis Control Act,~~ a controlled  
16 substance listed in the Illinois Controlled Substances  
17 Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed  
19 in the Methamphetamine Control and Community Protection  
20 Act, pursuant to Section 11-501.1; or

21 3. three years from the effective date of the statutory  
22 summary suspension for any person other than a first  
23 offender who refuses or fails to complete a test or tests  
24 to determine the alcohol, drug, or intoxicating compound  
25 concentration pursuant to Section 11-501.1; or

26 4. one year from the effective date of the summary

1 suspension imposed for any person other than a first  
2 offender following submission to a chemical test which  
3 disclosed an alcohol concentration of 0.08 or more pursuant  
4 to Section 11-501.1, the presence of cannabis as listed in  
5 the Cannabis Control Act with a tetrahydrocannabinol  
6 concentration as defined in paragraph 6 of subsection (a)  
7 of Section 11-501.2 of this Code, or any amount of a drug,  
8 substance or compound in such person's blood, other bodily  
9 substance, or urine resulting from the unlawful use or  
10 consumption of ~~cannabis listed in the Cannabis Control Act,~~  
11 a controlled substance listed in the Illinois Controlled  
12 Substances Act, an intoxicating compound listed in the Use  
13 of Intoxicating Compounds Act, or methamphetamine as  
14 listed in the Methamphetamine Control and Community  
15 Protection Act; or

16 5. (Blank).

17 (b) Following a statutory summary suspension of the  
18 privilege to drive a motor vehicle under Section 11-501.1,  
19 driving privileges shall be restored unless the person is  
20 otherwise suspended, revoked, or cancelled by this Code. If the  
21 court has reason to believe that the person's driving privilege  
22 should not be restored, the court shall notify the Secretary of  
23 State prior to the expiration of the statutory summary  
24 suspension so appropriate action may be taken pursuant to this  
25 Code.

26 (c) Driving privileges may not be restored until all

1 applicable reinstatement fees, as provided by this Code, have  
2 been paid to the Secretary of State and the appropriate entry  
3 made to the driver's record.

4 (d) Where a driving privilege has been summarily suspended  
5 or revoked under Section 11-501.1 and the person is  
6 subsequently convicted of violating Section 11-501, or a  
7 similar provision of a local ordinance, for the same incident,  
8 any period served on statutory summary suspension or revocation  
9 shall be credited toward the minimum period of revocation of  
10 driving privileges imposed pursuant to Section 6-205.

11 (e) A first offender who refused chemical testing and whose  
12 driving privileges were summarily revoked pursuant to Section  
13 11-501.1 shall not be eligible for a monitoring device driving  
14 permit, but may make application for reinstatement or for a  
15 restricted driving permit after a period of one year has  
16 elapsed from the effective date of the revocation.

17 (f) (Blank).

18 (g) Following a statutory summary suspension of driving  
19 privileges pursuant to Section 11-501.1 where the person was  
20 not a first offender, as defined in Section 11-500, the  
21 Secretary of State may not issue a restricted driving permit.

22 (h) (Blank).

23 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;  
24 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

25 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

1 (Text of Section before amendment by P.A. 98-176)

2 Sec. 6-514. Commercial driver's license (CDL); commercial  
3 learner's permit (CLP); disqualifications.

4 (a) A person shall be disqualified from driving a  
5 commercial motor vehicle for a period of not less than 12  
6 months for the first violation of:

7 (1) Refusing to submit to or failure to complete a test  
8 or tests to determine the driver's blood concentration of  
9 alcohol, other drug, or both while driving a commercial  
10 motor vehicle or, if the driver is a CDL holder, while  
11 driving a non-CMV; or

12 (2) Operating a commercial motor vehicle while the  
13 alcohol concentration of the person's blood, breath or  
14 urine is at least 0.04, or any amount of a drug, substance,  
15 or compound in the person's blood or urine resulting from  
16 the unlawful use or consumption of cannabis listed in the  
17 Cannabis Control Act, a controlled substance listed in the  
18 Illinois Controlled Substances Act, or methamphetamine as  
19 listed in the Methamphetamine Control and Community  
20 Protection Act as indicated by a police officer's sworn  
21 report or other verified evidence; or operating a  
22 non-commercial motor vehicle while the alcohol  
23 concentration of the person's blood, breath, or urine was  
24 above the legal limit defined in Section 11-501.1 or  
25 11-501.8 or any amount of a drug, substance, or compound in  
26 the person's blood or urine resulting from the unlawful use

1 or consumption of cannabis listed in the Cannabis Control  
2 Act, a controlled substance listed in the Illinois  
3 Controlled Substances Act, or methamphetamine as listed in  
4 the Methamphetamine Control and Community Protection Act  
5 as indicated by a police officer's sworn report or other  
6 verified evidence while holding a commercial driver's  
7 license; or

8 (3) Conviction for a first violation of:

9 (i) Driving a commercial motor vehicle or, if the  
10 driver is a CDL holder, driving a non-CMV while under  
11 the influence of alcohol, or any other drug, or  
12 combination of drugs to a degree which renders such  
13 person incapable of safely driving; or

14 (ii) Knowingly leaving the scene of an accident  
15 while operating a commercial motor vehicle or, if the  
16 driver is a CDL holder, while driving a non-CMV; or

17 (iii) Driving a commercial motor vehicle or, if the  
18 driver is a CDL holder, driving a non-CMV while  
19 committing any felony; or

20 (iv) Driving a commercial motor vehicle while the  
21 person's driving privileges or driver's license or  
22 permit is revoked, suspended, or cancelled or the  
23 driver is disqualified from operating a commercial  
24 motor vehicle; or

25 (v) Causing a fatality through the negligent  
26 operation of a commercial motor vehicle, including but

1 not limited to the crimes of motor vehicle  
2 manslaughter, homicide by a motor vehicle, and  
3 negligent homicide.

4 As used in this subdivision (a)(3)(v), "motor  
5 vehicle manslaughter" means the offense of involuntary  
6 manslaughter if committed by means of a vehicle;  
7 "homicide by a motor vehicle" means the offense of  
8 first degree murder or second degree murder, if either  
9 offense is committed by means of a vehicle; and  
10 "negligent homicide" means reckless homicide under  
11 Section 9-3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012 and aggravated driving under the  
13 influence of alcohol, other drug or drugs,  
14 intoxicating compound or compounds, or any combination  
15 thereof under subdivision (d)(1)(F) of Section 11-501  
16 of this Code.

17 If any of the above violations or refusals occurred  
18 while transporting hazardous material(s) required to be  
19 placarded, the person shall be disqualified for a period of  
20 not less than 3 years; or

21 (4) (Blank).

22 (b) A person is disqualified for life for a second  
23 conviction of any of the offenses specified in paragraph (a),  
24 or any combination of those offenses, arising from 2 or more  
25 separate incidents.

26 (c) A person is disqualified from driving a commercial

1 motor vehicle for life if the person either (i) uses a  
2 commercial motor vehicle in the commission of any felony  
3 involving the manufacture, distribution, or dispensing of a  
4 controlled substance, or possession with intent to  
5 manufacture, distribute or dispense a controlled substance or  
6 (ii) if the person is a CDL holder, uses a non-CMV in the  
7 commission of a felony involving any of those activities.

8 (d) The Secretary of State may, when the United States  
9 Secretary of Transportation so authorizes, issue regulations  
10 in which a disqualification for life under paragraph (b) may be  
11 reduced to a period of not less than 10 years. If a reinstated  
12 driver is subsequently convicted of another disqualifying  
13 offense, as specified in subsection (a) of this Section, he or  
14 she shall be permanently disqualified for life and shall be  
15 ineligible to again apply for a reduction of the lifetime  
16 disqualification.

17 (e) A person is disqualified from driving a commercial  
18 motor vehicle for a period of not less than 2 months if  
19 convicted of 2 serious traffic violations, committed in a  
20 commercial motor vehicle, non-CMV while holding a CDL, or any  
21 combination thereof, arising from separate incidents,  
22 occurring within a 3 year period, provided the serious traffic  
23 violation committed in a non-CMV would result in the suspension  
24 or revocation of the CDL holder's non-CMV privileges. However,  
25 a person will be disqualified from driving a commercial motor  
26 vehicle for a period of not less than 4 months if convicted of

1 3 serious traffic violations, committed in a commercial motor  
2 vehicle, non-CMV while holding a CDL, or any combination  
3 thereof, arising from separate incidents, occurring within a 3  
4 year period, provided the serious traffic violation committed  
5 in a non-CMV would result in the suspension or revocation of  
6 the CDL holder's non-CMV privileges. If all the convictions  
7 occurred in a non-CMV, the disqualification shall be entered  
8 only if the convictions would result in the suspension or  
9 revocation of the CDL holder's non-CMV privileges.

10 (e-1) (Blank).

11 (f) Notwithstanding any other provision of this Code, any  
12 driver disqualified from operating a commercial motor vehicle,  
13 pursuant to this UCDLA, shall not be eligible for restoration  
14 of commercial driving privileges during any such period of  
15 disqualification.

16 (g) After suspending, revoking, or cancelling a commercial  
17 driver's license, the Secretary of State must update the  
18 driver's records to reflect such action within 10 days. After  
19 suspending or revoking the driving privilege of any person who  
20 has been issued a CDL or commercial driver instruction permit  
21 from another jurisdiction, the Secretary shall originate  
22 notification to such issuing jurisdiction within 10 days.

23 (h) The "disqualifications" referred to in this Section  
24 shall not be imposed upon any commercial motor vehicle driver,  
25 by the Secretary of State, unless the prohibited action(s)  
26 occurred after March 31, 1992.

1 (i) A person is disqualified from driving a commercial  
2 motor vehicle in accordance with the following:

3 (1) For 6 months upon a first conviction of paragraph  
4 (2) of subsection (b) or subsection (b-3) of Section 6-507  
5 of this Code.

6 (2) For 2 years upon a second conviction of paragraph  
7 (2) of subsection (b) or subsection (b-3) or any  
8 combination of paragraphs (2) or (3) of subsection (b) or  
9 subsections (b-3) or (b-5) of Section 6-507 of this Code  
10 within a 10-year period if the second conviction is a  
11 violation of paragraph (2) of subsection (b) or subsection  
12 (b-3).

13 (3) For 3 years upon a third or subsequent conviction  
14 of paragraph (2) of subsection (b) or subsection (b-3) or  
15 any combination of paragraphs (2) or (3) of subsection (b)  
16 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
17 within a 10-year period if the third or subsequent  
18 conviction is a violation of paragraph (2) of subsection  
19 (b) or subsection (b-3).

20 (4) For one year upon a first conviction of paragraph  
21 (3) of subsection (b) or subsection (b-5) of Section 6-507  
22 of this Code.

23 (5) For 3 years upon a second conviction of paragraph  
24 (3) of subsection (b) or subsection (b-5) or any  
25 combination of paragraphs (2) or (3) of subsection (b) or  
26 subsections (b-3) or (b-5) of Section 6-507 of this Code

1           within a 10-year period if the second conviction is a  
2           violation of paragraph (3) of subsection (b) or (b-5).

3           (6) For 5 years upon a third or subsequent conviction  
4           of paragraph (3) of subsection (b) or subsection (b-5) or  
5           any combination of paragraphs (2) or (3) of subsection (b)  
6           or subsections (b-3) or (b-5) of Section 6-507 of this Code  
7           within a 10-year period if the third or subsequent  
8           conviction is a violation of paragraph (3) of subsection  
9           (b) or (b-5).

10          (j) Disqualification for railroad-highway grade crossing  
11          violation.

12           (1) General rule. A driver who is convicted of a  
13           violation of a federal, State, or local law or regulation  
14           pertaining to one of the following 6 offenses at a  
15           railroad-highway grade crossing must be disqualified from  
16           operating a commercial motor vehicle for the period of time  
17           specified in paragraph (2) of this subsection (j) if the  
18           offense was committed while operating a commercial motor  
19           vehicle:

20           (i) For drivers who are not required to always  
21           stop, failing to slow down and check that the tracks  
22           are clear of an approaching train or railroad track  
23           equipment, as described in subsection (a-5) of Section  
24           11-1201 of this Code;

25           (ii) For drivers who are not required to always  
26           stop, failing to stop before reaching the crossing, if

1 the tracks are not clear, as described in subsection  
2 (a) of Section 11-1201 of this Code;

3 (iii) For drivers who are always required to stop,  
4 failing to stop before driving onto the crossing, as  
5 described in Section 11-1202 of this Code;

6 (iv) For all drivers, failing to have sufficient  
7 space to drive completely through the crossing without  
8 stopping, as described in subsection (b) of Section  
9 11-1425 of this Code;

10 (v) For all drivers, failing to obey a traffic  
11 control device or the directions of an enforcement  
12 official at the crossing, as described in subdivision  
13 (a)2 of Section 11-1201 of this Code;

14 (vi) For all drivers, failing to negotiate a  
15 crossing because of insufficient undercarriage  
16 clearance, as described in subsection (d-1) of Section  
17 11-1201 of this Code.

18 (2) Duration of disqualification for railroad-highway  
19 grade crossing violation.

20 (i) First violation. A driver must be disqualified  
21 from operating a commercial motor vehicle for not less  
22 than 60 days if the driver is convicted of a violation  
23 described in paragraph (1) of this subsection (j) and,  
24 in the three-year period preceding the conviction, the  
25 driver had no convictions for a violation described in  
26 paragraph (1) of this subsection (j).

1           (ii) Second violation. A driver must be  
2 disqualified from operating a commercial motor vehicle  
3 for not less than 120 days if the driver is convicted  
4 of a violation described in paragraph (1) of this  
5 subsection (j) and, in the three-year period preceding  
6 the conviction, the driver had one other conviction for  
7 a violation described in paragraph (1) of this  
8 subsection (j) that was committed in a separate  
9 incident.

10           (iii) Third or subsequent violation. A driver must  
11 be disqualified from operating a commercial motor  
12 vehicle for not less than one year if the driver is  
13 convicted of a violation described in paragraph (1) of  
14 this subsection (j) and, in the three-year period  
15 preceding the conviction, the driver had 2 or more  
16 other convictions for violations described in  
17 paragraph (1) of this subsection (j) that were  
18 committed in separate incidents.

19           (k) Upon notification of a disqualification of a driver's  
20 commercial motor vehicle privileges imposed by the U.S.  
21 Department of Transportation, Federal Motor Carrier Safety  
22 Administration, in accordance with 49 C.F.R. 383.52, the  
23 Secretary of State shall immediately record to the driving  
24 record the notice of disqualification and confirm to the driver  
25 the action that has been taken.

26           (l) A foreign commercial driver is subject to

1 disqualification under this Section.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
3 98-122, eff. 1-1-14; 98-722, eff. 7-16-14; 98-756, eff.  
4 7-16-14.)

5 (Text of Section after amendment by P.A. 98-176)

6 Sec. 6-514. Commercial driver's license (CDL); commercial  
7 learner's permit (CLP); disqualifications.

8 (a) A person shall be disqualified from driving a  
9 commercial motor vehicle for a period of not less than 12  
10 months for the first violation of:

11 (1) Refusing to submit to or failure to complete a test  
12 or tests to determine the driver's blood concentration of  
13 alcohol, other drug, or both while driving a commercial  
14 motor vehicle or, if the driver is a CLP or CDL holder,  
15 while driving a non-CMV; or

16 (2) Operating a commercial motor vehicle while the  
17 alcohol concentration of the person's blood, breath, other  
18 bodily substance, or urine is at least 0.04, or any amount  
19 of a drug, substance, or compound in the person's blood,  
20 other bodily substance, or urine resulting from the  
21 unlawful use or consumption of cannabis listed in the  
22 Cannabis Control Act, a controlled substance listed in the  
23 Illinois Controlled Substances Act, or methamphetamine as  
24 listed in the Methamphetamine Control and Community  
25 Protection Act as indicated by a police officer's sworn

1 report or other verified evidence; or operating a  
2 non-commercial motor vehicle while the alcohol  
3 concentration of the person's blood, breath, other bodily  
4 substance, or urine was above the legal limit defined in  
5 Section 11-501.1 or 11-501.8 or any amount of a drug,  
6 substance, or compound in the person's blood, other bodily  
7 substance, or urine resulting from the unlawful use or  
8 consumption of cannabis listed in the Cannabis Control Act,  
9 a controlled substance listed in the Illinois Controlled  
10 Substances Act, or methamphetamine as listed in the  
11 Methamphetamine Control and Community Protection Act as  
12 indicated by a police officer's sworn report or other  
13 verified evidence while holding a CLP or CDL; or

14 (3) Conviction for a first violation of:

15 (i) Driving a commercial motor vehicle or, if the  
16 driver is a CLP or CDL holder, driving a non-CMV while  
17 under the influence of alcohol, or any other drug, or  
18 combination of drugs to a degree which renders such  
19 person incapable of safely driving; or

20 (ii) Knowingly leaving the scene of an accident  
21 while operating a commercial motor vehicle or, if the  
22 driver is a CLP or CDL holder, while driving a non-CMV;  
23 or

24 (iii) Driving a commercial motor vehicle or, if the  
25 driver is a CLP or CDL holder, driving a non-CMV while  
26 committing any felony; or

1 (iv) Driving a commercial motor vehicle while the  
2 person's driving privileges or driver's license or  
3 permit is revoked, suspended, or cancelled or the  
4 driver is disqualified from operating a commercial  
5 motor vehicle; or

6 (v) Causing a fatality through the negligent  
7 operation of a commercial motor vehicle, including but  
8 not limited to the crimes of motor vehicle  
9 manslaughter, homicide by a motor vehicle, and  
10 negligent homicide.

11 As used in this subdivision (a)(3)(v), "motor  
12 vehicle manslaughter" means the offense of involuntary  
13 manslaughter if committed by means of a vehicle;  
14 "homicide by a motor vehicle" means the offense of  
15 first degree murder or second degree murder, if either  
16 offense is committed by means of a vehicle; and  
17 "negligent homicide" means reckless homicide under  
18 Section 9-3 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 and aggravated driving under the  
20 influence of alcohol, other drug or drugs,  
21 intoxicating compound or compounds, or any combination  
22 thereof under subdivision (d)(1)(F) of Section 11-501  
23 of this Code.

24 If any of the above violations or refusals occurred  
25 while transporting hazardous material(s) required to be  
26 placarded, the person shall be disqualified for a period of

1 not less than 3 years; or

2 (4) (Blank).

3 (b) A person is disqualified for life for a second  
4 conviction of any of the offenses specified in paragraph (a),  
5 or any combination of those offenses, arising from 2 or more  
6 separate incidents.

7 (c) A person is disqualified from driving a commercial  
8 motor vehicle for life if the person either (i) uses a  
9 commercial motor vehicle in the commission of any felony  
10 involving the manufacture, distribution, or dispensing of a  
11 controlled substance, or possession with intent to  
12 manufacture, distribute or dispense a controlled substance or  
13 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the  
14 commission of a felony involving any of those activities.

15 (d) The Secretary of State may, when the United States  
16 Secretary of Transportation so authorizes, issue regulations  
17 in which a disqualification for life under paragraph (b) may be  
18 reduced to a period of not less than 10 years. If a reinstated  
19 driver is subsequently convicted of another disqualifying  
20 offense, as specified in subsection (a) of this Section, he or  
21 she shall be permanently disqualified for life and shall be  
22 ineligible to again apply for a reduction of the lifetime  
23 disqualification.

24 (e) A person is disqualified from driving a commercial  
25 motor vehicle for a period of not less than 2 months if  
26 convicted of 2 serious traffic violations, committed in a

1 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
2 or any combination thereof, arising from separate incidents,  
3 occurring within a 3 year period, provided the serious traffic  
4 violation committed in a non-CMV would result in the suspension  
5 or revocation of the CLP or CDL holder's non-CMV privileges.  
6 However, a person will be disqualified from driving a  
7 commercial motor vehicle for a period of not less than 4 months  
8 if convicted of 3 serious traffic violations, committed in a  
9 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
10 or any combination thereof, arising from separate incidents,  
11 occurring within a 3 year period, provided the serious traffic  
12 violation committed in a non-CMV would result in the suspension  
13 or revocation of the CLP or CDL holder's non-CMV privileges. If  
14 all the convictions occurred in a non-CMV, the disqualification  
15 shall be entered only if the convictions would result in the  
16 suspension or revocation of the CLP or CDL holder's non-CMV  
17 privileges.

18 (e-1) (Blank).

19 (f) Notwithstanding any other provision of this Code, any  
20 driver disqualified from operating a commercial motor vehicle,  
21 pursuant to this UCDLA, shall not be eligible for restoration  
22 of commercial driving privileges during any such period of  
23 disqualification.

24 (g) After suspending, revoking, or cancelling a CLP or CDL,  
25 the Secretary of State must update the driver's records to  
26 reflect such action within 10 days. After suspending or

1     revoking the driving privilege of any person who has been  
2     issued a CLP or CDL from another jurisdiction, the Secretary  
3     shall originate notification to such issuing jurisdiction  
4     within 10 days.

5           (h) The "disqualifications" referred to in this Section  
6     shall not be imposed upon any commercial motor vehicle driver,  
7     by the Secretary of State, unless the prohibited action(s)  
8     occurred after March 31, 1992.

9           (i) A person is disqualified from driving a commercial  
10    motor vehicle in accordance with the following:

11           (1) For 6 months upon a first conviction of paragraph  
12           (2) of subsection (b) or subsection (b-3) of Section 6-507  
13           of this Code.

14           (2) For 2 years upon a second conviction of paragraph  
15           (2) of subsection (b) or subsection (b-3) or any  
16           combination of paragraphs (2) or (3) of subsection (b) or  
17           subsections (b-3) or (b-5) of Section 6-507 of this Code  
18           within a 10-year period if the second conviction is a  
19           violation of paragraph (2) of subsection (b) or subsection  
20           (b-3).

21           (3) For 3 years upon a third or subsequent conviction  
22           of paragraph (2) of subsection (b) or subsection (b-3) or  
23           any combination of paragraphs (2) or (3) of subsection (b)  
24           or subsections (b-3) or (b-5) of Section 6-507 of this Code  
25           within a 10-year period if the third or subsequent  
26           conviction is a violation of paragraph (2) of subsection

1 (b) or subsection (b-3).

2 (4) For one year upon a first conviction of paragraph  
3 (3) of subsection (b) or subsection (b-5) of Section 6-507  
4 of this Code.

5 (5) For 3 years upon a second conviction of paragraph  
6 (3) of subsection (b) or subsection (b-5) or any  
7 combination of paragraphs (2) or (3) of subsection (b) or  
8 subsections (b-3) or (b-5) of Section 6-507 of this Code  
9 within a 10-year period if the second conviction is a  
10 violation of paragraph (3) of subsection (b) or (b-5).

11 (6) For 5 years upon a third or subsequent conviction  
12 of paragraph (3) of subsection (b) or subsection (b-5) or  
13 any combination of paragraphs (2) or (3) of subsection (b)  
14 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
15 within a 10-year period if the third or subsequent  
16 conviction is a violation of paragraph (3) of subsection  
17 (b) or (b-5).

18 (j) Disqualification for railroad-highway grade crossing  
19 violation.

20 (1) General rule. A driver who is convicted of a  
21 violation of a federal, State, or local law or regulation  
22 pertaining to one of the following 6 offenses at a  
23 railroad-highway grade crossing must be disqualified from  
24 operating a commercial motor vehicle for the period of time  
25 specified in paragraph (2) of this subsection (j) if the  
26 offense was committed while operating a commercial motor

1 vehicle:

2 (i) For drivers who are not required to always  
3 stop, failing to slow down and check that the tracks  
4 are clear of an approaching train or railroad track  
5 equipment, as described in subsection (a-5) of Section  
6 11-1201 of this Code;

7 (ii) For drivers who are not required to always  
8 stop, failing to stop before reaching the crossing, if  
9 the tracks are not clear, as described in subsection  
10 (a) of Section 11-1201 of this Code;

11 (iii) For drivers who are always required to stop,  
12 failing to stop before driving onto the crossing, as  
13 described in Section 11-1202 of this Code;

14 (iv) For all drivers, failing to have sufficient  
15 space to drive completely through the crossing without  
16 stopping, as described in subsection (b) of Section  
17 11-1425 of this Code;

18 (v) For all drivers, failing to obey a traffic  
19 control device or the directions of an enforcement  
20 official at the crossing, as described in subdivision  
21 (a)2 of Section 11-1201 of this Code;

22 (vi) For all drivers, failing to negotiate a  
23 crossing because of insufficient undercarriage  
24 clearance, as described in subsection (d-1) of Section  
25 11-1201 of this Code.

26 (2) Duration of disqualification for railroad-highway

1 grade crossing violation.

2 (i) First violation. A driver must be disqualified  
3 from operating a commercial motor vehicle for not less  
4 than 60 days if the driver is convicted of a violation  
5 described in paragraph (1) of this subsection (j) and,  
6 in the three-year period preceding the conviction, the  
7 driver had no convictions for a violation described in  
8 paragraph (1) of this subsection (j).

9 (ii) Second violation. A driver must be  
10 disqualified from operating a commercial motor vehicle  
11 for not less than 120 days if the driver is convicted  
12 of a violation described in paragraph (1) of this  
13 subsection (j) and, in the three-year period preceding  
14 the conviction, the driver had one other conviction for  
15 a violation described in paragraph (1) of this  
16 subsection (j) that was committed in a separate  
17 incident.

18 (iii) Third or subsequent violation. A driver must  
19 be disqualified from operating a commercial motor  
20 vehicle for not less than one year if the driver is  
21 convicted of a violation described in paragraph (1) of  
22 this subsection (j) and, in the three-year period  
23 preceding the conviction, the driver had 2 or more  
24 other convictions for violations described in  
25 paragraph (1) of this subsection (j) that were  
26 committed in separate incidents.

1           (k) Upon notification of a disqualification of a driver's  
2 commercial motor vehicle privileges imposed by the U.S.  
3 Department of Transportation, Federal Motor Carrier Safety  
4 Administration, in accordance with 49 C.F.R. 383.52, the  
5 Secretary of State shall immediately record to the driving  
6 record the notice of disqualification and confirm to the driver  
7 the action that has been taken.

8           (l) A foreign commercial driver is subject to  
9 disqualification under this Section.

10           (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
11 98-122, eff. 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of  
12 P.A. 98-722 for the effective date of changes made by P.A.  
13 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14; 98-1172,  
14 eff. 1-12-15.)

15           (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

16           Sec. 6-517. Commercial driver; implied consent warnings.

17           (a) Any person driving a commercial motor vehicle who is  
18 requested by a police officer, pursuant to Section 6-516, to  
19 submit to a chemical test or tests to determine the alcohol  
20 concentration or any amount of a drug, substance, or compound  
21 resulting from the unlawful use or consumption of cannabis  
22 listed in the Cannabis Control Act, a controlled substance  
23 listed in the Illinois Controlled Substances Act, an  
24 intoxicating compound listed in the Use of Intoxicating  
25 Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act in such  
2 person's system, must be warned by the police officer  
3 requesting the test or tests that a refusal to submit to the  
4 test or tests will result in that person being immediately  
5 placed out-of-service for a period of 24 hours and being  
6 disqualified from operating a commercial motor vehicle for a  
7 period of not less than 12 months; the person shall also be  
8 warned that if such person submits to testing which discloses  
9 an alcohol concentration of greater than 0.00 but less than  
10 0.04 or any amount of a drug, substance, or compound in such  
11 person's blood, other bodily substance, or urine resulting from  
12 the unlawful use or consumption of cannabis listed in the  
13 Cannabis Control Act, a controlled substance listed in the  
14 Illinois Controlled Substances Act, an intoxicating compound  
15 listed in the Use of Intoxicating Compounds Act, or  
16 methamphetamine as listed in the Methamphetamine Control and  
17 Community Protection Act, such person shall be placed  
18 immediately out-of-service for a period of 24 hours; if the  
19 person submits to testing which discloses an alcohol  
20 concentration of 0.04 or more or any amount of a drug,  
21 substance, or compound in such person's blood, other bodily  
22 substance, or urine resulting from the unlawful use or  
23 consumption of cannabis listed in the Cannabis Control Act, a  
24 controlled substance listed in the Illinois Controlled  
25 Substances Act, an intoxicating compound listed in the Use of  
26 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act, such  
2 person shall be placed immediately out-of-service and  
3 disqualified from driving a commercial motor vehicle for a  
4 period of at least 12 months; also the person shall be warned  
5 that if such testing discloses an alcohol concentration of  
6 0.08, or more or any amount of a drug, substance, or compound  
7 in such person's blood, other bodily substance, or urine  
8 resulting from the unlawful use or consumption of cannabis  
9 listed in the Cannabis Control Act, a controlled substance  
10 listed in the Illinois Controlled Substances Act, an  
11 intoxicating compound listed in the Use of Intoxicating  
12 Compounds Act, or methamphetamine as listed in the  
13 Methamphetamine Control and Community Protection Act, in  
14 addition to the person being immediately placed out-of-service  
15 and disqualified for 12 months as provided in this UCDLA, the  
16 results of such testing shall also be admissible in  
17 prosecutions for violations of Section 11-501 of this Code, or  
18 similar violations of local ordinances, however, such results  
19 shall not be used to impose any driving sanctions pursuant to  
20 Section 11-501.1 of this Code.

21 The person shall also be warned that any disqualification  
22 imposed pursuant to this Section, shall be for life for any  
23 such offense or refusal, or combination thereof; including a  
24 conviction for violating Section 11-501 while driving a  
25 commercial motor vehicle, or similar provisions of local  
26 ordinances, committed a second time involving separate

1 incidents.

2 (b) If the person refuses or fails to complete testing, or  
3 submits to a test which discloses an alcohol concentration of  
4 at least 0.04, or any amount of a drug, substance, or compound  
5 in such person's blood, other bodily substance, or urine  
6 resulting from the unlawful use or consumption of cannabis  
7 listed in the Cannabis Control Act, a controlled substance  
8 listed in the Illinois Controlled Substances Act, an  
9 intoxicating compound listed in the Use of Intoxicating  
10 Compounds Act, or methamphetamine as listed in the  
11 Methamphetamine Control and Community Protection Act, the law  
12 enforcement officer must submit a Sworn Report to the Secretary  
13 of State, in a form prescribed by the Secretary, certifying  
14 that the test or tests was requested pursuant to paragraph (a);  
15 that the person was warned, as provided in paragraph (a) and  
16 that such person refused to submit to or failed to complete  
17 testing, or submitted to a test which disclosed an alcohol  
18 concentration of 0.04 or more, or any amount of a drug,  
19 substance, or compound in such person's blood, other bodily  
20 substance, or urine resulting from the unlawful use or  
21 consumption of cannabis listed in the Cannabis Control Act, a  
22 controlled substance listed in the Illinois Controlled  
23 Substances Act, an intoxicating compound listed in the Use of  
24 Intoxicating Compounds Act, or methamphetamine as listed in the  
25 Methamphetamine Control and Community Protection Act.

26 (c) The police officer submitting the Sworn Report under

1 this Section shall serve notice of the CDL disqualification on  
2 the person and such CDL disqualification shall be effective as  
3 provided in paragraph (d). In cases where the blood alcohol  
4 concentration of 0.04 or more, or any amount of a drug,  
5 substance, or compound in such person's blood, other bodily  
6 substance, or urine resulting from the unlawful use or  
7 consumption of cannabis listed in the Cannabis Control Act, a  
8 controlled substance listed in the Illinois Controlled  
9 Substances Act, an intoxicating compound listed in the Use of  
10 Intoxicating Compounds Act, or methamphetamine as listed in the  
11 Methamphetamine Control and Community Protection Act, is  
12 established by subsequent analysis of blood, other bodily  
13 substance, or urine collected at the time of the request, the  
14 police officer shall give notice as provided in this Section or  
15 by deposit in the United States mail of such notice as provided  
16 in this Section or by deposit in the United States mail of such  
17 notice in an envelope with postage prepaid and addressed to  
18 such person's domiciliary address as shown on the Sworn Report  
19 and the CDL disqualification shall begin as provided in  
20 paragraph (d).

21 (d) The CDL disqualification referred to in this Section  
22 shall take effect on the 46th day following the date the Sworn  
23 Report was given to the affected person.

24 (e) Upon receipt of the Sworn Report from the police  
25 officer, the Secretary of State shall disqualify the person  
26 from driving any commercial motor vehicle and shall confirm the

1 CDL disqualification by mailing the notice of the effective  
2 date to the person. However, should the Sworn Report be  
3 defective by not containing sufficient information or be  
4 completed in error, the confirmation of the CDL  
5 disqualification shall not be mailed to the affected person or  
6 entered into the record, instead the Sworn Report shall be  
7 forwarded to the issuing agency identifying any such defect.

8 (Source: P.A. 95-355, eff. 1-1-08.)

9 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

10 Sec. 11-401. Motor vehicle accidents involving death or  
11 personal injuries.

12 (a) The driver of any vehicle involved in a motor vehicle  
13 accident resulting in personal injury to or death of any person  
14 shall immediately stop such vehicle at the scene of such  
15 accident, or as close thereto as possible and shall then  
16 forthwith return to, and in every event shall remain at the  
17 scene of the accident until the requirements of Section 11-403  
18 have been fulfilled. Every such stop shall be made without  
19 obstructing traffic more than is necessary.

20 (b) Any person who has failed to stop or to comply with the  
21 requirements of paragraph (a) shall, as soon as possible but in  
22 no case later than one-half hour after such motor vehicle  
23 accident, or, if hospitalized and incapacitated from reporting  
24 at any time during such period, as soon as possible but in no  
25 case later than one-half hour after being discharged from the

1 hospital, report the place of the accident, the date, the  
2 approximate time, the driver's name and address, the  
3 registration number of the vehicle driven, and the names of all  
4 other occupants of such vehicle, at a police station or  
5 sheriff's office near the place where such accident occurred.  
6 No report made as required under this paragraph shall be used,  
7 directly or indirectly, as a basis for the prosecution of any  
8 violation of paragraph (a).

9 (b-1) Any person arrested for violating this Section is  
10 subject to chemical testing of his or her blood, breath, other  
11 bodily substance, or urine for the presence of alcohol, other  
12 drug or drugs, intoxicating compound or compounds, or any  
13 combination thereof, as provided in Section 11-501.1, if the  
14 testing occurs within 12 hours of the time of the occurrence of  
15 the accident that led to his or her arrest. The person's  
16 driving privileges are subject to statutory summary suspension  
17 under Section 11-501.1 if he or she fails testing or statutory  
18 summary revocation under Section 11-501.1 if he or she refuses  
19 to undergo the testing.

20 For purposes of this Section, personal injury shall mean  
21 any injury requiring immediate professional treatment in a  
22 medical facility or doctor's office.

23 (c) Any person failing to comply with paragraph (a) shall  
24 be guilty of a Class 4 felony.

25 (d) Any person failing to comply with paragraph (b) is  
26 guilty of a Class 2 felony if the motor vehicle accident does

1 not result in the death of any person. Any person failing to  
2 comply with paragraph (b) when the accident results in the  
3 death of any person is guilty of a Class 1 felony.

4 (e) The Secretary of State shall revoke the driving  
5 privilege of any person convicted of a violation of this  
6 Section.

7 (Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)

8 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

9 Sec. 11-500. Definitions. For the purposes of interpreting  
10 Sections 6-206.1 and 6-208.1 of this Code, "first offender"  
11 shall mean any person who has not had a previous conviction or  
12 court assigned supervision for violating Section 11-501, or a  
13 similar provision of a local ordinance, or a conviction in any  
14 other state for a violation of driving while under the  
15 influence or a similar offense where the cause of action is the  
16 same or substantially similar to this Code or similar offenses  
17 committed on a military installation, or any person who has not  
18 had a driver's license suspension pursuant to paragraph 6 of  
19 subsection (a) of Section 6-206 as the result of refusal of  
20 chemical testing in another state, or any person who has not  
21 had a driver's license suspension or revocation for violating  
22 Section 11-501.1 within 5 years prior to the date of the  
23 current offense, except in cases where the driver submitted to  
24 chemical testing resulting in an alcohol concentration of 0.08  
25 or more, or any amount of a drug, substance, or compound in

1 such person's blood, other bodily substance, or urine resulting  
2 from the unlawful use or consumption of cannabis listed in the  
3 Cannabis Control Act, a controlled substance listed in the  
4 Illinois Controlled Substances Act, or an intoxicating  
5 compound listed in the Use of Intoxicating Compounds Act, or  
6 methamphetamine as listed in the Methamphetamine Control and  
7 Community Protection Act and was subsequently found not guilty  
8 of violating Section 11-501, or a similar provision of a local  
9 ordinance.

10 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;  
11 96-1344, eff. 7-1-11.)

12 (625 ILCS 5/11-500.1)

13 Sec. 11-500.1. Immunity.

14 (a) A person authorized under this Article to withdraw  
15 blood or collect urine or other bodily substance shall not be  
16 civilly liable for damages when the person, in good faith,  
17 withdraws blood or collects urine or other bodily substance for  
18 evidentiary purposes under this Code, upon the request of a law  
19 enforcement officer, unless the act is performed in a willful  
20 and wanton manner.

21 (b) As used in this Section, "willful and wanton manner"  
22 means a course of action that shows an actual or deliberate  
23 intention to cause harm or which, if not intentional, shows an  
24 utter indifference to or conscious disregard for the health or  
25 safety of another.

1 (Source: P.A. 89-689, eff. 12-31-96.)

2 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

3 Sec. 11-501. Driving while under the influence of alcohol,  
4 other drug or drugs, intoxicating compound or compounds or any  
5 combination thereof.

6 (a) A person shall not drive or be in actual physical  
7 control of any vehicle within this State while:

8 (1) the alcohol concentration in the person's blood,  
9 other bodily substance, or breath is 0.08 or more based on  
10 the definition of blood and breath units in Section  
11 11-501.2;

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating compound or  
14 combination of intoxicating compounds to a degree that  
15 renders the person incapable of driving safely;

16 (4) under the influence of any other drug or  
17 combination of drugs to a degree that renders the person  
18 incapable of safely driving;

19 (5) under the combined influence of alcohol, other drug  
20 or drugs, or intoxicating compound or compounds to a degree  
21 that renders the person incapable of safely driving; ~~or~~

22 (6) there is any amount of a drug, substance, or  
23 compound in the person's breath, blood, other bodily  
24 substance, or urine resulting from the unlawful use or  
25 consumption of ~~cannabis listed in the Cannabis Control Act,~~

1 a controlled substance listed in the Illinois Controlled  
2 Substances Act, an intoxicating compound listed in the Use  
3 of Intoxicating Compounds Act, or methamphetamine as  
4 listed in the Methamphetamine Control and Community  
5 Protection Act; or

6 (7) the person has, within 2 hours of driving or being  
7 in actual physical control of a vehicle, a  
8 tetrahydrocannabinol concentration in the person's whole  
9 blood or other bodily substance as defined in paragraph 6  
10 of subsection (a) of Section 11-501.2. Subject to all other  
11 requirements and provisions under this Section, this  
12 paragraph (7) ~~(6)~~ does not apply to the lawful consumption  
13 of cannabis by a qualifying patient licensed under the  
14 Compassionate Use of Medical Cannabis Pilot Program Act who  
15 is in possession of a valid registry card issued under that  
16 Act, unless that person is impaired by the use of cannabis.

17 (b) The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol,  
19 cannabis under the Compassionate Use of Medical Cannabis Pilot  
20 Program Act, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof, shall not constitute a  
22 defense against any charge of violating this Section.

23 (c) Penalties.

24 (1) Except as otherwise provided in this Section, any  
25 person convicted of violating subsection (a) of this  
26 Section is guilty of a Class A misdemeanor.

1           (2) A person who violates subsection (a) or a similar  
2 provision a second time shall be sentenced to a mandatory  
3 minimum term of either 5 days of imprisonment or 240 hours  
4 of community service in addition to any other criminal or  
5 administrative sanction.

6           (3) A person who violates subsection (a) is subject to  
7 6 months of imprisonment, an additional mandatory minimum  
8 fine of \$1,000, and 25 days of community service in a  
9 program benefiting children if the person was transporting  
10 a person under the age of 16 at the time of the violation.

11           (4) A person who violates subsection (a) a first time,  
12 if the alcohol concentration in his or her blood, breath,  
13 other bodily substance, or urine was 0.16 or more based on  
14 the definition of blood, breath, other bodily substance, or  
15 urine units in Section 11-501.2, shall be subject, in  
16 addition to any other penalty that may be imposed, to a  
17 mandatory minimum of 100 hours of community service and a  
18 mandatory minimum fine of \$500.

19           (5) A person who violates subsection (a) a second time,  
20 if at the time of the second violation the alcohol  
21 concentration in his or her blood, breath, other bodily  
22 substance, or urine was 0.16 or more based on the  
23 definition of blood, breath, other bodily substance, or  
24 urine units in Section 11-501.2, shall be subject, in  
25 addition to any other penalty that may be imposed, to a  
26 mandatory minimum of 2 days of imprisonment and a mandatory

1 minimum fine of \$1,250.

2 (d) Aggravated driving under the influence of alcohol,  
3 other drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof.

5 (1) Every person convicted of committing a violation of  
6 this Section shall be guilty of aggravated driving under  
7 the influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds, or any combination  
9 thereof if:

10 (A) the person committed a violation of subsection  
11 (a) or a similar provision for the third or subsequent  
12 time;

13 (B) the person committed a violation of subsection  
14 (a) while driving a school bus with one or more  
15 passengers on board;

16 (C) the person in committing a violation of  
17 subsection (a) was involved in a motor vehicle accident  
18 that resulted in great bodily harm or permanent  
19 disability or disfigurement to another, when the  
20 violation was a proximate cause of the injuries. This  
21 subparagraph (C) does not apply unless the person was  
22 impaired at the time of the violation and the  
23 impairment was a proximate cause of the injuries;

24 (D) the person committed a violation of subsection  
25 (a) and has been previously convicted of violating  
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 or a similar provision of a law  
2 of another state relating to reckless homicide in which  
3 the person was determined to have been under the  
4 influence of alcohol, other drug or drugs, or  
5 intoxicating compound or compounds as an element of the  
6 offense or the person has previously been convicted  
7 under subparagraph (C) or subparagraph (F) of this  
8 paragraph (1);

9 (E) the person, in committing a violation of  
10 subsection (a) while driving at any speed in a school  
11 speed zone at a time when a speed limit of 20 miles per  
12 hour was in effect under subsection (a) of Section  
13 11-605 of this Code, was involved in a motor vehicle  
14 accident that resulted in bodily harm, other than great  
15 bodily harm or permanent disability or disfigurement,  
16 to another person, when the violation of subsection (a)  
17 was a proximate cause of the bodily harm;

18 (F) the person, in committing a violation of  
19 subsection (a), was involved in a motor vehicle,  
20 snowmobile, all-terrain vehicle, or watercraft  
21 accident that resulted in the death of another person,  
22 when the violation of subsection (a) was a proximate  
23 cause of the death. This subparagraph (F) does not  
24 apply unless the person was impaired at the time of the  
25 violation and the impairment was a proximate cause of  
26 the death;

1 (G) the person committed a violation of subsection  
2 (a) during a period in which the defendant's driving  
3 privileges are revoked or suspended, where the  
4 revocation or suspension was for a violation of  
5 subsection (a) or a similar provision, Section  
6 11-501.1, paragraph (b) of Section 11-401, or for  
7 reckless homicide as defined in Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012;

9 (H) the person committed the violation while he or  
10 she did not possess a driver's license or permit or a  
11 restricted driving permit or a judicial driving permit  
12 or a monitoring device driving permit;

13 (I) the person committed the violation while he or  
14 she knew or should have known that the vehicle he or  
15 she was driving was not covered by a liability  
16 insurance policy;

17 (J) the person in committing a violation of  
18 subsection (a) was involved in a motor vehicle accident  
19 that resulted in bodily harm, but not great bodily  
20 harm, to the child under the age of 16 being  
21 transported by the person, if the violation was the  
22 proximate cause of the injury;

23 (K) the person in committing a second violation of  
24 subsection (a) or a similar provision was transporting  
25 a person under the age of 16; or

26 (L) the person committed a violation of subsection

1 (a) of this Section while transporting one or more  
2 passengers in a vehicle for-hire.

3 (2) (A) Except as provided otherwise, a person  
4 convicted of aggravated driving under the influence of  
5 alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, or any combination thereof is guilty of a Class  
7 4 felony.

8 (B) A third violation of this Section or a similar  
9 provision is a Class 2 felony. If at the time of the third  
10 violation the alcohol concentration in his or her blood,  
11 breath, other bodily substance, or urine was 0.16 or more  
12 based on the definition of blood, breath, other bodily  
13 substance, or urine units in Section 11-501.2, a mandatory  
14 minimum of 90 days of imprisonment and a mandatory minimum  
15 fine of \$2,500 shall be imposed in addition to any other  
16 criminal or administrative sanction. If at the time of the  
17 third violation, the defendant was transporting a person  
18 under the age of 16, a mandatory fine of \$25,000 and 25  
19 days of community service in a program benefiting children  
20 shall be imposed in addition to any other criminal or  
21 administrative sanction.

22 (C) A fourth violation of this Section or a similar  
23 provision is a Class 2 felony, for which a sentence of  
24 probation or conditional discharge may not be imposed. If  
25 at the time of the violation, the alcohol concentration in  
26 the defendant's blood, breath, other bodily substance, or

1 urine was 0.16 or more based on the definition of blood,  
2 breath, other bodily substance, or urine units in Section  
3 11-501.2, a mandatory minimum fine of \$5,000 shall be  
4 imposed in addition to any other criminal or administrative  
5 sanction. If at the time of the fourth violation, the  
6 defendant was transporting a person under the age of 16 a  
7 mandatory fine of \$25,000 and 25 days of community service  
8 in a program benefiting children shall be imposed in  
9 addition to any other criminal or administrative sanction.

10 (D) A fifth violation of this Section or a similar  
11 provision is a Class 1 felony, for which a sentence of  
12 probation or conditional discharge may not be imposed. If  
13 at the time of the violation, the alcohol concentration in  
14 the defendant's blood, breath, other bodily substance, or  
15 urine was 0.16 or more based on the definition of blood,  
16 breath, other bodily substance, or urine units in Section  
17 11-501.2, a mandatory minimum fine of \$5,000 shall be  
18 imposed in addition to any other criminal or administrative  
19 sanction. If at the time of the fifth violation, the  
20 defendant was transporting a person under the age of 16, a  
21 mandatory fine of \$25,000, and 25 days of community service  
22 in a program benefiting children shall be imposed in  
23 addition to any other criminal or administrative sanction.

24 (E) A sixth or subsequent violation of this Section or  
25 similar provision is a Class X felony. If at the time of  
26 the violation, the alcohol concentration in the

1 defendant's blood, breath, other bodily substance, or  
2 urine was 0.16 or more based on the definition of blood,  
3 breath, other bodily substance, or urine units in Section  
4 11-501.2, a mandatory minimum fine of \$5,000 shall be  
5 imposed in addition to any other criminal or administrative  
6 sanction. If at the time of the violation, the defendant  
7 was transporting a person under the age of 16, a mandatory  
8 fine of \$25,000 and 25 days of community service in a  
9 program benefiting children shall be imposed in addition to  
10 any other criminal or administrative sanction.

11 (F) For a violation of subparagraph (C) of paragraph  
12 (1) of this subsection (d), the defendant, if sentenced to  
13 a term of imprisonment, shall be sentenced to not less than  
14 one year nor more than 12 years.

15 (G) A violation of subparagraph (F) of paragraph (1) of  
16 this subsection (d) is a Class 2 felony, for which the  
17 defendant, unless the court determines that extraordinary  
18 circumstances exist and require probation, shall be  
19 sentenced to: (i) a term of imprisonment of not less than 3  
20 years and not more than 14 years if the violation resulted  
21 in the death of one person; or (ii) a term of imprisonment  
22 of not less than 6 years and not more than 28 years if the  
23 violation resulted in the deaths of 2 or more persons.

24 (H) For a violation of subparagraph (J) of paragraph  
25 (1) of this subsection (d), a mandatory fine of \$2,500, and  
26 25 days of community service in a program benefiting

1 children shall be imposed in addition to any other criminal  
2 or administrative sanction.

3 (I) A violation of subparagraph (K) of paragraph (1) of  
4 this subsection (d), is a Class 2 felony and a mandatory  
5 fine of \$2,500, and 25 days of community service in a  
6 program benefiting children shall be imposed in addition to  
7 any other criminal or administrative sanction. If the child  
8 being transported suffered bodily harm, but not great  
9 bodily harm, in a motor vehicle accident, and the violation  
10 was the proximate cause of that injury, a mandatory fine of  
11 \$5,000 and 25 days of community service in a program  
12 benefiting children shall be imposed in addition to any  
13 other criminal or administrative sanction.

14 (J) A violation of subparagraph (D) of paragraph (1) of  
15 this subsection (d) is a Class 3 felony, for which a  
16 sentence of probation or conditional discharge may not be  
17 imposed.

18 (3) Any person sentenced under this subsection (d) who  
19 receives a term of probation or conditional discharge must  
20 serve a minimum term of either 480 hours of community  
21 service or 10 days of imprisonment as a condition of the  
22 probation or conditional discharge in addition to any other  
23 criminal or administrative sanction.

24 (e) Any reference to a prior violation of subsection (a) or  
25 a similar provision includes any violation of a provision of a  
26 local ordinance or a provision of a law of another state or an

1 offense committed on a military installation that is similar to  
2 a violation of subsection (a) of this Section.

3 (f) The imposition of a mandatory term of imprisonment or  
4 assignment of community service for a violation of this Section  
5 shall not be suspended or reduced by the court.

6 (g) Any penalty imposed for driving with a license that has  
7 been revoked for a previous violation of subsection (a) of this  
8 Section shall be in addition to the penalty imposed for any  
9 subsequent violation of subsection (a).

10 (h) For any prosecution under this Section, a certified  
11 copy of the driving abstract of the defendant shall be admitted  
12 as proof of any prior conviction.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;  
14 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

15 (625 ILCS 5/11-501.1)

16 Sec. 11-501.1. Suspension of drivers license; statutory  
17 summary alcohol, other drug or drugs, or intoxicating compound  
18 or compounds related suspension or revocation; implied  
19 consent.

20 (a) Any person who drives or is in actual physical control  
21 of a motor vehicle upon the public highways of this State shall  
22 be deemed to have given consent, subject to the provisions of  
23 Section 11-501.2, to a chemical test or tests of blood, breath,  
24 other bodily substance, or urine for the purpose of determining  
25 the content of alcohol, other drug or drugs, or intoxicating

1 compound or compounds or any combination thereof in the  
2 person's blood if arrested, as evidenced by the issuance of a  
3 Uniform Traffic Ticket, for any offense as defined in Section  
4 11-501 or a similar provision of a local ordinance, or if  
5 arrested for violating Section 11-401. If a law enforcement  
6 officer has probable cause to believe the person was under the  
7 influence of alcohol, other drug or drugs, intoxicating  
8 compound or compounds, or any combination thereof, the law  
9 enforcement officer shall request a chemical test or tests  
10 which shall be administered at the direction of the arresting  
11 officer. The law enforcement agency employing the officer shall  
12 designate which of the aforesaid tests shall be administered.  
13 Up to 2 additional tests of A urine or other bodily substance  
14 ~~test~~ may be administered even after a blood or breath test or  
15 both has been administered. For purposes of this Section, an  
16 Illinois law enforcement officer of this State who is  
17 investigating the person for any offense defined in Section  
18 11-501 may travel into an adjoining state, where the person has  
19 been transported for medical care, to complete an investigation  
20 and to request that the person submit to the test or tests set  
21 forth in this Section. The requirements of this Section that  
22 the person be arrested are inapplicable, but the officer shall  
23 issue the person a Uniform Traffic Ticket for an offense as  
24 defined in Section 11-501 or a similar provision of a local  
25 ordinance prior to requesting that the person submit to the  
26 test or tests. The issuance of the Uniform Traffic Ticket shall

1 not constitute an arrest, but shall be for the purpose of  
2 notifying the person that he or she is subject to the  
3 provisions of this Section and of the officer's belief of the  
4 existence of probable cause to arrest. Upon returning to this  
5 State, the officer shall file the Uniform Traffic Ticket with  
6 the Circuit Clerk of the county where the offense was  
7 committed, and shall seek the issuance of an arrest warrant or  
8 a summons for the person.

9 (a-5) (Blank).

10 (b) Any person who is dead, unconscious, or who is  
11 otherwise in a condition rendering the person incapable of  
12 refusal, shall be deemed not to have withdrawn the consent  
13 provided by paragraph (a) of this Section and the test or tests  
14 may be administered, subject to the provisions of Section  
15 11-501.2.

16 (c) A person requested to submit to a test as provided  
17 above shall be warned by the law enforcement officer requesting  
18 the test that a refusal to submit to the test will result in  
19 the statutory summary suspension of the person's privilege to  
20 operate a motor vehicle, as provided in Section 6-208.1 of this  
21 Code, and will also result in the disqualification of the  
22 person's privilege to operate a commercial motor vehicle, as  
23 provided in Section 6-514 of this Code, if the person is a CDL  
24 holder. The person shall also be warned that a refusal to  
25 submit to the test, when the person was involved in a motor  
26 vehicle accident that caused personal injury or death to

1 another, will result in the statutory summary revocation of the  
2 person's privilege to operate a motor vehicle, as provided in  
3 Section 6-208.1, and will also result in the disqualification  
4 of the person's privilege to operate a commercial motor  
5 vehicle, as provided in Section 6-514 of this Code, if the  
6 person is a CDL holder. The person shall also be warned by the  
7 law enforcement officer that if the person submits to the test  
8 or tests provided in paragraph (a) of this Section and the  
9 alcohol concentration in the person's blood, other bodily  
10 substance, or breath is 0.08 or greater, or testing discloses  
11 the presence of cannabis as listed in the Cannabis Control Act  
12 with a tetrahydrocannabinol concentration as defined in  
13 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,  
14 or any amount of a drug, substance, or compound resulting from  
15 the unlawful use or consumption of ~~cannabis as covered by the~~  
16 ~~Cannabis Control Act,~~ a controlled substance listed in the  
17 Illinois Controlled Substances Act, an intoxicating compound  
18 listed in the Use of Intoxicating Compounds Act, or  
19 methamphetamine as listed in the Methamphetamine Control and  
20 Community Protection Act is detected in the person's blood,  
21 other bodily substance, or urine, a statutory summary  
22 suspension of the person's privilege to operate a motor  
23 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
24 Code, will be imposed. If the person is also a CDL holder he or  
25 she shall be warned by the law enforcement officer that if the  
26 person submits to the test or tests provided in paragraph (a)

1 of this Section and the alcohol concentration in the person's  
2 blood, other bodily substance, or breath is 0.08 or greater, or  
3 any amount of a drug, substance, or compound resulting from the  
4 unlawful use or consumption of cannabis as covered by the  
5 Cannabis Control Act, a controlled substance listed in the  
6 Illinois Controlled Substances Act, an intoxicating compound  
7 listed in the Use of Intoxicating Compounds Act, or  
8 methamphetamine as listed in the Methamphetamine Control and  
9 Community Protection Act is detected in the person's blood,  
10 other bodily substance, or urine ~~and~~ a disqualification of the  
11 person's privilege to operate a commercial motor vehicle, as  
12 provided in Section 6-514 of this Code, ~~if the person is a CDL~~  
13 ~~holder,~~ will be imposed.

14 A person who is under the age of 21 at the time the person  
15 is requested to submit to a test as provided above shall, in  
16 addition to the warnings provided for in this Section, be  
17 further warned by the law enforcement officer requesting the  
18 test that if the person submits to the test or tests provided  
19 in paragraph (a) of this Section and the alcohol concentration  
20 in the person's blood, other bodily substance, or breath is  
21 greater than 0.00 and less than 0.08, a suspension of the  
22 person's privilege to operate a motor vehicle, as provided  
23 under Sections 6-208.2 and 11-501.8 of this Code, will be  
24 imposed. The results of this test shall be admissible in a  
25 civil or criminal action or proceeding arising from an arrest  
26 for an offense as defined in Section 11-501 of this Code or a

1 similar provision of a local ordinance or pursuant to Section  
2 11-501.4 in prosecutions for reckless homicide brought under  
3 the Criminal Code of 1961 or the Criminal Code of 2012. These  
4 test results, however, shall be admissible only in actions or  
5 proceedings directly related to the incident upon which the  
6 test request was made.

7 (d) If the person refuses testing or submits to a test that  
8 discloses an alcohol concentration of 0.08 or more, or testing  
9 discloses the presence of cannabis as listed in the Cannabis  
10 Control Act with a tetrahydrocannabinol concentration as  
11 defined in paragraph 6 of subsection (a) of Section 11-501.2 of  
12 this Code, or any amount of a drug, substance, or intoxicating  
13 compound in the person's breath, blood, other bodily substance,  
14 or urine resulting from the unlawful use or consumption of  
15 ~~cannabis listed in the Cannabis Control Act~~, a controlled  
16 substance listed in the Illinois Controlled Substances Act, an  
17 intoxicating compound listed in the Use of Intoxicating  
18 Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the circuit court of venue and the Secretary of State,  
22 certifying that the test or tests was or were requested under  
23 paragraph (a) and the person refused to submit to a test, or  
24 tests, or submitted to testing that disclosed an alcohol  
25 concentration of 0.08 or more, testing discloses the presence  
26 of cannabis as listed in the Cannabis Control Act with a

1 tetrahydrocannabinol concentration as defined in paragraph 6  
2 of subsection (a) of Section 11-501.2 of this Code, or any  
3 amount of a drug, substance, or intoxicating compound in the  
4 person's breath, blood, other bodily substance, or urine  
5 resulting from the unlawful use or consumption of a controlled  
6 substance listed in the Illinois Controlled Substances Act, an  
7 intoxicating compound listed in the Use of Intoxicating  
8 Compounds Act, or methamphetamine as listed in the  
9 Methamphetamine Control and Community Protection Act. If the  
10 person is also a CDL holder and refuses testing or submits to a  
11 test that discloses an alcohol concentration of 0.08 or more,  
12 or any amount of a drug, substance, or intoxicating compound in  
13 the person's breath, blood, other bodily substance, or urine  
14 resulting from the unlawful use or consumption of cannabis  
15 listed in the Cannabis Control Act, a controlled substance  
16 listed in the Illinois Controlled Substances Act, an  
17 intoxicating compound listed in the Use of Intoxicating  
18 Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall also immediately submit a sworn  
21 report to the circuit court of venue and the Secretary of  
22 State, certifying that the test or tests was or were requested  
23 under paragraph (a) and the person refused to submit to a test,  
24 or tests, or submitted to testing that disclosed an alcohol  
25 concentration of 0.08 or more, or any amount of a drug,  
26 substance, or intoxicating compound in the person's breath,

1 blood, other bodily substance, or urine resulting from the  
2 unlawful use or consumption of cannabis listed in the Cannabis  
3 Control Act, a controlled substance listed in the Illinois  
4 Controlled Substances Act, an intoxicating compound listed in  
5 the Use of Intoxicating Compounds Act, or methamphetamine as  
6 listed in the Methamphetamine Control and Community Protection  
7 Act.

8 (e) Upon receipt of the sworn report of a law enforcement  
9 officer submitted under paragraph (d), the Secretary of State  
10 shall enter the statutory summary suspension or revocation and  
11 disqualification for the periods specified in Sections 6-208.1  
12 and 6-514, respectively, and effective as provided in paragraph  
13 (g).

14 If the person is a first offender as defined in Section  
15 11-500 of this Code, and is not convicted of a violation of  
16 Section 11-501 of this Code or a similar provision of a local  
17 ordinance, then reports received by the Secretary of State  
18 under this Section shall, except during the actual time the  
19 Statutory Summary Suspension is in effect, be privileged  
20 information and for use only by the courts, police officers,  
21 prosecuting authorities or the Secretary of State, unless the  
22 person is a CDL holder, is operating a commercial motor vehicle  
23 or vehicle required to be placarded for hazardous materials, in  
24 which case the suspension shall not be privileged. Reports  
25 received by the Secretary of State under this Section shall  
26 also be made available to the parent or guardian of a person

1 under the age of 18 years that holds an instruction permit or a  
2 graduated driver's license, regardless of whether the  
3 statutory summary suspension is in effect. A statutory summary  
4 revocation shall not be privileged information.

5 (f) The law enforcement officer submitting the sworn report  
6 under paragraph (d) shall serve immediate notice of the  
7 statutory summary suspension or revocation on the person and  
8 the suspension or revocation and disqualification shall be  
9 effective as provided in paragraph (g).

10 (1) In cases involving a person who is not a CDL holder  
11 where the blood alcohol concentration of 0.08 or greater or  
12 any amount of a drug, substance, or compound resulting from  
13 the unlawful use or consumption of ~~cannabis as covered by~~  
14 ~~the Cannabis Control Act,~~ a controlled substance listed in  
15 the Illinois Controlled Substances Act, an intoxicating  
16 compound listed in the Use of Intoxicating Compounds Act,  
17 or methamphetamine as listed in the Methamphetamine  
18 Control and Community Protection Act is established by a  
19 subsequent analysis of blood, other bodily substance, or  
20 urine or analysis of whole blood or other bodily substance  
21 establishes a tetrahydrocannabinol concentration as  
22 defined in paragraph 6 of subsection (a) of Section  
23 11-501.2 of this Code, collected at the time of arrest, the  
24 arresting officer or arresting agency shall give notice as  
25 provided in this Section or by deposit in the United States  
26 mail of the notice in an envelope with postage prepaid and

1 addressed to the person at his or her address as shown on  
2 the Uniform Traffic Ticket and the statutory summary  
3 suspension ~~and disqualification~~ shall begin as provided in  
4 paragraph (g).

5 (1.3) In cases involving a person who is a CDL holder  
6 where the blood alcohol concentration of 0.08 or greater or  
7 any amount of a drug, substance, or compound resulting from  
8 the unlawful use or consumption of cannabis as covered by  
9 the Cannabis Control Act, a controlled substance listed in  
10 the Illinois Controlled Substances Act, an intoxicating  
11 compound listed in the Use of Intoxicating Compounds Act,  
12 or methamphetamine as listed in the Methamphetamine  
13 Control and Community Protection Act is established by a  
14 subsequent analysis of blood, other bodily substance, or  
15 urine collected at the time of arrest, the arresting  
16 officer or arresting agency shall give notice as provided  
17 in this Section or by deposit in the United States mail of  
18 the notice in an envelope with postage prepaid and  
19 addressed to the person at his or her address as shown on  
20 the Uniform Traffic Ticket and the statutory summary  
21 suspension and disqualification shall begin as provided in  
22 paragraph (g).

23 (1.5) The officer shall confiscate any Illinois  
24 driver's license or permit on the person at the time of  
25 arrest. If the person has a valid driver's license or  
26 permit, the officer shall issue the person a receipt, in a

1 form prescribed by the Secretary of State, that will allow  
2 that person to drive during the periods provided for in  
3 paragraph (g). The officer shall immediately forward the  
4 driver's license or permit to the circuit court of venue  
5 along with the sworn report provided for in paragraph (d).

6 (2) (Blank).

7 (g) The statutory summary suspension or revocation and  
8 disqualification referred to in this Section shall take effect  
9 on the 46th day following the date the notice of the statutory  
10 summary suspension or revocation was given to the person.

11 (h) The following procedure shall apply whenever a person  
12 is arrested for any offense as defined in Section 11-501 or a  
13 similar provision of a local ordinance:

14 Upon receipt of the sworn report from the law enforcement  
15 officer, the Secretary of State shall confirm the statutory  
16 summary suspension or revocation by mailing a notice of the  
17 effective date of the suspension or revocation to the person  
18 and the court of venue. The Secretary of State shall also mail  
19 notice of the effective date of the disqualification to the  
20 person. However, should the sworn report be defective by not  
21 containing sufficient information or be completed in error, the  
22 confirmation of the statutory summary suspension or revocation  
23 shall not be mailed to the person or entered to the record;  
24 instead, the sworn report shall be forwarded to the court of  
25 venue with a copy returned to the issuing agency identifying  
26 any defect.

1 (i) As used in this Section, "personal injury" includes any  
2 Type A injury as indicated on the traffic accident report  
3 completed by a law enforcement officer that requires immediate  
4 professional attention in either a doctor's office or a medical  
5 facility. A Type A injury includes severely bleeding wounds,  
6 distorted extremities, and injuries that require the injured  
7 party to be carried from the scene.

8 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;  
9 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.  
10 1-12-15.)

11 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

12 Sec. 11-501.2. Chemical and other tests.

13 (a) Upon the trial of any civil or criminal action or  
14 proceeding arising out of an arrest for an offense as defined  
15 in Section 11-501 or a similar local ordinance or proceedings  
16 pursuant to Section 2-118.1, evidence of the concentration of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof in a person's blood or  
19 breath at the time alleged, as determined by analysis of the  
20 person's blood, urine, breath, or other bodily substance, shall  
21 be admissible. Where such test is made the following provisions  
22 shall apply:

23 1. Chemical analyses of the person's blood, urine,  
24 breath, or other bodily substance to be considered valid  
25 under the provisions of this Section shall have been

1 performed according to standards promulgated by the  
2 Department of State Police by a licensed physician,  
3 registered nurse, trained phlebotomist, licensed  
4 paramedic, or other individual possessing a valid permit  
5 issued by that Department for this purpose. The Director of  
6 State Police is authorized to approve satisfactory  
7 techniques or methods, to ascertain the qualifications and  
8 competence of individuals to conduct such analyses, to  
9 issue permits which shall be subject to termination or  
10 revocation at the discretion of that Department and to  
11 certify the accuracy of breath testing equipment. The  
12 Department of State Police shall prescribe regulations as  
13 necessary to implement this Section.

14 2. When a person in this State shall submit to a blood  
15 test at the request of a law enforcement officer under the  
16 provisions of Section 11-501.1, only a physician  
17 authorized to practice medicine, a licensed physician  
18 assistant, a licensed advanced practice nurse, a  
19 registered nurse, trained phlebotomist, or licensed  
20 paramedic, or other qualified person approved by the  
21 Department of State Police may withdraw blood for the  
22 purpose of determining the alcohol, drug, or alcohol and  
23 drug content therein. This limitation shall not apply to  
24 the taking of breath, other bodily substance, or urine  
25 specimens.

26 When a blood test of a person who has been taken to an

1 adjoining state for medical treatment is requested by an  
2 Illinois law enforcement officer, the blood may be  
3 withdrawn only by a physician authorized to practice  
4 medicine in the adjoining state, a licensed physician  
5 assistant, a licensed advanced practice nurse, a  
6 registered nurse, a trained phlebotomist acting under the  
7 direction of the physician, or licensed paramedic. The law  
8 enforcement officer requesting the test shall take custody  
9 of the blood sample, and the blood sample shall be analyzed  
10 by a laboratory certified by the Department of State Police  
11 for that purpose.

12 3. The person tested may have a physician, or a  
13 qualified technician, chemist, registered nurse, or other  
14 qualified person of their own choosing administer a  
15 chemical test or tests in addition to any administered at  
16 the direction of a law enforcement officer. The failure or  
17 inability to obtain an additional test by a person shall  
18 not preclude the admission of evidence relating to the test  
19 or tests taken at the direction of a law enforcement  
20 officer.

21 4. Upon the request of the person who shall submit to a  
22 chemical test or tests at the request of a law enforcement  
23 officer, full information concerning the test or tests  
24 shall be made available to the person or such person's  
25 attorney.

26 5. Alcohol concentration shall mean either grams of

1 alcohol per 100 milliliters of blood or grams of alcohol  
2 per 210 liters of breath.

3 6. Tetrahydrocannabinol concentration means either 15  
4 nanograms or more of delta-9-tetrahydrocannabinol per  
5 milliliter of whole blood or 25 nanograms or more of  
6 delta-9-tetrahydrocannabinol per milliliter of other  
7 bodily substance.

8 (a-5) Law enforcement officials may use standardized field  
9 sobriety tests approved by the National Highway Traffic Safety  
10 Administration when conducting investigations of a violation  
11 of Section 11-501 or similar local ordinance by drivers  
12 suspected of driving under the influence of cannabis. The  
13 General Assembly finds that standardized field sobriety tests  
14 approved by the National Highway Traffic Safety Administration  
15 are divided attention tasks that are intended to determine if a  
16 person is under the influence of cannabis. The purpose of these  
17 tests is to determine the effect of the use of cannabis on a  
18 person's capacity to think and act with ordinary care and  
19 therefore operate a motor vehicle safely. Therefore, the  
20 results of these standardized field sobriety tests,  
21 appropriately administered, shall be admissible in the trial of  
22 any civil or criminal action or proceeding arising out of an  
23 arrest for a cannabis-related offense as defined in Section  
24 11-501 or a similar local ordinance or proceedings under  
25 Section 2-118.1 or 2-118.2. Where a test is made the following  
26 provisions shall apply:

1           1. The person tested may have a physician, or a  
2           qualified technician, chemist, registered nurse, or other  
3           qualified person of their own choosing administer a  
4           chemical test or tests in addition to the standardized  
5           field sobriety test or tests administered at the direction  
6           of a law enforcement officer. The failure or inability to  
7           obtain an additional test by a person does not preclude the  
8           admission of evidence relating to the test or tests taken  
9           at the direction of a law enforcement officer.

10          2. Upon the request of the person who shall submit to a  
11          standardized field sobriety test or tests at the request of  
12          a law enforcement officer, full information concerning the  
13          test or tests shall be made available to the person or the  
14          person's attorney.

15          3. At the trial of any civil or criminal action or  
16          proceeding arising out of an arrest for an offense as  
17          defined in Section 11-501 or a similar local ordinance or  
18          proceedings under Section 2-118.1 or 2-118.2 in which the  
19          results of these standardized field sobriety tests are  
20          admitted, the cardholder may present and the trier of fact  
21          may consider evidence that the card holder lacked the  
22          physical capacity to perform the standardized field  
23          sobriety tests.

24          (b) Upon the trial of any civil or criminal action or  
25          proceeding arising out of acts alleged to have been committed  
26          by any person while driving or in actual physical control of a

1 vehicle while under the influence of alcohol, the concentration  
2 of alcohol in the person's blood or breath at the time alleged  
3 as shown by analysis of the person's blood, urine, breath, or  
4 other bodily substance shall give rise to the following  
5 presumptions:

6 1. If there was at that time an alcohol concentration  
7 of 0.05 or less, it shall be presumed that the person was  
8 not under the influence of alcohol.

9 2. If there was at that time an alcohol concentration  
10 in excess of 0.05 but less than 0.08, such facts shall not  
11 give rise to any presumption that the person was or was not  
12 under the influence of alcohol, but such fact may be  
13 considered with other competent evidence in determining  
14 whether the person was under the influence of alcohol.

15 3. If there was at that time an alcohol concentration  
16 of 0.08 or more, it shall be presumed that the person was  
17 under the influence of alcohol.

18 4. The foregoing provisions of this Section shall not  
19 be construed as limiting the introduction of any other  
20 relevant evidence bearing upon the question whether the  
21 person was under the influence of alcohol.

22 (b-5) Upon the trial of any civil or criminal action or  
23 proceeding arising out of acts alleged to have been committed  
24 by any person while driving or in actual physical control of a  
25 vehicle while under the influence of alcohol, other drug or  
26 drugs, intoxicating compound or compounds or any combination

1 thereof, the concentration of cannabis in the person's whole  
2 blood or other bodily substance at the time alleged as shown by  
3 analysis of the person's blood or other bodily substance shall  
4 give rise to the following presumptions:

5 1. If there was a tetrahydrocannabinol concentration  
6 of 15 nanograms or more in whole blood or 25 nanograms or  
7 more in an other bodily substance as defined in this  
8 Section, it shall be presumed that the person was under the  
9 influence of cannabis.

10 2. If there was at that time a tetrahydrocannabinol  
11 concentration of less than 15 nanograms in whole blood or  
12 less than 25 nanograms in an other bodily substance, such  
13 facts shall not give rise to any presumption that the  
14 person was or was not under the influence of cannabis, but  
15 such fact may be considered with other competent evidence  
16 in determining whether the person was under the influence  
17 of cannabis.

18 (c) 1. If a person under arrest refuses to submit to a  
19 chemical test under the provisions of Section 11-501.1,  
20 evidence of refusal shall be admissible in any civil or  
21 criminal action or proceeding arising out of acts alleged to  
22 have been committed while the person under the influence of  
23 alcohol, other drug or drugs, or intoxicating compound or  
24 compounds, or any combination thereof was driving or in actual  
25 physical control of a motor vehicle.

26 2. Notwithstanding any ability to refuse under this Code to

1 submit to these tests or any ability to revoke the implied  
2 consent to these tests, if a law enforcement officer has  
3 probable cause to believe that a motor vehicle driven by or in  
4 actual physical control of a person under the influence of  
5 alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, or any combination thereof has caused the death or  
7 personal injury to another, the law enforcement officer shall  
8 request, and that person shall submit, upon the request of a  
9 law enforcement officer, to a chemical test or tests of his or  
10 her blood, breath, other bodily substance, or urine for the  
11 purpose of determining the alcohol content thereof or the  
12 presence of any other drug or combination of both.

13 This provision does not affect the applicability of or  
14 imposition of driver's license sanctions under Section  
15 11-501.1 of this Code.

16 3. For purposes of this Section, a personal injury includes  
17 any Type A injury as indicated on the traffic accident report  
18 completed by a law enforcement officer that requires immediate  
19 professional attention in either a doctor's office or a medical  
20 facility. A Type A injury includes severe bleeding wounds,  
21 distorted extremities, and injuries that require the injured  
22 party to be carried from the scene.

23 (d) If a person refuses standardized field sobriety tests  
24 under Section 11-501.9 of this Code, evidence of refusal shall  
25 be admissible in any civil or criminal action or proceeding  
26 arising out of acts committed while the person was driving or

1 in actual physical control of a vehicle and alleged to have  
2 been impaired by the use of cannabis.

3 (e) Department of State Police compliance with the changes  
4 in this amendatory Act of the 99th General Assembly concerning  
5 testing of other bodily substances and tetrahydrocannabinol  
6 concentration by Department of State Police laboratories is  
7 subject to appropriation and until the Department of State  
8 Police adopt standards and completion validation. Any  
9 laboratories that test for the presence of cannabis or other  
10 drugs under this Article, the Snowmobile Registration and  
11 Safety Act, or the Boat Registration and Safety Act must comply  
12 with ISO/IEC 17025:2005.

13 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;  
14 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.  
15 8-15-14; 98-1172, eff. 1-12-15.)

16 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

17 Sec. 11-501.4. Admissibility of chemical tests of blood,  
18 other bodily substance, or urine conducted in the regular  
19 course of providing emergency medical treatment.

20 (a) Notwithstanding any other provision of law, the results  
21 of blood, other bodily substance, or urine tests performed for  
22 the purpose of determining the content of alcohol, other drug  
23 or drugs, or intoxicating compound or compounds, or any  
24 combination thereof, of an individual's blood, other bodily  
25 substance, or urine conducted upon persons receiving medical

1 treatment in a hospital emergency room are admissible in  
2 evidence as a business record exception to the hearsay rule  
3 only in prosecutions for any violation of Section 11-501 of  
4 this Code or a similar provision of a local ordinance, or in  
5 prosecutions for reckless homicide brought under the Criminal  
6 Code of 1961 or the Criminal Code of 2012, when each of the  
7 following criteria are met:

8 (1) the chemical tests performed upon an individual's  
9 blood, other bodily substance, or urine were ordered in the  
10 regular course of providing emergency medical treatment  
11 and not at the request of law enforcement authorities;

12 (2) the chemical tests performed upon an individual's  
13 blood, other bodily substance, or urine were performed by  
14 the laboratory routinely used by the hospital; and

15 (3) results of chemical tests performed upon an  
16 individual's blood, other bodily substance, or urine are  
17 admissible into evidence regardless of the time that the  
18 records were prepared.

19 (b) The confidentiality provisions of law pertaining to  
20 medical records and medical treatment shall not be applicable  
21 with regard to chemical tests performed upon an individual's  
22 blood, other bodily substance, or urine under the provisions of  
23 this Section in prosecutions as specified in subsection (a) of  
24 this Section. No person shall be liable for civil damages as a  
25 result of the evidentiary use of chemical testing of an  
26 individual's blood, other bodily substance, or urine test

1 results under this Section, or as a result of that person's  
2 testimony made available under this Section.

3 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/11-501.4-1)

5 Sec. 11-501.4-1. Reporting of test results of blood, other  
6 bodily substance, or urine conducted in the regular course of  
7 providing emergency medical treatment.

8 (a) Notwithstanding any other provision of law, the results  
9 of blood, other bodily substance, or urine tests performed for  
10 the purpose of determining the content of alcohol, other drug  
11 or drugs, or intoxicating compound or compounds, or any  
12 combination thereof, in an individual's blood, other bodily  
13 substance, or urine conducted upon persons receiving medical  
14 treatment in a hospital emergency room for injuries resulting  
15 from a motor vehicle accident shall be disclosed to the  
16 Department of State Police or local law enforcement agencies of  
17 jurisdiction, upon request. Such blood, other bodily  
18 substance, or urine tests are admissible in evidence as a  
19 business record exception to the hearsay rule only in  
20 prosecutions for any violation of Section 11-501 of this Code  
21 or a similar provision of a local ordinance, or in prosecutions  
22 for reckless homicide brought under the Criminal Code of 1961  
23 or the Criminal Code of 2012.

24 (b) The confidentiality provisions of law pertaining to  
25 medical records and medical treatment shall not be applicable

1 with regard to tests performed upon an individual's blood,  
2 other bodily substance, or urine under the provisions of  
3 subsection (a) of this Section. No person shall be liable for  
4 civil damages or professional discipline as a result of the  
5 disclosure or reporting of the tests or the evidentiary use of  
6 an individual's blood, other bodily substance, or urine test  
7 results under this Section or Section 11-501.4 or as a result  
8 of that person's testimony made available under this Section or  
9 Section 11-501.4, except for willful or wanton misconduct.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

12 Sec. 11-501.6. Driver involvement in personal injury or  
13 fatal motor vehicle accident; chemical test.

14 (a) Any person who drives or is in actual control of a  
15 motor vehicle upon the public highways of this State and who  
16 has been involved in a personal injury or fatal motor vehicle  
17 accident, shall be deemed to have given consent to a breath  
18 test using a portable device as approved by the Department of  
19 State Police or to a chemical test or tests of blood, breath,  
20 other bodily substance, or urine for the purpose of determining  
21 the content of alcohol, other drug or drugs, or intoxicating  
22 compound or compounds of such person's blood if arrested as  
23 evidenced by the issuance of a Uniform Traffic Ticket for any  
24 violation of the Illinois Vehicle Code or a similar provision  
25 of a local ordinance, with the exception of equipment

1 violations contained in Chapter 12 of this Code, or similar  
2 provisions of local ordinances. The test or tests shall be  
3 administered at the direction of the arresting officer. The law  
4 enforcement agency employing the officer shall designate which  
5 of the aforesaid tests shall be administered. Up to 2  
6 additional tests of A urine or other bodily substance test may  
7 be administered even after a blood or breath test or both has  
8 been administered. Compliance with this Section does not  
9 relieve such person from the requirements of Section 11-501.1  
10 of this Code.

11 (b) Any person who is dead, unconscious or who is otherwise  
12 in a condition rendering such person incapable of refusal shall  
13 be deemed not to have withdrawn the consent provided by  
14 subsection (a) of this Section. In addition, if a driver of a  
15 vehicle is receiving medical treatment as a result of a motor  
16 vehicle accident, any physician licensed to practice medicine,  
17 licensed physician assistant, licensed advanced practice  
18 nurse, registered nurse or a phlebotomist acting under the  
19 direction of a licensed physician shall withdraw blood for  
20 testing purposes to ascertain the presence of alcohol, other  
21 drug or drugs, or intoxicating compound or compounds, upon the  
22 specific request of a law enforcement officer. However, no such  
23 testing shall be performed until, in the opinion of the medical  
24 personnel on scene, the withdrawal can be made without  
25 interfering with or endangering the well-being of the patient.

26 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting  
2 the test that a refusal to submit to the test, or submission to  
3 the test resulting in an alcohol concentration of 0.08 or more,  
4 or testing discloses the presence of cannabis as listed in the  
5 Cannabis Control Act with a tetrahydrocannabinol concentration  
6 as defined in paragraph 6 of subsection (a) of Section 11-501.2  
7 of this Code, or any amount of a drug, substance, or  
8 intoxicating compound resulting from the unlawful use or  
9 consumption of ~~cannabis, as covered by the Cannabis Control~~  
10 ~~Act,~~ a controlled substance listed in the Illinois Controlled  
11 Substances Act, an intoxicating compound listed in the Use of  
12 Intoxicating Compounds Act, or methamphetamine as listed in the  
13 Methamphetamine Control and Community Protection Act as  
14 detected in such person's blood, other bodily substance, or  
15 urine, may result in the suspension of such person's privilege  
16 to operate a motor vehicle. If the person is also a CDL holder  
17 he or she shall be warned by the law enforcement officer  
18 requesting the test that a refusal to submit to the test, or  
19 submission to the test resulting in an alcohol concentration of  
20 0.08 or more, or any amount of a drug, substance, or  
21 intoxicating compound resulting from the unlawful use or  
22 consumption of cannabis, as covered by the Cannabis Control  
23 Act, a controlled substance listed in the Illinois Controlled  
24 Substances Act, an intoxicating compound listed in the Use of  
25 Intoxicating Compounds Act, or methamphetamine as listed in the  
26 Methamphetamine Control and Community Protection Act as

1 detected in the person's blood, other bodily substance, or  
2 urine, and may result in the disqualification of the person's  
3 privilege to operate a commercial motor vehicle, as provided in  
4 Section 6-514 of this Code, ~~if the person is a CDL holder~~. The  
5 length of the suspension shall be the same as outlined in  
6 Section 6-208.1 of this Code regarding statutory summary  
7 suspensions.

8 (d) If the person refuses testing or submits to a test  
9 which discloses an alcohol concentration of 0.08 or more, the  
10 presence of cannabis as listed in the Cannabis Control Act with  
11 a tetrahydrocannabinol concentration as defined in paragraph 6  
12 of subsection (a) of Section 11-501.2 of this Code, or any  
13 amount of a drug, substance, or intoxicating compound in such  
14 person's blood, other bodily substance, or urine resulting from  
15 the unlawful use or consumption of ~~cannabis listed in the~~  
16 ~~Cannabis Control Act,~~ a controlled substance listed in the  
17 Illinois Controlled Substances Act, an intoxicating compound  
18 listed in the Use of Intoxicating Compounds Act, or  
19 methamphetamine as listed in the Methamphetamine Control and  
20 Community Protection Act, the law enforcement officer shall  
21 immediately submit a sworn report to the Secretary of State on  
22 a form prescribed by the Secretary, certifying that the test or  
23 tests were requested under ~~pursuant to~~ subsection (a) and the  
24 person refused to submit to a test or tests or submitted to  
25 testing which disclosed an alcohol concentration of 0.08 or  
26 more, the presence of cannabis as listed in the Cannabis

1 Control Act with a tetrahydrocannabinol concentration as  
2 defined in paragraph 6 of subsection (a) of Section 11-501.2 of  
3 this Code, or any amount of a drug, substance, or intoxicating  
4 compound in such person's blood, other bodily substance, or  
5 urine, resulting from the unlawful use or consumption of  
6 ~~cannabis listed in the Cannabis Control Act,~~ a controlled  
7 substance listed in the Illinois Controlled Substances Act, an  
8 intoxicating compound listed in the Use of Intoxicating  
9 Compounds Act, or methamphetamine as listed in the  
10 Methamphetamine Control and Community Protection Act. If the  
11 person is also a CDL holder and refuses testing or submits to a  
12 test which discloses an alcohol concentration of 0.08 or more,  
13 or any amount of a drug, substance, or intoxicating compound in  
14 the person's blood or urine resulting from the unlawful use or  
15 consumption of cannabis listed in the Cannabis Control Act, a  
16 controlled substance listed in the Illinois Controlled  
17 Substances Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the Secretary of State on a form prescribed by the Secretary,  
22 certifying that the test or tests were requested under  
23 subsection (a) and the person refused to submit to a test or  
24 tests or submitted to testing which disclosed an alcohol  
25 concentration of 0.08 or more, or any amount of a drug,  
26 substance, or intoxicating compound in such person's blood or

1 urine, resulting from the unlawful use or consumption of  
2 cannabis listed in the Cannabis Control Act, a controlled  
3 substance listed in the Illinois Controlled Substances Act, an  
4 intoxicating compound listed in the Use of Intoxicating  
5 Compounds Act, or methamphetamine as listed in the  
6 Methamphetamine Control and Community Protection Act.

7       Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary shall enter the suspension and  
9 disqualification to the individual's driving record and the  
10 suspension and disqualification shall be effective on the 46th  
11 day following the date notice of the suspension was given to  
12 the person.

13       The law enforcement officer submitting the sworn report  
14 shall serve immediate notice of this suspension on the person  
15 and such suspension and disqualification shall be effective on  
16 the 46th day following the date notice was given.

17       In cases involving a person who is not a CDL holder where  
18 the blood alcohol concentration of 0.08 or more, or blood  
19 testing discloses the presence of cannabis as listed in the  
20 Cannabis Control Act with a tetrahydrocannabinol concentration  
21 as defined in paragraph 6 of subsection (a) of Section 11-501.2  
22 of this Code, or any amount of a drug, substance, or  
23 intoxicating compound resulting from the unlawful use or  
24 consumption of ~~cannabis as listed in the Cannabis Control Act,~~  
25 a controlled substance listed in the Illinois Controlled  
26 Substances Act, an intoxicating compound listed in the Use of

1 Intoxicating Compounds Act, or methamphetamine as listed in the  
2 Methamphetamine Control and Community Protection Act, is  
3 established by a subsequent analysis of blood, other bodily  
4 substance, or urine collected at the time of arrest, the  
5 arresting officer shall give notice as provided in this Section  
6 or by deposit in the United States mail of such notice in an  
7 envelope with postage prepaid and addressed to such person at  
8 his or her address as shown on the Uniform Traffic Ticket and  
9 the suspension ~~and disqualification~~ shall be effective on the  
10 46th day following the date notice was given.

11 In cases involving a person who is a CDL holder where the  
12 blood alcohol concentration of 0.08 or more, or any amount of a  
13 drug, substance, or intoxicating compound resulting from the  
14 unlawful use or consumption of cannabis as listed in the  
15 Cannabis Control Act, a controlled substance listed in the  
16 Illinois Controlled Substances Act, an intoxicating compound  
17 listed in the Use of Intoxicating Compounds Act, or  
18 methamphetamine as listed in the Methamphetamine Control and  
19 Community Protection Act, is established by a subsequent  
20 analysis of blood, other bodily substance, or urine collected  
21 at the time of arrest, the arresting officer shall give notice  
22 as provided in this Section or by deposit in the United States  
23 mail of such notice in an envelope with postage prepaid and  
24 addressed to the person at his or her address as shown on the  
25 Uniform Traffic Ticket and the suspension and disqualification  
26 shall be effective on the 46th day following the date notice

1 was given.

2       Upon receipt of the sworn report of a law enforcement  
3 officer, the Secretary shall also give notice of the suspension  
4 and disqualification to the driver by mailing a notice of the  
5 effective date of the suspension and disqualification to the  
6 individual. However, should the sworn report be defective by  
7 not containing sufficient information or be completed in error,  
8 the notice of the suspension and disqualification shall not be  
9 mailed to the person or entered to the driving record, but  
10 rather the sworn report shall be returned to the issuing law  
11 enforcement agency.

12       (e) A driver may contest this suspension of his or her  
13 driving privileges and disqualification of his or her CDL  
14 privileges by requesting an administrative hearing with the  
15 Secretary in accordance with Section 2-118 of this Code. At the  
16 conclusion of a hearing held under Section 2-118 of this Code,  
17 the Secretary may rescind, continue, or modify the orders of  
18 suspension and disqualification. If the Secretary does not  
19 rescind the orders of suspension and disqualification, a  
20 restricted driving permit may be granted by the Secretary upon  
21 application being made and good cause shown. A restricted  
22 driving permit may be granted to relieve undue hardship to  
23 allow driving for employment, educational, and medical  
24 purposes as outlined in Section 6-206 of this Code. The  
25 provisions of Section 6-206 of this Code shall apply. In  
26 accordance with 49 C.F.R. 384, the Secretary of State may not

1 issue a restricted driving permit for the operation of a  
2 commercial motor vehicle to a person holding a CDL whose  
3 driving privileges have been suspended, revoked, cancelled, or  
4 disqualified.

5 (f) (Blank).

6 (g) For the purposes of this Section, a personal injury  
7 shall include any type A injury as indicated on the traffic  
8 accident report completed by a law enforcement officer that  
9 requires immediate professional attention in either a doctor's  
10 office or a medical facility. A type A injury shall include  
11 severely bleeding wounds, distorted extremities, and injuries  
12 that require the injured party to be carried from the scene.

13 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;  
14 97-835, eff. 7-20-12.)

15 (625 ILCS 5/11-501.8)

16 Sec. 11-501.8. Suspension of driver's license; persons  
17 under age 21.

18 (a) A person who is less than 21 years of age and who  
19 drives or is in actual physical control of a motor vehicle upon  
20 the public highways of this State shall be deemed to have given  
21 consent to a chemical test or tests of blood, breath, other  
22 bodily substance, or urine for the purpose of determining the  
23 alcohol content of the person's blood if arrested, as evidenced  
24 by the issuance of a Uniform Traffic Ticket for any violation  
25 of the Illinois Vehicle Code or a similar provision of a local

1 ordinance, if a police officer has probable cause to believe  
2 that the driver has consumed any amount of an alcoholic  
3 beverage based upon evidence of the driver's physical condition  
4 or other first hand knowledge of the police officer. The test  
5 or tests shall be administered at the direction of the  
6 arresting officer. The law enforcement agency employing the  
7 officer shall designate which of the aforesaid tests shall be  
8 administered. Up to 2 additional tests of A urine or other  
9 bodily substance ~~test~~ may be administered even after a blood or  
10 breath test or both has been administered.

11 (b) A person who is dead, unconscious, or who is otherwise  
12 in a condition rendering that person incapable of refusal,  
13 shall be deemed not to have withdrawn the consent provided by  
14 paragraph (a) of this Section and the test or tests may be  
15 administered subject to the following provisions:

16 (i) Chemical analysis of the person's blood, urine,  
17 breath, or other bodily substance, to be considered valid  
18 under the provisions of this Section, shall have been  
19 performed according to standards promulgated by the  
20 Department of State Police by an individual possessing a  
21 valid permit issued by that Department for this purpose.  
22 The Director of State Police is authorized to approve  
23 satisfactory techniques or methods, to ascertain the  
24 qualifications and competence of individuals to conduct  
25 analyses, to issue permits that shall be subject to  
26 termination or revocation at the direction of that

1 Department, and to certify the accuracy of breath testing  
2 equipment. The Department of State Police shall prescribe  
3 regulations as necessary.

4 (ii) When a person submits to a blood test at the  
5 request of a law enforcement officer under the provisions  
6 of this Section, only a physician authorized to practice  
7 medicine, a licensed physician assistant, a licensed  
8 advanced practice nurse, a registered nurse, or other  
9 qualified person trained in venipuncture and acting under  
10 the direction of a licensed physician may withdraw blood  
11 for the purpose of determining the alcohol content therein.  
12 This limitation does not apply to the taking of breath,  
13 other bodily substance, or urine specimens.

14 (iii) The person tested may have a physician, qualified  
15 technician, chemist, registered nurse, or other qualified  
16 person of his or her own choosing administer a chemical  
17 test or tests in addition to any test or tests administered  
18 at the direction of a law enforcement officer. The failure  
19 or inability to obtain an additional test by a person shall  
20 not preclude the consideration of the previously performed  
21 chemical test.

22 (iv) Upon a request of the person who submits to a  
23 chemical test or tests at the request of a law enforcement  
24 officer, full information concerning the test or tests  
25 shall be made available to the person or that person's  
26 attorney.

1           (v) Alcohol concentration means either grams of  
2 alcohol per 100 milliliters of blood or grams of alcohol  
3 per 210 liters of breath.

4           (vi) If a driver is receiving medical treatment as a  
5 result of a motor vehicle accident, a physician licensed to  
6 practice medicine, licensed physician assistant, licensed  
7 advanced practice nurse, registered nurse, or other  
8 qualified person trained in venipuncture and acting under  
9 the direction of a licensed physician shall withdraw blood  
10 for testing purposes to ascertain the presence of alcohol  
11 upon the specific request of a law enforcement officer.  
12 However, that testing shall not be performed until, in the  
13 opinion of the medical personnel on scene, the withdrawal  
14 can be made without interfering with or endangering the  
15 well-being of the patient.

16           (c) A person requested to submit to a test as provided  
17 above shall be warned by the law enforcement officer requesting  
18 the test that a refusal to submit to the test, or submission to  
19 the test resulting in an alcohol concentration of more than  
20 0.00, may result in the loss of that person's privilege to  
21 operate a motor vehicle and may result in the disqualification  
22 of the person's privilege to operate a commercial motor  
23 vehicle, as provided in Section 6-514 of this Code, if the  
24 person is a CDL holder. The loss of driving privileges shall be  
25 imposed in accordance with Section 6-208.2 of this Code.

26           (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law  
2 enforcement officer shall immediately submit a sworn report to  
3 the Secretary of State on a form prescribed by the Secretary of  
4 State, certifying that the test or tests were requested under  
5 subsection (a) and the person refused to submit to a test or  
6 tests or submitted to testing which disclosed an alcohol  
7 concentration of more than 0.00. The law enforcement officer  
8 shall submit the same sworn report when a person under the age  
9 of 21 submits to testing under Section 11-501.1 of this Code  
10 and the testing discloses an alcohol concentration of more than  
11 0.00 and less than 0.08.

12       Upon receipt of the sworn report of a law enforcement  
13 officer, the Secretary of State shall enter the suspension and  
14 disqualification on the individual's driving record and the  
15 suspension and disqualification shall be effective on the 46th  
16 day following the date notice of the suspension was given to  
17 the person. If this suspension is the individual's first  
18 driver's license suspension under this Section, reports  
19 received by the Secretary of State under this Section shall,  
20 except during the time the suspension is in effect, be  
21 privileged information and for use only by the courts, police  
22 officers, prosecuting authorities, the Secretary of State, or  
23 the individual personally, unless the person is a CDL holder,  
24 is operating a commercial motor vehicle or vehicle required to  
25 be placarded for hazardous materials, in which case the  
26 suspension shall not be privileged. Reports received by the

1 Secretary of State under this Section shall also be made  
2 available to the parent or guardian of a person under the age  
3 of 18 years that holds an instruction permit or a graduated  
4 driver's license, regardless of whether the suspension is in  
5 effect.

6 The law enforcement officer submitting the sworn report  
7 shall serve immediate notice of this suspension on the person  
8 and the suspension and disqualification shall be effective on  
9 the 46th day following the date notice was given.

10 In cases where the blood alcohol concentration of more than  
11 0.00 is established by a subsequent analysis of blood, other  
12 bodily substance, or urine, the police officer or arresting  
13 agency shall give notice as provided in this Section or by  
14 deposit in the United States mail of that notice in an envelope  
15 with postage prepaid and addressed to that person at his last  
16 known address and the loss of driving privileges shall be  
17 effective on the 46th day following the date notice was given.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary of State shall also give notice of the  
20 suspension and disqualification to the driver by mailing a  
21 notice of the effective date of the suspension and  
22 disqualification to the individual. However, should the sworn  
23 report be defective by not containing sufficient information or  
24 be completed in error, the notice of the suspension and  
25 disqualification shall not be mailed to the person or entered  
26 to the driving record, but rather the sworn report shall be

1 returned to the issuing law enforcement agency.

2 (e) A driver may contest this suspension and  
3 disqualification by requesting an administrative hearing with  
4 the Secretary of State in accordance with Section 2-118 of this  
5 Code. An individual whose blood alcohol concentration is shown  
6 to be more than 0.00 is not subject to this Section if he or she  
7 consumed alcohol in the performance of a religious service or  
8 ceremony. An individual whose blood alcohol concentration is  
9 shown to be more than 0.00 shall not be subject to this Section  
10 if the individual's blood alcohol concentration resulted only  
11 from ingestion of the prescribed or recommended dosage of  
12 medicine that contained alcohol. The petition for that hearing  
13 shall not stay or delay the effective date of the impending  
14 suspension. The scope of this hearing shall be limited to the  
15 issues of:

16 (1) whether the police officer had probable cause to  
17 believe that the person was driving or in actual physical  
18 control of a motor vehicle upon the public highways of the  
19 State and the police officer had reason to believe that the  
20 person was in violation of any provision of the Illinois  
21 Vehicle Code or a similar provision of a local ordinance;  
22 and

23 (2) whether the person was issued a Uniform Traffic  
24 Ticket for any violation of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance; and

26 (3) whether the police officer had probable cause to

1 believe that the driver had consumed any amount of an  
2 alcoholic beverage based upon the driver's physical  
3 actions or other first-hand knowledge of the police  
4 officer; and

5 (4) whether the person, after being advised by the  
6 officer that the privilege to operate a motor vehicle would  
7 be suspended if the person refused to submit to and  
8 complete the test or tests, did refuse to submit to or  
9 complete the test or tests to determine the person's  
10 alcohol concentration; and

11 (5) whether the person, after being advised by the  
12 officer that the privileges to operate a motor vehicle  
13 would be suspended if the person submits to a chemical test  
14 or tests and the test or tests disclose an alcohol  
15 concentration of more than 0.00, did submit to and complete  
16 the test or tests that determined an alcohol concentration  
17 of more than 0.00; and

18 (6) whether the test result of an alcohol concentration  
19 of more than 0.00 was based upon the person's consumption  
20 of alcohol in the performance of a religious service or  
21 ceremony; and

22 (7) whether the test result of an alcohol concentration  
23 of more than 0.00 was based upon the person's consumption  
24 of alcohol through ingestion of the prescribed or  
25 recommended dosage of medicine.

26 At the conclusion of the hearing held under Section 2-118

1 of this Code, the Secretary of State may rescind, continue, or  
2 modify the suspension and disqualification. If the Secretary of  
3 State does not rescind the suspension and disqualification, a  
4 restricted driving permit may be granted by the Secretary of  
5 State upon application being made and good cause shown. A  
6 restricted driving permit may be granted to relieve undue  
7 hardship by allowing driving for employment, educational, and  
8 medical purposes as outlined in item (3) of part (c) of Section  
9 6-206 of this Code. The provisions of item (3) of part (c) of  
10 Section 6-206 of this Code and of subsection (f) of that  
11 Section shall apply. The Secretary of State shall promulgate  
12 rules providing for participation in an alcohol education and  
13 awareness program or activity, a drug education and awareness  
14 program or activity, or both as a condition to the issuance of  
15 a restricted driving permit for suspensions imposed under this  
16 Section.

17 (f) The results of any chemical testing performed in  
18 accordance with subsection (a) of this Section are not  
19 admissible in any civil or criminal proceeding, except that the  
20 results of the testing may be considered at a hearing held  
21 under Section 2-118 of this Code. However, the results of the  
22 testing may not be used to impose driver's license sanctions  
23 under Section 11-501.1 of this Code. A law enforcement officer  
24 may, however, pursue a statutory summary suspension or  
25 revocation of driving privileges under Section 11-501.1 of this  
26 Code if other physical evidence or first hand knowledge forms

1 the basis of that suspension or revocation.

2 (g) This Section applies only to drivers who are under age  
3 21 at the time of the issuance of a Uniform Traffic Ticket for  
4 a violation of the Illinois Vehicle Code or a similar provision  
5 of a local ordinance, and a chemical test request is made under  
6 this Section.

7 (h) The action of the Secretary of State in suspending,  
8 revoking, cancelling, or disqualifying any license or permit  
9 shall be subject to judicial review in the Circuit Court of  
10 Sangamon County or in the Circuit Court of Cook County, and the  
11 provisions of the Administrative Review Law and its rules are  
12 hereby adopted and shall apply to and govern every action for  
13 the judicial review of final acts or decisions of the Secretary  
14 of State under this Section.

15 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;  
16 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

17 (625 ILCS 5/11-507)

18 Sec. 11-507. Supervising a minor driver while under the  
19 influence of alcohol, other drug or drugs, intoxicating  
20 compound or compounds or any combination thereof.

21 (a) A person shall not accompany or provide instruction,  
22 pursuant to subsection (a) of Section 6-107.1 of this Code, to  
23 a driver who is a minor and driving a motor vehicle pursuant to  
24 an instruction permit under Section 6-107.1 of this Code,  
25 while:

1           (1) the alcohol concentration in the person's blood,  
2           other bodily substance, or breath is 0.08 or more based on  
3           the definition of blood and breath units in Section  
4           11-501.2 of this Code;

5           (2) under the influence of alcohol;

6           (3) under the influence of any intoxicating compound or  
7           combination of intoxicating compounds to a degree that  
8           renders the person incapable of properly supervising or  
9           providing instruction to the minor driver;

10          (4) under the influence of any other drug or  
11          combination of drugs to a degree that renders the person  
12          incapable of properly supervising or providing instruction  
13          to the minor driver;

14          (5) under the combined influence of alcohol, other drug  
15          or drugs, or intoxicating compound or compounds to a degree  
16          that renders the person incapable of properly supervising  
17          or providing instruction to the minor driver; or

18          (6) there is any amount of a drug, substance, or  
19          compound in the person's breath, blood, other bodily  
20          substance, or urine resulting from the unlawful use or  
21          consumption of cannabis listed in the Cannabis Control Act,  
22          a controlled substance listed in the Illinois Controlled  
23          Substances Act, an intoxicating compound listed in the Use  
24          of Intoxicating Compounds Act, or methamphetamine as  
25          listed in the Methamphetamine Control and Community  
26          Protection Act.

1 (b) A person found guilty of violating this Section is  
2 guilty of an offense against the regulations governing the  
3 movement of vehicles.

4 (Source: P.A. 96-1237, eff. 1-1-11.)

5 Section 10. The Snowmobile Registration and Safety Act is  
6 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and  
7 5-7.6 as follows:

8 (625 ILCS 40/5-7)

9 Sec. 5-7. Operating a snowmobile while under the influence  
10 of alcohol or other drug or drugs, intoxicating compound or  
11 compounds, or a combination of them; criminal penalties;  
12 suspension of operating privileges.

13 (a) A person may not operate or be in actual physical  
14 control of a snowmobile within this State while:

15 1. The alcohol concentration in that person's blood,  
16 other bodily substance, or breath is a concentration at  
17 which driving a motor vehicle is prohibited under  
18 subdivision (1) of subsection (a) of Section 11-501 of the  
19 Illinois Vehicle Code;

20 2. The person is under the influence of alcohol;

21 3. The person is under the influence of any other drug  
22 or combination of drugs to a degree that renders that  
23 person incapable of safely operating a snowmobile;

24 3.1. The person is under the influence of any

1 intoxicating compound or combination of intoxicating  
2 compounds to a degree that renders the person incapable of  
3 safely operating a snowmobile;

4 4. The person is under the combined influence of  
5 alcohol and any other drug or drugs or intoxicating  
6 compound or compounds to a degree that renders that person  
7 incapable of safely operating a snowmobile; ~~or~~

8 (4.3) The person who is not a CDL holder has a  
9 tetrahydrocannabinol concentration in the person's whole  
10 blood or other bodily substance at which driving a motor  
11 vehicle is prohibited under subdivision (7) of subsection  
12 (a) of Section 11-501 of the Illinois Vehicle Code;

13 (4.5) The person who is a CDL holder has any amount of  
14 a drug, substance, or compound in the person's breath,  
15 blood, other bodily substance, or urine resulting from the  
16 unlawful use or consumption of cannabis listed in the  
17 Cannabis Control Act; or

18 5. There is any amount of a drug, substance, or  
19 compound in that person's breath, blood, other bodily  
20 substance, or urine resulting from the unlawful use or  
21 consumption of a ~~cannabis listed in the Cannabis Control~~  
22 ~~Act,~~ controlled substance listed in the Illinois  
23 Controlled Substances Act, methamphetamine as listed in  
24 the Methamphetamine Control and Community Protection Act,  
25 or intoxicating compound listed in the use of Intoxicating  
26 Compounds Act.

1           (b) The fact that a person charged with violating this  
2 Section is or has been legally entitled to use alcohol, other  
3 drug or drugs, any intoxicating compound or compounds, or any  
4 combination of them does not constitute a defense against a  
5 charge of violating this Section.

6           (c) Every person convicted of violating this Section or a  
7 similar provision of a local ordinance is guilty of a Class A  
8 misdemeanor, except as otherwise provided in this Section.

9           (c-1) As used in this Section, "first time offender" means  
10 any person who has not had a previous conviction or been  
11 assigned supervision for violating this Section or a similar  
12 provision of a local ordinance, or any person who has not had a  
13 suspension imposed under subsection (e) of Section 5-7.1.

14           (c-2) For purposes of this Section, the following are  
15 equivalent to a conviction:

16               (1) a forfeiture of bail or collateral deposited to  
17 secure a defendant's appearance in court when forfeiture  
18 has not been vacated; or

19               (2) the failure of a defendant to appear for trial.

20           (d) Every person convicted of violating this Section is  
21 guilty of a Class 4 felony if:

22               1. The person has a previous conviction under this  
23 Section;

24               2. The offense results in personal injury where a  
25 person other than the operator suffers great bodily harm or  
26 permanent disability or disfigurement, when the violation

1 was a proximate cause of the injuries. A person guilty of a  
2 Class 4 felony under this paragraph 2, if sentenced to a  
3 term of imprisonment, shall be sentenced to not less than  
4 one year nor more than 12 years; or

5 3. The offense occurred during a period in which the  
6 person's privileges to operate a snowmobile are revoked or  
7 suspended, and the revocation or suspension was for a  
8 violation of this Section or was imposed under Section  
9 5-7.1.

10 (e) Every person convicted of violating this Section is  
11 guilty of a Class 2 felony if the offense results in the death  
12 of a person. A person guilty of a Class 2 felony under this  
13 subsection (e), if sentenced to a term of imprisonment, shall  
14 be sentenced to a term of not less than 3 years and not more  
15 than 14 years.

16 (e-1) Every person convicted of violating this Section or a  
17 similar provision of a local ordinance who had a child under  
18 the age of 16 on board the snowmobile at the time of offense  
19 shall be subject to a mandatory minimum fine of \$500 and shall  
20 be subject to a mandatory minimum of 5 days of community  
21 service in a program benefiting children. The assignment under  
22 this subsection shall not be subject to suspension nor shall  
23 the person be eligible for probation in order to reduce the  
24 assignment.

25 (e-2) Every person found guilty of violating this Section,  
26 whose operation of a snowmobile while in violation of this

1 Section proximately caused any incident resulting in an  
2 appropriate emergency response, shall be liable for the expense  
3 of an emergency response as provided in subsection (i) of  
4 Section 11-501.01 of the Illinois Vehicle Code.

5 (e-3) In addition to any other penalties and liabilities, a  
6 person who is found guilty of violating this Section, including  
7 any person placed on court supervision, shall be fined \$100,  
8 payable to the circuit clerk, who shall distribute the money to  
9 the law enforcement agency that made the arrest. In the event  
10 that more than one agency is responsible for the arrest, the  
11 \$100 shall be shared equally. Any moneys received by a law  
12 enforcement agency under this subsection (e-3) shall be used to  
13 purchase law enforcement equipment or to provide law  
14 enforcement training that will assist in the prevention of  
15 alcohol related criminal violence throughout the State. Law  
16 enforcement equipment shall include, but is not limited to,  
17 in-car video cameras, radar and laser speed detection devices,  
18 and alcohol breath testers.

19 (f) In addition to any criminal penalties imposed, the  
20 Department of Natural Resources shall suspend the snowmobile  
21 operation privileges of a person convicted or found guilty of a  
22 misdemeanor under this Section for a period of one year, except  
23 that first-time offenders are exempt from this mandatory one  
24 year suspension.

25 (g) In addition to any criminal penalties imposed, the  
26 Department of Natural Resources shall suspend for a period of 5

1 years the snowmobile operation privileges of any person  
2 convicted or found guilty of a felony under this Section.

3 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

4 (625 ILCS 40/5-7.1)

5 Sec. 5-7.1. Implied consent.

6 (a) A person who operates or is in actual physical control  
7 of a snowmobile in this State is deemed to have given consent  
8 to a chemical test or tests of blood, breath, other bodily  
9 substance, or urine for the purpose of determining the content  
10 of alcohol, other drug or drugs, intoxicating compound or  
11 compounds, or a combination of them in that person's blood or  
12 other bodily substance, if arrested for a violation of Section  
13 5-7. The chemical test or tests shall be administered at the  
14 direction of the arresting officer. The law enforcement agency  
15 employing the officer shall designate which tests shall be  
16 administered. Up to 2 additional tests of A urine or other  
17 bodily substance test may be administered even after a blood or  
18 breath test or both has been administered.

19 (a-1) For the purposes of this Section, an Illinois law  
20 enforcement officer of this State who is investigating the  
21 person for any offense defined in Section 5-7 may travel into  
22 an adjoining state, where the person has been transported for  
23 medical care to complete an investigation and to request that  
24 the person submit to the test or tests set forth in this  
25 Section. The requirements of this Section that the person be

1 arrested are inapplicable, but the officer shall issue the  
2 person a uniform citation for an offense as defined in Section  
3 5-7 or a similar provision of a local ordinance prior to  
4 requesting that the person submit to the test or tests. The  
5 issuance of the uniform citation shall not constitute an  
6 arrest, but shall be for the purpose of notifying the person  
7 that he or she is subject to the provisions of this Section and  
8 of the officer's belief of the existence of probable cause to  
9 arrest. Upon returning to this State, the officer shall file  
10 the uniform citation with the circuit clerk of the county where  
11 the offense was committed and shall seek the issuance of an  
12 arrest warrant or a summons for the person.

13 (a-2) Notwithstanding any ability to refuse under this Act  
14 to submit to these tests or any ability to revoke the implied  
15 consent to these tests, if a law enforcement officer has  
16 probable cause to believe that a snowmobile operated by or  
17 under actual physical control of a person under the influence  
18 of alcohol, other drug or drugs, intoxicating compound or  
19 compounds, or any combination of them has caused the death or  
20 personal injury to another, that person shall submit, upon the  
21 request of a law enforcement officer, to a chemical test or  
22 tests of his or her blood, breath, other bodily substance, or  
23 urine for the purpose of determining the alcohol content or the  
24 presence of any other drug or combination of both. For the  
25 purposes of this Section, a personal injury includes severe  
26 bleeding wounds, distorted extremities, and injuries that

1 require the injured party to be carried from the scene for  
2 immediate professional attention in either a doctor's office or  
3 a medical facility.

4 (b) A person who is dead, unconscious, or who is otherwise  
5 in a condition rendering that person incapable of refusal, is  
6 deemed not to have withdrawn the consent provided in subsection  
7 (a), and the test or tests may be administered.

8 (c) A person requested to submit to a test as provided in  
9 this Section shall be verbally advised by the law enforcement  
10 officer requesting the test that a refusal to submit to the  
11 test will result in suspension of that person's privilege to  
12 operate a snowmobile for a minimum of 2 years.

13 (d) Following this warning, if a person under arrest  
14 refuses upon the request of a law enforcement officer to submit  
15 to a test designated by the officer, no tests may be given, but  
16 the law enforcement officer shall file with the clerk of the  
17 circuit court for the county in which the arrest was made, and  
18 with the Department of Natural Resources, a sworn statement  
19 naming the person refusing to take and complete the chemical  
20 test or tests requested under the provisions of this Section.  
21 The sworn statement shall identify the arrested person, the  
22 person's current residence address and shall specify that a  
23 refusal by that person to take the chemical test or tests was  
24 made. The sworn statement shall include a statement that the  
25 officer had reasonable cause to believe the person was  
26 operating or was in actual physical control of the snowmobile

1 within this State while under the influence of alcohol, other  
2 drug or drugs, an intoxicating compound or compound, or a  
3 combination of them and that a chemical test or tests were  
4 requested as an incident to and following the lawful arrest for  
5 an offense as defined in Section 5-7 or a similar provision of  
6 a local ordinance, and that the person, after being arrested  
7 for an offense arising out of acts alleged to have been  
8 committed while operating a snowmobile, refused to submit to  
9 and complete a chemical test or tests as requested by the law  
10 enforcement officer.

11 (e) The law enforcement officer submitting the sworn  
12 statement shall serve immediate written notice upon the person  
13 refusing the chemical test or tests that the person's privilege  
14 to operate a snowmobile within this State will be suspended for  
15 a period of 2 years unless, within 28 days from the date of the  
16 notice, the person requests in writing a hearing on the  
17 suspension.

18 If the person desires a hearing, the person shall file a  
19 complaint in the circuit court in the county where that person  
20 was arrested within 28 days from the date of the notice. The  
21 hearing shall proceed in the court in the same manner as other  
22 civil proceedings. The hearing shall cover only the following  
23 issues: (1) whether the person was placed under arrest for an  
24 offense as defined in Section 5-7 or a similar provision of a  
25 local ordinance as evidenced by the issuance of a uniform  
26 citation; (2) whether the arresting officer had reasonable

1 grounds to believe that the person was operating a snowmobile  
2 while under the influence of alcohol, other drug or drugs, an  
3 intoxicating compound or compounds, or a combination of them;  
4 and (3) whether that person refused to submit to and complete  
5 the chemical test or tests upon the request of the law  
6 enforcement officer. Whether the person was informed that the  
7 person's privilege to operate a snowmobile would be suspended  
8 if that person refused to submit to the chemical test or tests  
9 may not be an issue in the hearing.

10 If the person fails to request a hearing in writing within  
11 28 days of the date of the notice, or if a hearing is held and  
12 the court finds against the person on the issues before the  
13 court, the clerk shall immediately notify the Department of  
14 Natural Resources, and the Department shall suspend the  
15 snowmobile operation privileges of that person for at least 2  
16 years.

17 (f) (Blank).

18 (f-1) If the person is a CDL holder and submits to a test  
19 that discloses an alcohol concentration of 0.08 or more, or any  
20 amount of a drug, substance, or intoxicating compound in the  
21 person's breath, blood, other bodily substance, or urine  
22 resulting from the unlawful use of cannabis listed in the  
23 Cannabis Control Act, a controlled substance listed in the  
24 Illinois Controlled Substances Act, methamphetamine as listed  
25 in the Methamphetamine Control and Community Protection Act, or  
26 an intoxicating compound listed in the Use of Intoxicating

1 Compounds Act, the law enforcement officer shall immediately  
2 submit a sworn report to the circuit clerk of venue and the  
3 Department of Natural Resources, certifying that the test or  
4 tests was or were requested under subsection (a-1) of this  
5 Section and the person submitted to testing that disclosed an  
6 alcohol concentration of 0.08 or more, or any amount of a drug,  
7 substance, or intoxicating compound in the person's breath,  
8 blood, other bodily substance, or urine resulting from the  
9 unlawful use or consumption of cannabis listed in the Cannabis  
10 Control Act, a controlled substance listed in the Illinois  
11 Controlled Substances Act, methamphetamine as listed in the  
12 Methamphetamine Control and Community Protection Act, or an  
13 intoxicating compound listed in the Use of Intoxicating  
14 Compounds Act. If the person is not a CDL holder and submits to  
15 a test that discloses an alcohol concentration of 0.08 or more,  
16 a tetrahydrocannabinol concentration in the person's whole  
17 blood or other bodily substance as defined in paragraph 6 of  
18 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
19 Code, or any amount of a drug, substance, or intoxicating  
20 compound in the person's blood, other bodily substance, or  
21 urine resulting from the unlawful use or consumption of a  
22 controlled substance listed in the Illinois Controlled  
23 Substances Act, an intoxicating compound listed in the Use of  
24 Intoxicating Compounds Act, or methamphetamine as listed in the  
25 Methamphetamine Control and Community Protection Act, the law  
26 enforcement officer shall immediately submit a sworn report to

1 the circuit clerk of venue and the Department of Natural  
2 Resources, certifying that the test or tests was or were  
3 requested under subsection (a-1) and the person submitted to  
4 testing that disclosed an alcohol concentration of 0.08 or  
5 more, a tetrahydrocannabinol concentration in the person's  
6 whole blood or other bodily substance as defined in paragraph 6  
7 of subsection (a) of Section 11-501.2 of the Illinois Vehicle  
8 Code, or any amount of a drug, substance, or intoxicating  
9 compound in such person's blood, other bodily substance, or  
10 urine, resulting from the unlawful use or consumption of a  
11 controlled substance listed in the Illinois Controlled  
12 Substances Act, an intoxicating compound listed in the Use of  
13 Intoxicating Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act.

15 In cases involving a person who is CDL holder where the  
16 blood alcohol concentration of 0.08 or greater or any amount of  
17 drug, substance, or compound resulting from the unlawful use of  
18 cannabis, a controlled substance, methamphetamine, or an  
19 intoxicating compound is established by a subsequent analysis  
20 of blood, other bodily substance, or urine collected at the  
21 time of arrest, the arresting officer or arresting agency shall  
22 immediately submit a sworn report to the circuit clerk of venue  
23 and the Department of Natural Resources upon receipt of the  
24 test results. In cases involving a person who is not a CDL  
25 holder where the blood alcohol concentration of 0.08 or  
26 greater, a tetrahydrocannabinol concentration in the person's

1 whole blood or other bodily substance as defined in paragraph 6  
2 of subsection (a) of Section 11-501.2 of the Illinois Vehicle  
3 Code, or any amount of drug, substance, or compound resulting  
4 from the unlawful use of a controlled substance,  
5 methamphetamine, or an intoxicating compound is established by  
6 a subsequent analysis of blood, other bodily substance, or  
7 urine collected at the time of arrest, the arresting officer or  
8 arresting agency shall immediately submit a sworn report to the  
9 circuit clerk of venue and the Department of Natural Resources  
10 upon receipt of the test results.

11 (g) A person must submit to each chemical test offered by  
12 the law enforcement officer in order to comply with implied  
13 consent provisions of this Section.

14 (h) The provision of Section 11-501.2 of the Illinois  
15 Vehicle Code concerning the certification and use of chemical  
16 tests applies to the use of those tests under this Section.

17 (Source: P.A. 93-156, eff. 1-1-04.)

18 (625 ILCS 40/5-7.2)

19 Sec. 5-7.2. Chemical and other tests.

20 (a) Upon the trial of a civil or criminal action or  
21 proceeding arising out of acts alleged to have been committed  
22 while under the influence of alcohol, other drug or drugs,  
23 intoxicating compound or compounds, or a combination of them,  
24 the concentration of alcohol, drug, or compound in the person's  
25 blood, other bodily substance, or breath at the time alleged as

1 shown by analysis of the person's blood, urine, breath, or  
2 other bodily substance gives rise to the presumptions specified  
3 in subdivisions 1, 2, and 3 of subsection (b) and subsection  
4 (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

5 (b) The provisions of subsection (a) shall not be construed  
6 as limiting the introduction of any other relevant evidence  
7 bearing upon the question whether the person was under the  
8 influence of alcohol, other drug or drugs, intoxicating  
9 compound or compounds, or a combination of them.

10 (c) If a person under arrest refuses to submit to a  
11 chemical test under the provisions of Section 5-7.1, evidence  
12 of refusal is admissible in a civil or criminal action or  
13 proceeding arising out of acts alleged to have been committed  
14 while the person under the influence of alcohol, other drug or  
15 drugs, an intoxicating compound or compounds, or a combination  
16 of them was operating a snowmobile.

17 (Source: P.A. 93-156, eff. 1-1-04.)

18 (625 ILCS 40/5-7.4)

19 Sec. 5-7.4. Admissibility of chemical tests of blood, other  
20 bodily substance, or urine conducted in the regular course of  
21 providing emergency medical treatment.

22 (a) Notwithstanding any other provision of law, the results  
23 of blood, other bodily substance, or urine tests performed for  
24 the purpose of determining the content of alcohol, other drug  
25 or drugs, intoxicating compound or compounds, or any

1 combination of them in an individual's blood, other bodily  
2 substance, or urine conducted upon persons receiving medical  
3 treatment in a hospital emergency room, are admissible in  
4 evidence as a business record exception to the hearsay rule  
5 only in prosecutions for a violation of Section 5-7 of this Act  
6 or a similar provision of a local ordinance or in prosecutions  
7 for reckless homicide brought under the Criminal Code of 1961  
8 or the Criminal Code of 2012.

9 The results of the tests are admissible only when each of  
10 the following criteria are met:

11 1. The chemical tests performed upon an individual's  
12 blood, other bodily substance, or urine were ordered in the  
13 regular course of providing emergency treatment and not at  
14 the request of law enforcement authorities; and

15 2. The chemical tests performed upon an individual's  
16 blood, other bodily substance, or urine were performed by  
17 the laboratory routinely used by the hospital.

18 3. (Blank).

19 Results of chemical tests performed upon an individual's  
20 blood, other bodily substance, or urine are admissible into  
21 evidence regardless of the time that the records were prepared.

22 (b) The confidentiality provisions of law pertaining to  
23 medical records and medical treatment are not applicable with  
24 regard to chemical tests performed upon a person's blood, other  
25 bodily substance, or urine under the provisions of this Section  
26 in prosecutions as specified in subsection (a) of this Section.

1 No person shall be liable for civil damages as a result of the  
2 evidentiary use of the results of chemical testing of the  
3 individual's blood, other bodily substance, or urine under this  
4 Section or as a result of that person's testimony made  
5 available under this Section.

6 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

7 (625 ILCS 40/5-7.6)

8 Sec. 5-7.6. Reporting of test results of blood, other  
9 bodily substance, or urine conducted in the regular course of  
10 providing emergency medical treatment.

11 (a) Notwithstanding any other provision of law, the results  
12 of blood, other bodily substance, or urine tests performed for  
13 the purpose of determining the content of alcohol, other drug  
14 or drugs, intoxicating compound or compounds, or any  
15 combination of them in an individual's blood, other bodily  
16 substance, or urine, conducted upon persons receiving medical  
17 treatment in a hospital emergency room for injuries resulting  
18 from a snowmobile accident, shall be disclosed to the  
19 Department of Natural Resources, or local law enforcement  
20 agencies of jurisdiction, upon request. The blood, other bodily  
21 substance, or urine tests are admissible in evidence as a  
22 business record exception to the hearsay rule only in  
23 prosecutions for violations of Section 5-7 of this Code or a  
24 similar provision of a local ordinance, or in prosecutions for  
25 reckless homicide brought under the Criminal Code of 1961 or

1 the Criminal Code of 2012.

2 (b) The confidentiality provisions of the law pertaining to  
3 medical records and medical treatment shall not be applicable  
4 with regard to tests performed upon an individual's blood,  
5 other bodily substance, or urine under the provisions of  
6 subsection (a) of this Section. No person shall be liable for  
7 civil damages or professional discipline as a result of  
8 disclosure or reporting of the tests or the evidentiary use of  
9 an individual's blood, other bodily substance, or urine test  
10 results under this Section or Section 5-7.4 or as a result of  
11 that person's testimony made available under this Section or  
12 Section 5-7.4, except for willful or wanton misconduct.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14 Section 15. The Boat Registration and Safety Act is amended  
15 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as  
16 follows:

17 (625 ILCS 45/5-16)

18 Sec. 5-16. Operating a watercraft under the influence of  
19 alcohol, other drug or drugs, intoxicating compound or  
20 compounds, or combination thereof.

21 (A) 1. A person shall not operate or be in actual physical  
22 control of any watercraft within this State while:

23 (a) The alcohol concentration in such person's  
24 blood, other bodily substance, or breath is a

1 concentration at which driving a motor vehicle is  
2 prohibited under subdivision (1) of subsection (a) of  
3 Section 11-501 of the Illinois Vehicle Code;

4 (b) Under the influence of alcohol;

5 (c) Under the influence of any other drug or  
6 combination of drugs to a degree which renders such  
7 person incapable of safely operating any watercraft;

8 (c-1) Under the influence of any intoxicating  
9 compound or combination of intoxicating compounds to a  
10 degree that renders the person incapable of safely  
11 operating any watercraft;

12 (d) Under the combined influence of alcohol and any  
13 other drug or drugs to a degree which renders such  
14 person incapable of safely operating a watercraft; ~~or~~

15 (d-3) The person who is not a CDL holder has a  
16 tetrahydrocannabinol concentration in the person's whole  
17 blood or other bodily substance at which driving a motor  
18 vehicle is prohibited under subdivision (7) of subsection  
19 (a) of Section 11-501 of the Illinois Vehicle Code;

20 (d-5) The person who is a CDL holder has any amount of  
21 a drug, substance, or compound in the person's breath,  
22 blood, other bodily substance, or urine resulting from the  
23 unlawful use or consumption of cannabis listed in the  
24 Cannabis Control Act; or

25 (e) There is any amount of a drug, substance, or  
26 compound in the person's blood, other bodily

1           substance, or urine resulting from the unlawful use or  
2           consumption of ~~cannabis listed in the Cannabis Control~~  
3           ~~Act,~~ a controlled substance listed in the Illinois  
4           Controlled Substances Act, methamphetamine as listed  
5           in the Methamphetamine Control and Community  
6           Protection Act, or an intoxicating compound listed in  
7           the Use of Intoxicating Compounds Act.

8           2. The fact that any person charged with violating this  
9           Section is or has been legally entitled to use alcohol,  
10          other drug or drugs, any intoxicating compound or  
11          compounds, or any combination of them, shall not constitute  
12          a defense against any charge of violating this Section.

13          3. Every person convicted of violating this Section  
14          shall be guilty of a Class A misdemeanor, except as  
15          otherwise provided in this Section.

16          4. Every person convicted of violating this Section  
17          shall be guilty of a Class 4 felony if:

18                 (a) He or she has a previous conviction under this  
19                 Section;

20                 (b) The offense results in personal injury where a  
21                 person other than the operator suffers great bodily  
22                 harm or permanent disability or disfigurement, when  
23                 the violation was a proximate cause of the injuries. A  
24                 person guilty of a Class 4 felony under this  
25                 subparagraph (b), if sentenced to a term of  
26                 imprisonment, shall be sentenced to a term of not less

1           than one year nor more than 12 years; or

2           (c) The offense occurred during a period in which  
3           his or her privileges to operate a watercraft are  
4           revoked or suspended, and the revocation or suspension  
5           was for a violation of this Section or was imposed  
6           under subsection (B).

7           5. Every person convicted of violating this Section  
8           shall be guilty of a Class 2 felony if the offense results  
9           in the death of a person. A person guilty of a Class 2  
10          felony under this paragraph 5, if sentenced to a term of  
11          imprisonment, shall be sentenced to a term of not less than  
12          3 years and not more than 14 years.

13          5.1. A person convicted of violating this Section or a  
14          similar provision of a local ordinance who had a child  
15          under the age of 16 aboard the watercraft at the time of  
16          offense is subject to a mandatory minimum fine of \$500 and  
17          to a mandatory minimum of 5 days of community service in a  
18          program benefiting children. The assignment under this  
19          paragraph 5.1 is not subject to suspension and the person  
20          is not eligible for probation in order to reduce the  
21          assignment.

22          5.2. A person found guilty of violating this Section,  
23          if his or her operation of a watercraft while in violation  
24          of this Section proximately caused any incident resulting  
25          in an appropriate emergency response, is liable for the  
26          expense of an emergency response as provided in subsection

1 (m) of Section 11-501 of the Illinois Vehicle Code.

2 5.3. In addition to any other penalties and  
3 liabilities, a person who is found guilty of violating this  
4 Section, including any person placed on court supervision,  
5 shall be fined \$100, payable to the circuit clerk, who  
6 shall distribute the money to the law enforcement agency  
7 that made the arrest. In the event that more than one  
8 agency is responsible for the arrest, the \$100 shall be  
9 shared equally. Any moneys received by a law enforcement  
10 agency under this paragraph 5.3 shall be used to purchase  
11 law enforcement equipment or to provide law enforcement  
12 training that will assist in the prevention of alcohol  
13 related criminal violence throughout the State. Law  
14 enforcement equipment shall include, but is not limited to,  
15 in-car video cameras, radar and laser speed detection  
16 devices, and alcohol breath testers.

17 6. (a) In addition to any criminal penalties imposed,  
18 the Department of Natural Resources shall suspend the  
19 watercraft operation privileges of any person  
20 convicted or found guilty of a misdemeanor under this  
21 Section, a similar provision of a local ordinance, or  
22 Title 46 of the U.S. Code of Federal Regulations for a  
23 period of one year, except that a first time offender  
24 is exempt from this mandatory one year suspension.

25 As used in this subdivision (A)6(a), "first time  
26 offender" means any person who has not had a previous

1 conviction or been assigned supervision for violating  
2 this Section, a similar provision of a local ordinance  
3 or, Title 46 of the U.S. Code of Federal Regulations,  
4 or any person who has not had a suspension imposed  
5 under subdivision (B)3.1 of Section 5-16.

6 (b) In addition to any criminal penalties imposed,  
7 the Department of Natural Resources shall suspend the  
8 watercraft operation privileges of any person  
9 convicted of a felony under this Section, a similar  
10 provision of a local ordinance, or Title 46 of the U.S.  
11 Code of Federal Regulations for a period of 3 years.

12 (B) 1. Any person who operates or is in actual physical  
13 control of any watercraft upon the waters of this State  
14 shall be deemed to have given consent to a chemical test or  
15 tests of blood, breath, other bodily substance, or urine  
16 for the purpose of determining the content of alcohol,  
17 other drug or drugs, intoxicating compound or compounds, or  
18 combination thereof in the person's blood or other bodily  
19 substance if arrested for any offense of subsection (A)  
20 above. The chemical test or tests shall be administered at  
21 the direction of the arresting officer. The law enforcement  
22 agency employing the officer shall designate which of the  
23 tests shall be administered. Up to 2 additional tests of A  
24 urine or other bodily substance ~~test~~ may be administered  
25 even after a blood or breath test or both has been  
26 administered.

1           1.1. For the purposes of this Section, an Illinois Law  
2 Enforcement officer of this State who is investigating the  
3 person for any offense defined in Section 5-16 may travel  
4 into an adjoining state, where the person has been  
5 transported for medical care to complete an investigation,  
6 and may request that the person submit to the test or tests  
7 set forth in this Section. The requirements of this Section  
8 that the person be arrested are inapplicable, but the  
9 officer shall issue the person a uniform citation for an  
10 offense as defined in Section 5-16 or a similar provision  
11 of a local ordinance prior to requesting that the person  
12 submit to the test or tests. The issuance of the uniform  
13 citation shall not constitute an arrest, but shall be for  
14 the purpose of notifying the person that he or she is  
15 subject to the provisions of this Section and of the  
16 officer's belief in the existence of probable cause to  
17 arrest. Upon returning to this State, the officer shall  
18 file the uniform citation with the circuit clerk of the  
19 county where the offense was committed and shall seek the  
20 issuance of an arrest warrant or a summons for the person.

21           1.2. Notwithstanding any ability to refuse under this  
22 Act to submit to these tests or any ability to revoke the  
23 implied consent to these tests, if a law enforcement  
24 officer has probable cause to believe that a watercraft  
25 operated by or under actual physical control of a person  
26 under the influence of alcohol, other drug or drugs,

1           intoxicating compound or compounds, or any combination of  
2           them has caused the death of or personal injury to another,  
3           that person shall submit, upon the request of a law  
4           enforcement officer, to a chemical test or tests of his or  
5           her blood, breath, other bodily substance, or urine for the  
6           purpose of determining the alcohol content or the presence  
7           of any other drug, intoxicating compound, or combination of  
8           them. For the purposes of this Section, a personal injury  
9           includes severe bleeding wounds, distorted extremities,  
10          and injuries that require the injured party to be carried  
11          from the scene for immediate professional attention in  
12          either a doctor's office or a medical facility.

13           2. Any person who is dead, unconscious or who is  
14          otherwise in a condition rendering such person incapable of  
15          refusal, shall be deemed not to have withdrawn the consent  
16          provided above, and the test may be administered.

17           3. A person requested to submit to a chemical test as  
18          provided above shall be verbally advised by the law  
19          enforcement officer requesting the test that a refusal to  
20          submit to the test will result in suspension of such  
21          person's privilege to operate a watercraft for a minimum of  
22          2 years. Following this warning, if a person under arrest  
23          refuses upon the request of a law enforcement officer to  
24          submit to a test designated by the officer, no test shall  
25          be given, but the law enforcement officer shall file with  
26          the clerk of the circuit court for the county in which the

1       arrest was made, and with the Department of Natural  
2       Resources, a sworn statement naming the person refusing to  
3       take and complete the chemical test or tests requested  
4       under the provisions of this Section. Such sworn statement  
5       shall identify the arrested person, such person's current  
6       residence address and shall specify that a refusal by such  
7       person to take the chemical test or tests was made. Such  
8       sworn statement shall include a statement that the  
9       arresting officer had reasonable cause to believe the  
10      person was operating or was in actual physical control of  
11      the watercraft within this State while under the influence  
12      of alcohol, other drug or drugs, intoxicating compound or  
13      compounds, or combination thereof and that such chemical  
14      test or tests were made as an incident to and following the  
15      lawful arrest for an offense as defined in this Section or  
16      a similar provision of a local ordinance, and that the  
17      person after being arrested for an offense arising out of  
18      acts alleged to have been committed while so operating a  
19      watercraft refused to submit to and complete a chemical  
20      test or tests as requested by the law enforcement officer.

21           3.1. The law enforcement officer submitting the sworn  
22      statement as provided in paragraph 3 of this subsection (B)  
23      shall serve immediate written notice upon the person  
24      refusing the chemical test or tests that the person's  
25      privilege to operate a watercraft within this State will be  
26      suspended for a period of 2 years unless, within 28 days

1 from the date of the notice, the person requests in writing  
2 a hearing on the suspension.

3 If the person desires a hearing, such person shall file  
4 a complaint in the circuit court for and in the county in  
5 which such person was arrested for such hearing. Such  
6 hearing shall proceed in the court in the same manner as  
7 other civil proceedings, shall cover only the issues of  
8 whether the person was placed under arrest for an offense  
9 as defined in this Section or a similar provision of a  
10 local ordinance as evidenced by the issuance of a uniform  
11 citation; whether the arresting officer had reasonable  
12 grounds to believe that such person was operating a  
13 watercraft while under the influence of alcohol, other drug  
14 or drugs, intoxicating compound or compounds, or  
15 combination thereof; and whether such person refused to  
16 submit and complete the chemical test or tests upon the  
17 request of the law enforcement officer. Whether the person  
18 was informed that such person's privilege to operate a  
19 watercraft would be suspended if such person refused to  
20 submit to the chemical test or tests shall not be an issue.

21 If the person fails to request in writing a hearing  
22 within 28 days from the date of notice, or if a hearing is  
23 held and the court finds against the person on the issues  
24 before the court, the clerk shall immediately notify the  
25 Department of Natural Resources, and the Department shall  
26 suspend the watercraft operation privileges of the person

1 for at least 2 years.

2 3.2. If the person is a CDL holder and submits to a  
3 test that discloses an alcohol concentration of 0.08 or  
4 more, or any amount of a drug, substance or intoxicating  
5 compound in the person's breath, blood, other bodily  
6 substance, or urine resulting from the unlawful use of  
7 cannabis listed in the Cannabis Control Act, a controlled  
8 substance listed in the Illinois Controlled Substances  
9 Act, methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act, or an intoxicating  
11 compound listed in the Use of Intoxicating Compounds Act,  
12 the law enforcement officer shall immediately submit a  
13 sworn report to the circuit clerk of venue and the  
14 Department of Natural Resources, certifying that the test  
15 or tests were requested under paragraph 1 of this  
16 subsection (B) and the person submitted to testing that  
17 disclosed an alcohol concentration of 0.08 or more or any  
18 amount of a drug, substance or intoxicating compound in the  
19 person's breath, blood, other bodily substance, or urine  
20 resulting from the unlawful use of cannabis listed in the  
21 Cannabis Control Act, a controlled substance listed in the  
22 Illinois Controlled Substances Act, methamphetamine as  
23 listed in the Methamphetamine Control and Community  
24 Protection Act, or an intoxicating compound listed in the  
25 Use of Intoxicating Compounds Act. If the person is not a  
26 CDL holder and submits to a test that discloses an alcohol

1 concentration of 0.08 or more, a tetrahydrocannabinol  
2 concentration in the person's whole blood or other bodily  
3 substance as defined in paragraph 6 of subsection (a) of  
4 Section 11-501.2 of the Illinois Vehicle Code, or any  
5 amount of a drug, substance or intoxicating compound in the  
6 person's breath, blood, other bodily substance, or urine  
7 resulting from the unlawful use of a controlled substance  
8 listed in the Illinois Controlled Substances Act,  
9 methamphetamine as listed in the Methamphetamine Control  
10 and Community Protection Act, or an intoxicating compound  
11 listed in the Use of Intoxicating Compounds Act, the law  
12 enforcement officer shall immediately submit a sworn  
13 report to the circuit clerk of venue and the Department of  
14 Natural Resources, certifying that the test or tests were  
15 requested under paragraph 1 of this subsection (B) and the  
16 person submitted to testing that disclosed an alcohol  
17 concentration of 0.08 or more, a tetrahydrocannabinol  
18 concentration in the person's whole blood or other bodily  
19 substance as defined in paragraph 6 of subsection (a) of  
20 Section 11-501.2 of the Illinois Vehicle Code, or any  
21 amount of a drug, substance or intoxicating compound in the  
22 person's breath, blood, other bodily substance, or urine  
23 resulting from the unlawful use of a controlled substance  
24 listed in the Illinois Controlled Substances Act,  
25 methamphetamine as listed in the Methamphetamine Control  
26 and Community Protection Act, or an intoxicating compound

1 listed in the Use of Intoxicating Compounds Act.

2 In cases involving a person who is a CDL holder where  
3 the blood alcohol concentration of 0.08 or greater or any  
4 amount of drug, substance or compound resulting from the  
5 unlawful use of cannabis, a controlled substance ,  
6 methamphetamine, or an intoxicating compound is  
7 established by a subsequent analysis of blood, other bodily  
8 substance, or urine collected at the time of arrest, the  
9 arresting officer or arresting agency shall immediately  
10 submit a sworn report to the circuit clerk of venue and the  
11 Department of Natural Resources upon receipt of the test  
12 results. In cases involving a person who is not a CDL  
13 holder where the blood alcohol concentration of 0.08 or  
14 greater, a tetrahydrocannabinol concentration in the  
15 person's whole blood or other bodily substance as defined  
16 in paragraph 6 of subsection (a) of Section 11-501.2 of the  
17 Illinois Vehicle Code, or or any amount of drug, substance,  
18 or compound resulting from the unlawful use of a controlled  
19 substance, methamphetamine, or an intoxicating compound is  
20 established by a subsequent analysis of blood, other bodily  
21 substance, or urine collected at the time of arrest, the  
22 arresting officer or arresting agency shall immediately  
23 submit a sworn report to the circuit clerk of venue and the  
24 Department of Natural Resources upon receipt of the test  
25 results.

26 4. A person must submit to each chemical test offered

1 by the law enforcement officer in order to comply with the  
2 implied consent provisions of this Section.

3 5. The provisions of Section 11-501.2 of the Illinois  
4 Vehicle Code, as amended, concerning the certification and  
5 use of chemical tests apply to the use of such tests under  
6 this Section.

7 (C) Upon the trial of any civil or criminal action or  
8 proceeding arising out of acts alleged to have been committed  
9 by any person while operating a watercraft while under the  
10 influence of alcohol, other drug or drugs, intoxicating  
11 compound or compounds, or combination thereof, the  
12 concentration of alcohol, drug, or compound in the person's  
13 blood, other bodily substance, or breath at the time alleged as  
14 shown by analysis of a person's blood, urine, breath, or other  
15 bodily substance shall give rise to the presumptions specified  
16 in subdivisions 1, 2, and 3 of subsection (b) and subsection  
17 (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The  
18 foregoing provisions of this subsection (C) shall not be  
19 construed as limiting the introduction of any other relevant  
20 evidence bearing upon the question whether the person was under  
21 the influence of alcohol, other drug or drugs, intoxicating  
22 compound or compounds, or a combination thereof.

23 (D) If a person under arrest refuses to submit to a  
24 chemical test under the provisions of this Section, evidence of  
25 refusal shall be admissible in any civil or criminal action or  
26 proceeding arising out of acts alleged to have been committed

1 while the person under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds, or combination of  
3 them was operating a watercraft.

4 (E) The owner of any watercraft or any person given  
5 supervisory authority over a watercraft, may not knowingly  
6 permit a watercraft to be operated by any person under the  
7 influence of alcohol, other drug or drugs, intoxicating  
8 compound or compounds, or combination thereof.

9 (F) Whenever any person is convicted or found guilty of a  
10 violation of this Section, including any person placed on court  
11 supervision, the court shall notify the Office of Law  
12 Enforcement of the Department of Natural Resources, to provide  
13 the Department with the records essential for the performance  
14 of the Department's duties to monitor and enforce any order of  
15 suspension or revocation concerning the privilege to operate a  
16 watercraft.

17 (G) No person who has been arrested and charged for  
18 violating paragraph 1 of subsection (A) of this Section shall  
19 operate any watercraft within this State for a period of 24  
20 hours after such arrest.

21 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

22 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

23 Sec. 5-16a. Admissibility of chemical tests of blood, other  
24 bodily substance, or urine conducted in the regular course of  
25 providing emergency medical treatment.

1 (a) Notwithstanding any other provision of law, the written  
2 results of blood, other bodily substance, or urine alcohol and  
3 drug tests conducted upon persons receiving medical treatment  
4 in a hospital emergency room are admissible in evidence as a  
5 business record exception to the hearsay rule only in  
6 prosecutions for any violation of Section 5-16 of this Act or a  
7 similar provision of a local ordinance or in prosecutions for  
8 reckless homicide brought under the Criminal Code of 1961 or  
9 the Criminal Code of 2012, when:

10 (1) the chemical tests performed upon an individual's  
11 blood, other bodily substance, or urine were ordered in the  
12 regular course of providing emergency treatment and not at  
13 the request of law enforcement authorities; and

14 (2) the chemical tests performed upon an individual's  
15 blood, other bodily substance, or urine were performed by  
16 the laboratory routinely used by the hospital.

17 Results of chemical tests performed upon an individual's  
18 blood, other bodily substance, or urine are admissible into  
19 evidence regardless of the time that the records were prepared.

20 (b) The confidentiality provisions of law pertaining to  
21 medical records and medical treatment shall not be applicable  
22 with regard to chemical tests performed upon an individual's  
23 blood, other bodily substance, or urine under the provisions of  
24 this Section in prosecutions as specified in subsection (a) of  
25 this Section. No person shall be liable for civil damages as a  
26 result of the evidentiary use of the results of chemical

1 testing of an individual's blood, other bodily substance, or  
2 urine under this Section or as a result of that person's  
3 testimony made available under this Section.

4 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

5 (625 ILCS 45/5-16a.1)

6 Sec. 5-16a.1. Reporting of test results of blood, other  
7 bodily substance, or urine conducted in the regular course of  
8 providing emergency medical treatment.

9 (a) Notwithstanding any other provision of law, the results  
10 of blood, other bodily substance, or urine tests performed for  
11 the purpose of determining the content of alcohol, other drug  
12 or drugs, intoxicating compound or compounds, or any  
13 combination of them in an individual's blood, other bodily  
14 substance, or urine, conducted upon persons receiving medical  
15 treatment in a hospital emergency room for injuries resulting  
16 from a boating accident, shall be disclosed to the Department  
17 of Natural Resources or local law enforcement agencies of  
18 jurisdiction, upon request. The blood, other bodily substance,  
19 or urine tests are admissible in evidence as a business record  
20 exception to the hearsay rule only in prosecutions for  
21 violations of Section 5-16 of this Code or a similar provision  
22 of a local ordinance, or in prosecutions for reckless homicide  
23 brought under the Criminal Code of 1961 or the Criminal Code of  
24 2012.

25 (b) The confidentiality provisions of the law pertaining to

1 medical records and medical treatment shall not be applicable  
2 with regard to tests performed upon an individual's blood,  
3 other bodily substance, or urine under the provisions of  
4 subsection (a) of this Section. No person is liable for civil  
5 damages or professional discipline as a result of disclosure or  
6 reporting of the tests or the evidentiary use of an  
7 individual's blood, other bodily substance, or urine test  
8 results under this Section or Section 5-16a, or as a result of  
9 that person's testimony made available under this Section or  
10 Section 5-16a, except for willful or wanton misconduct.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 (625 ILCS 45/5-16c)

13 Sec. 5-16c. Operator involvement in personal injury or  
14 fatal boating accident; chemical tests.

15 (a) Any person who operates or is in actual physical  
16 control of a motorboat within this State and who has been  
17 involved in a personal injury or fatal boating accident shall  
18 be deemed to have given consent to a breath test using a  
19 portable device as approved by the Department of State Police  
20 or to a chemical test or tests of blood, breath, other bodily  
21 substance, or urine for the purpose of determining the content  
22 of alcohol, other drug or drugs, or intoxicating compound or  
23 compounds of the person's blood if arrested as evidenced by the  
24 issuance of a uniform citation for a violation of the Boat  
25 Registration and Safety Act or a similar provision of a local

1 ordinance, with the exception of equipment violations  
2 contained in Article IV of this Act or similar provisions of  
3 local ordinances. The test or tests shall be administered at  
4 the direction of the arresting officer. The law enforcement  
5 agency employing the officer shall designate which of the  
6 aforesaid tests shall be administered. Up to 2 additional tests  
7 of ~~A~~ urine or other bodily substance test may be administered  
8 even after a blood or breath test or both has been  
9 administered. Compliance with this Section does not relieve the  
10 person from the requirements of any other Section of this Act.

11 (b) Any person who is dead, unconscious, or who is  
12 otherwise in a condition rendering that person incapable of  
13 refusal shall be deemed not to have withdrawn the consent  
14 provided by subsection (a) of this Section. In addition, if an  
15 operator of a motorboat is receiving medical treatment as a  
16 result of a boating accident, any physician licensed to  
17 practice medicine, licensed physician assistant, licensed  
18 advanced practice nurse, registered nurse, or a phlebotomist  
19 acting under the direction of a licensed physician shall  
20 withdraw blood for testing purposes to ascertain the presence  
21 of alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, upon the specific request of a law enforcement  
23 officer. However, this testing shall not be performed until, in  
24 the opinion of the medical personnel on scene, the withdrawal  
25 can be made without interfering with or endangering the  
26 well-being of the patient.

1 (c) A person who is a CDL holder requested to submit to a  
2 test under subsection (a) of this Section shall be warned by  
3 the law enforcement officer requesting the test that a refusal  
4 to submit to the test, or submission to the test resulting in  
5 an alcohol concentration of 0.08 or more, or any amount of a  
6 drug, substance, or intoxicating compound resulting from the  
7 unlawful use or consumption of cannabis listed in the Cannabis  
8 Control Act, a controlled substance listed in the Illinois  
9 Controlled Substances Act, an intoxicating compound listed in  
10 the Use of Intoxicating Compounds Act, or methamphetamine as  
11 listed in the Methamphetamine Control and Community Protection  
12 Act as detected in the person's blood, other bodily substance,  
13 or urine, may result in the suspension of the person's  
14 privilege to operate a motor vehicle and may result in the  
15 disqualification of the person's privilege to operate a  
16 commercial motor vehicle, as provided in Section 6-514 of the  
17 Illinois Vehicle Code. A person who is not a CDL holder  
18 requested to submit to a test under subsection (a) of this  
19 Section shall be warned by the law enforcement officer  
20 requesting the test that a refusal to submit to the test, or  
21 submission to the test resulting in an alcohol concentration of  
22 0.08 or more, a tetrahydrocannabinol concentration in the  
23 person's whole blood or other bodily substance as defined in  
24 paragraph 6 of subsection (a) of Section 11-501.2 of the  
25 Illinois Vehicle Code, or any amount of a drug, substance, or  
26 intoxicating compound resulting from the unlawful use or

1 consumption of a controlled substance listed in the Illinois  
2 Controlled Substances Act, an intoxicating compound listed in  
3 the Use of Intoxicating Compounds Act, or methamphetamine as  
4 listed in the Methamphetamine Control and Community Protection  
5 Act as detected in the person's blood, other bodily substance,  
6 or urine, may result in the suspension of the person's  
7 privilege to operate a motor vehicle, ~~if the person is a CDL~~  
8 ~~holder~~. The length of the suspension shall be the same as  
9 outlined in Section 6-208.1 of the Illinois Vehicle Code  
10 regarding statutory summary suspensions.

11 (d) If the person is a CDL holder and refuses testing or  
12 submits to a test which discloses an alcohol concentration of  
13 0.08 or more, or any amount of a drug, substance, or  
14 intoxicating compound in the person's blood, other bodily  
15 substance, or urine resulting from the unlawful use or  
16 consumption of cannabis listed in the Cannabis Control Act, a  
17 controlled substance listed in the Illinois Controlled  
18 Substances Act, an intoxicating compound listed in the Use of  
19 Intoxicating Compounds Act, or methamphetamine as listed in the  
20 Methamphetamine Control and Community Protection Act, the law  
21 enforcement officer shall immediately submit a sworn report to  
22 the Secretary of State on a form prescribed by the Secretary of  
23 State, certifying that the test or tests were requested under  
24 subsection (a) of this Section and the person refused to submit  
25 to a test or tests or submitted to testing which disclosed an  
26 alcohol concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in the person's blood,  
2 other bodily substance, or urine, resulting from the unlawful  
3 use or consumption of cannabis listed in the Cannabis Control  
4 Act, a controlled substance listed in the Illinois Controlled  
5 Substances Act, an intoxicating compound listed in the Use of  
6 Intoxicating Compounds Act, or methamphetamine as listed in the  
7 Methamphetamine Control and Community Protection Act. If the  
8 person is not a CDL holder refuses testing or submits to a test  
9 which discloses an alcohol concentration of 0.08 or more, a  
10 tetrahydrocannabinol concentration in the person's whole blood  
11 or other bodily substance as defined in paragraph 6 of  
12 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
13 Code, or any amount of a drug, substance, or intoxicating  
14 compound in the person's blood, other bodily substance, or  
15 urine resulting from the unlawful use or consumption of a  
16 controlled substance listed in the Illinois Controlled  
17 Substances Act, an intoxicating compound listed in the Use of  
18 Intoxicating Compounds Act, or methamphetamine as listed in the  
19 Methamphetamine Control and Community Protection Act, the law  
20 enforcement officer shall immediately submit a sworn report to  
21 the Secretary of State on a form prescribed by the Secretary of  
22 State, certifying that the test or tests were requested under  
23 subsection (a) of this Section and the person refused to submit  
24 to a test or tests or submitted to testing which disclosed an  
25 alcohol concentration of 0.08 or more, a tetrahydrocannabinol  
26 concentration in the person's whole blood or other bodily

1 substance as defined in paragraph 6 of subsection (a) of  
2 Section 11-501.2 of the Illinois Vehicle Code, or any amount of  
3 a drug, substance, or intoxicating compound in the person's  
4 blood or urine, resulting from the unlawful use or consumption  
5 of a controlled substance listed in the Illinois Controlled  
6 Substances Act, an intoxicating compound listed in the Use of  
7 Intoxicating Compounds Act, or methamphetamine as listed in the  
8 Methamphetamine Control and Community Protection Act.

9       Upon receipt of the sworn report of a law enforcement  
10 officer, the Secretary of State shall enter the suspension and  
11 disqualification to the person's driving record and the  
12 suspension and disqualification shall be effective on the 46th  
13 day following the date notice of the suspension was given to  
14 the person.

15       The law enforcement officer submitting the sworn report  
16 shall serve immediate notice of this suspension on the person  
17 and this suspension and disqualification shall be effective on  
18 the 46th day following the date notice was given.

19       In cases involving a person who is a CDL holder where the  
20 blood alcohol concentration of 0.08 or more, or any amount of a  
21 drug, substance, or intoxicating compound resulting from the  
22 unlawful use or consumption of cannabis listed in the Cannabis  
23 Control Act, a controlled substance listed in the Illinois  
24 Controlled Substances Act, an intoxicating compound listed in  
25 the Use of Intoxicating Compounds Act, or methamphetamine as  
26 listed in the Methamphetamine Control and Community Protection

1 Act, is established by a subsequent analysis of blood, other  
2 bodily substance, or urine collected at the time of arrest, the  
3 arresting officer shall give notice as provided in this Section  
4 or by deposit in the United States mail of this notice in an  
5 envelope with postage prepaid and addressed to the person at  
6 his or her address as shown on the uniform citation and the  
7 suspension and disqualification shall be effective on the 46th  
8 day following the date notice was given. In cases involving a  
9 person who is not a CDL holder where the blood alcohol  
10 concentration of 0.08 or more, a tetrahydrocannabinol  
11 concentration in the person's whole blood or other bodily  
12 substance as defined in paragraph 6 of subsection (a) of  
13 Section 11-501.2 of the Illinois Vehicle Code, or any amount of  
14 a drug, substance, or intoxicating compound resulting from the  
15 unlawful use or consumption of a controlled substance listed in  
16 the Illinois Controlled Substances Act, an intoxicating  
17 compound listed in the Use of Intoxicating Compounds Act, or  
18 methamphetamine as listed in the Methamphetamine Control and  
19 Community Protection Act, is established by a subsequent  
20 analysis of blood, other bodily substance, or urine collected  
21 at the time of arrest, the arresting officer shall give notice  
22 as provided in this Section or by deposit in the United States  
23 mail of this notice in an envelope with postage prepaid and  
24 addressed to the person at his or her address as shown on the  
25 uniform citation and the suspension shall be effective on the  
26 46th day following the date notice was given.

1           Upon receipt of the sworn report of a law enforcement  
2 officer, the Secretary of State shall also give notice of the  
3 suspension and disqualification to the person by mailing a  
4 notice of the effective date of the suspension and  
5 disqualification to the person. However, should the sworn  
6 report be defective by not containing sufficient information or  
7 be completed in error, the notice of the suspension and  
8 disqualification shall not be mailed to the person or entered  
9 to the driving record, but rather the sworn report shall be  
10 returned to the issuing law enforcement agency.

11           (e) A person may contest this suspension of his or her  
12 driving privileges and disqualification of his or her CDL  
13 privileges by requesting an administrative hearing with the  
14 Secretary of State in accordance with Section 2-118 of the  
15 Illinois Vehicle Code. At the conclusion of a hearing held  
16 under Section 2-118 of the Illinois Vehicle Code, the Secretary  
17 of State may rescind, continue, or modify the orders of  
18 suspension and disqualification. If the Secretary of State does  
19 not rescind the orders of suspension and disqualification, a  
20 restricted driving permit may be granted by the Secretary of  
21 State upon application being made and good cause shown. A  
22 restricted driving permit may be granted to relieve undue  
23 hardship to allow driving for employment, educational, and  
24 medical purposes as outlined in Section 6-206 of the Illinois  
25 Vehicle Code. The provisions of Section 6-206 of the Illinois  
26 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the

1 Secretary of State may not issue a restricted driving permit  
2 for the operation of a commercial motor vehicle to a person  
3 holding a CDL whose driving privileges have been suspended,  
4 revoked, cancelled, or disqualified.

5 (f) For the purposes of this Section, a personal injury  
6 shall include any type A injury as indicated on the accident  
7 report completed by a law enforcement officer that requires  
8 immediate professional attention in a doctor's office or a  
9 medical facility. A type A injury shall include severely  
10 bleeding wounds, distorted extremities, and injuries that  
11 require the injured party to be carried from the scene.

12 (Source: P.A. 98-103, eff. 1-1-14.)

13 Section 20. The Code of Criminal Procedure of 1963 is  
14 amended by changing 115-15 as follows:

15 (725 ILCS 5/115-15)

16 Sec. 115-15. Laboratory reports.

17 (a) In any criminal prosecution for a violation of the  
18 Cannabis Control Act, the Illinois Controlled Substances Act,  
19 or the Methamphetamine Control and Community Protection Act, a  
20 laboratory report from the Department of State Police, Division  
21 of Forensic Services, that is signed and sworn to by the person  
22 performing an analysis and that states (1) that the substance  
23 that is the basis of the alleged violation has been weighed and  
24 analyzed, and (2) the person's findings as to the contents,

1 weight and identity of the substance, and (3) that it contains  
2 any amount of a controlled substance or cannabis is prima facie  
3 evidence of the contents, identity and weight of the substance.  
4 Attached to the report shall be a copy of a notarized statement  
5 by the signer of the report giving the name of the signer and  
6 stating (i) that he or she is an employee of the Department of  
7 State Police, Division of Forensic Services, (ii) the name and  
8 location of the laboratory where the analysis was performed,  
9 (iii) that performing the analysis is a part of his or her  
10 regular duties, and (iv) that the signer is qualified by  
11 education, training and experience to perform the analysis. The  
12 signer shall also allege that scientifically accepted tests  
13 were performed with due caution and that the evidence was  
14 handled in accordance with established and accepted procedures  
15 while in the custody of the laboratory.

16 (a-5) In any criminal prosecution for reckless homicide  
17 under Section 9-3 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, or driving under the influence of alcohol, other  
19 drug, or combination of both, in violation of Section 11-501 of  
20 the Illinois Vehicle Code or in any civil action held under a  
21 statutory summary suspension or revocation hearing under  
22 Section 2-118.1 of the Illinois Vehicle Code, a laboratory  
23 report from the Department of State Police, Division of  
24 Forensic Services, that is signed and sworn to by the person  
25 performing an analysis, and that states that the sample of  
26 blood, other bodily substance, or urine was tested for alcohol

1 or drugs, and contains the person's findings as to the presence  
2 and amount of alcohol or drugs and type of drug is prima facie  
3 evidence of the presence, content, and amount of the alcohol or  
4 drugs analyzed in the blood, other bodily substance, or urine.  
5 Attached to the report must be a copy of a notarized statement  
6 by the signer of the report giving the name of the signer and  
7 stating (1) that he or she is an employee of the Department of  
8 State Police, Division of Forensic Services, (2) the name and  
9 location of the laboratory where the analysis was performed,  
10 (3) that performing the analysis is a part of his or her  
11 regular duties, (4) that the signer is qualified by education,  
12 training, and experience to perform the analysis, and (5) that  
13 scientifically accepted tests were performed with due caution  
14 and that the evidence was handled in accordance with  
15 established and accepted procedures while in the custody of the  
16 laboratory.

17 (b) The State's Attorney shall serve a copy of the report  
18 on the attorney of record for the accused, or on the accused if  
19 he or she has no attorney, before any proceeding in which the  
20 report is to be used against the accused other than at a  
21 preliminary hearing or grand jury hearing when the report may  
22 be used without having been previously served upon the accused.

23 (c) The report shall not be prima facie evidence if the  
24 accused or his or her attorney demands the testimony of the  
25 person signing the report by serving the demand upon the  
26 State's Attorney within 7 days from the accused or his or her

1 attorney's receipt of the report.

2 (Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

3 Section 25. The Unified Code of Corrections is amended by  
4 changing Section 5-9-1.9 as follows:

5 (730 ILCS 5/5-9-1.9)

6 Sec. 5-9-1.9. DUI analysis fee.

7 (a) "Crime laboratory" means a not-for-profit laboratory  
8 substantially funded by a single unit or combination of units  
9 of local government or the State of Illinois that regularly  
10 employs at least one person engaged in the DUI analysis of  
11 blood, other bodily substance, and urine for criminal justice  
12 agencies in criminal matters and provides testimony with  
13 respect to such examinations.

14 "DUI analysis" means an analysis of blood, other bodily  
15 substance, or urine for purposes of determining whether a  
16 violation of Section 11-501 of the Illinois Vehicle Code has  
17 occurred.

18 (b) When a person has been adjudged guilty of an offense in  
19 violation of Section 11-501 of the Illinois Vehicle Code, in  
20 addition to any other disposition, penalty, or fine imposed, a  
21 crime laboratory DUI analysis fee of \$150 for each offense for  
22 which the person was convicted shall be levied by the court for  
23 each case in which a laboratory analysis occurred. Upon  
24 verified petition of the person, the court may suspend payment

1 of all or part of the fee if it finds that the person does not  
2 have the ability to pay the fee.

3 (c) In addition to any other disposition made under the  
4 provisions of the Juvenile Court Act of 1987, any minor  
5 adjudicated delinquent for an offense which if committed by an  
6 adult would constitute a violation of Section 11-501 of the  
7 Illinois Vehicle Code shall be assessed a crime laboratory DUI  
8 analysis fee of \$150 for each adjudication. Upon verified  
9 petition of the minor, the court may suspend payment of all or  
10 part of the fee if it finds that the minor does not have the  
11 ability to pay the fee. The parent, guardian, or legal  
12 custodian of the minor may pay some or all of the fee on the  
13 minor's behalf.

14 (d) All crime laboratory DUI analysis fees provided for by  
15 this Section shall be collected by the clerk of the court and  
16 forwarded to the appropriate crime laboratory DUI fund as  
17 provided in subsection (f).

18 (e) Crime laboratory funds shall be established as follows:

19 (1) A unit of local government that maintains a crime  
20 laboratory may establish a crime laboratory DUI fund within  
21 the office of the county or municipal treasurer.

22 (2) Any combination of units of local government that  
23 maintains a crime laboratory may establish a crime  
24 laboratory DUI fund within the office of the treasurer of  
25 the county where the crime laboratory is situated.

26 (3) The State Police DUI Fund is created as a special

1 fund in the State Treasury.

2 (f) The analysis fee provided for in subsections (b) and  
3 (c) of this Section shall be forwarded to the office of the  
4 treasurer of the unit of local government that performed the  
5 analysis if that unit of local government has established a  
6 crime laboratory DUI fund, or to the State Treasurer for  
7 deposit into the State Police DUI Fund if the analysis was  
8 performed by a laboratory operated by the Department of State  
9 Police. If the analysis was performed by a crime laboratory  
10 funded by a combination of units of local government, the  
11 analysis fee shall be forwarded to the treasurer of the county  
12 where the crime laboratory is situated if a crime laboratory  
13 DUI fund has been established in that county. If the unit of  
14 local government or combination of units of local government  
15 has not established a crime laboratory DUI fund, then the  
16 analysis fee shall be forwarded to the State Treasurer for  
17 deposit into the State Police DUI Fund. The clerk of the  
18 circuit court may retain the amount of \$10 from each collected  
19 analysis fee to offset administrative costs incurred in  
20 carrying out the clerk's responsibilities under this Section.

21 (g) Fees deposited into a crime laboratory DUI fund created  
22 under paragraphs (1) and (2) of subsection (e) of this Section  
23 shall be in addition to any allocations made pursuant to  
24 existing law and shall be designated for the exclusive use of  
25 the crime laboratory. These uses may include, but are not  
26 limited to, the following:

1           (1) Costs incurred in providing analysis for DUI  
2 investigations conducted within this State.

3           (2) Purchase and maintenance of equipment for use in  
4 performing analyses.

5           (3) Continuing education, training, and professional  
6 development of forensic scientists regularly employed by  
7 these laboratories.

8           (h) Fees deposited in the State Police DUI Fund created  
9 under paragraph (3) of subsection (e) of this Section shall be  
10 used by State crime laboratories as designated by the Director  
11 of State Police. These funds shall be in addition to any  
12 allocations made according to existing law and shall be  
13 designated for the exclusive use of State crime laboratories.  
14 These uses may include those enumerated in subsection (g) of  
15 this Section.

16 (Source: P.A. 91-822, eff. 6-13-00.)

17           Section 95. No acceleration or delay. Where this Act makes  
18 changes in a statute that is represented in this Act by text  
19 that is not yet or no longer in effect (for example, a Section  
20 represented by multiple versions), the use of that text does  
21 not accelerate or delay the taking effect of (i) the changes  
22 made by this Act or (ii) provisions derived from any other  
23 Public Act.".