



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1687

Introduced 2/20/2015, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501.1	
625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
625 ILCS 5/11-501.4	from Ch. 95 1/2, par. 11-501.4
625 ILCS 5/11-501.4-1	
625 ILCS 5/11-501.6	from Ch. 95 1/2, par. 11-501.6

Amends the Illinois Vehicle Code. Clarifies that for the purposes of driving under the influence (DUI), chemical testing for DUI, implied consent for chemical testing for DUI, and statutory summary suspension for refusal or failure of chemical testing for DUI, the term "drug" includes, but is not limited to, synthetic drugs enumerated under Section 204 of the Illinois Controlled Substances Act and controlled substance analogs. Defines "controlled substance analog". Effective immediately.

LRB099 00231 MRW 20236 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 11-500, 11-501.1, 11-501.2, 11-501.4, 11-501.4-1, and  
6 11-501.6 as follows:

7 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

8 Sec. 11-500. Definitions.

9 For the purposes of this Article, "controlled substance  
10 analog" has the meaning as defined in Sections 102, 401, and  
11 402 of the Illinois Controlled Substances Act.

12 For the purposes of this Article, "drug" includes, but is  
13 not limited to, synthetic drugs enumerated under Section 204 of  
14 the Illinois Controlled Substances Act and controlled  
15 substance analogs.

16 For the purposes of interpreting Sections 6-206.1 and  
17 6-208.1 of this Code, "first offender" shall mean any person  
18 who has not had a previous conviction or court assigned  
19 supervision for violating Section 11-501, or a similar  
20 provision of a local ordinance, or a conviction in any other  
21 state for a violation of driving while under the influence or a  
22 similar offense where the cause of action is the same or  
23 substantially similar to this Code or similar offenses

1 committed on a military installation, or any person who has not  
2 had a driver's license suspension pursuant to paragraph 6 of  
3 subsection (a) of Section 6-206 as the result of refusal of  
4 chemical testing in another state, or any person who has not  
5 had a driver's license suspension or revocation for violating  
6 Section 11-501.1 within 5 years prior to the date of the  
7 current offense, except in cases where the driver submitted to  
8 chemical testing resulting in an alcohol concentration of 0.08  
9 or more, or any amount of a drug, substance, or compound in  
10 such person's blood or urine resulting from the unlawful use or  
11 consumption of cannabis listed in the Cannabis Control Act, a  
12 controlled substance listed in the Illinois Controlled  
13 Substances Act, or an intoxicating compound listed in the Use  
14 of Intoxicating Compounds Act, or methamphetamine as listed in  
15 the Methamphetamine Control and Community Protection Act and  
16 was subsequently found not guilty of violating Section 11-501,  
17 or a similar provision of a local ordinance.

18 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;  
19 96-1344, eff. 7-1-11.)

20 (625 ILCS 5/11-501.1)

21 Sec. 11-501.1. Suspension of drivers license; statutory  
22 summary alcohol, other drug or drugs, or intoxicating compound  
23 or compounds related suspension or revocation; implied  
24 consent.

25 (a) Any person who drives or is in actual physical control

1 of a motor vehicle upon the public highways of this State shall  
2 be deemed to have given consent, subject to the provisions of  
3 Section 11-501.2, to a chemical test or tests of blood, breath,  
4 or urine for the purpose of determining the content of alcohol,  
5 other drug or drugs including but not limited to synthetic  
6 drugs enumerated under Section 204 of the Illinois Controlled  
7 Substances Act and controlled substance analogs, or  
8 intoxicating compound or compounds or any combination thereof  
9 in the person's blood if arrested, as evidenced by the issuance  
10 of a Uniform Traffic Ticket, for any offense as defined in  
11 Section 11-501 or a similar provision of a local ordinance, or  
12 if arrested for violating Section 11-401. If a law enforcement  
13 officer has probable cause to believe the person was under the  
14 influence of alcohol, other drug or drugs including but not  
15 limited to synthetic drugs enumerated under Section 204 of the  
16 Illinois Controlled Substances Act and controlled substance  
17 analog, intoxicating compound or compounds, or any  
18 combination thereof, the law enforcement officer shall request  
19 a chemical test or tests which shall be administered at the  
20 direction of the arresting officer. The law enforcement agency  
21 employing the officer shall designate which of the aforesaid  
22 tests shall be administered. A urine test may be administered  
23 even after a blood or breath test or both has been  
24 administered. For purposes of this Section, an Illinois law  
25 enforcement officer of this State who is investigating the  
26 person for any offense defined in Section 11-501 may travel

1 into an adjoining state, where the person has been transported  
2 for medical care, to complete an investigation and to request  
3 that the person submit to the test or tests set forth in this  
4 Section. The requirements of this Section that the person be  
5 arrested are inapplicable, but the officer shall issue the  
6 person a Uniform Traffic Ticket for an offense as defined in  
7 Section 11-501 or a similar provision of a local ordinance  
8 prior to requesting that the person submit to the test or  
9 tests. The issuance of the Uniform Traffic Ticket shall not  
10 constitute an arrest, but shall be for the purpose of notifying  
11 the person that he or she is subject to the provisions of this  
12 Section and of the officer's belief of the existence of  
13 probable cause to arrest. Upon returning to this State, the  
14 officer shall file the Uniform Traffic Ticket with the Circuit  
15 Clerk of the county where the offense was committed, and shall  
16 seek the issuance of an arrest warrant or a summons for the  
17 person.

18 (a-5) (Blank).

19 (b) Any person who is dead, unconscious, or who is  
20 otherwise in a condition rendering the person incapable of  
21 refusal, shall be deemed not to have withdrawn the consent  
22 provided by paragraph (a) of this Section and the test or tests  
23 may be administered, subject to the provisions of Section  
24 11-501.2.

25 (c) A person requested to submit to a test as provided  
26 above shall be warned by the law enforcement officer requesting

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

1 suspension of the person's privilege to operate a motor  
2 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
3 Code, and a disqualification of the person's privilege to  
4 operate a commercial motor vehicle, as provided in Section  
5 6-514 of this Code, if the person is a CDL holder, will be  
6 imposed.

7 A person who is under the age of 21 at the time the person  
8 is requested to submit to a test as provided above shall, in  
9 addition to the warnings provided for in this Section, be  
10 further warned by the law enforcement officer requesting the  
11 test that if the person submits to the test or tests provided  
12 in paragraph (a) of this Section and the alcohol concentration  
13 in the person's blood or breath is greater than 0.00 and less  
14 than 0.08, a suspension of the person's privilege to operate a  
15 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
16 of this Code, will be imposed. The results of this test shall  
17 be admissible in a civil or criminal action or proceeding  
18 arising from an arrest for an offense as defined in Section  
19 11-501 of this Code or a similar provision of a local ordinance  
20 or pursuant to Section 11-501.4 in prosecutions for reckless  
21 homicide brought under the Criminal Code of 1961 or the  
22 Criminal Code of 2012. These test results, however, shall be  
23 admissible only in actions or proceedings directly related to  
24 the incident upon which the test request was made.

25 (d) If the person refuses testing or submits to a test that  
26 discloses an alcohol concentration of 0.08 or more, or any

1 amount of a drug, substance, or intoxicating compound in the  
2 person's breath, blood, 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, the law  
8 enforcement officer shall immediately submit a sworn report to  
9 the circuit court of venue and the Secretary of State,  
10 certifying that the test or tests was or were requested under  
11 paragraph (a) and the person refused to submit to a test, or  
12 tests, or submitted to testing that disclosed an alcohol  
13 concentration of 0.08 or more.

14 (e) Upon receipt of the sworn report of a law enforcement  
15 officer submitted under paragraph (d), the Secretary of State  
16 shall enter the statutory summary suspension or revocation and  
17 disqualification for the periods specified in Sections 6-208.1  
18 and 6-514, respectively, and effective as provided in paragraph  
19 (g).

20 If the person is a first offender as defined in Section  
21 11-500 of this Code, and is not convicted of a violation of  
22 Section 11-501 of this Code or a similar provision of a local  
23 ordinance, then reports received by the Secretary of State  
24 under this Section shall, except during the actual time the  
25 Statutory Summary Suspension is in effect, be privileged  
26 information and for use only by the courts, police officers,



1 prosecuting authorities or the Secretary of State, unless the  
2 person is a CDL holder, is operating a commercial motor vehicle  
3 or vehicle required to be placarded for hazardous materials, in  
4 which case the suspension shall not be privileged. Reports  
5 received by the Secretary of State under this Section shall  
6 also be made available to the parent or guardian of a person  
7 under the age of 18 years that holds an instruction permit or a  
8 graduated driver's license, regardless of whether the  
9 statutory summary suspension is in effect. A statutory summary  
10 revocation shall not be privileged information.

11 (f) The law enforcement officer submitting the sworn report  
12 under paragraph (d) shall serve immediate notice of the  
13 statutory summary suspension or revocation on the person and  
14 the suspension or revocation and disqualification shall be  
15 effective as provided in paragraph (g).

16 (1) In cases where the blood alcohol concentration of  
17 0.08 or greater or any amount of a drug, substance, or  
18 compound resulting from the unlawful use or consumption of  
19 cannabis as covered by the Cannabis Control Act, a  
20 controlled substance listed in the Illinois Controlled  
21 Substances Act, an intoxicating compound listed in the Use  
22 of Intoxicating Compounds Act, or methamphetamine as  
23 listed in the Methamphetamine Control and Community  
24 Protection Act is established by a subsequent analysis of  
25 blood or urine collected at the time of arrest, the  
26 arresting officer or arresting agency shall give notice as

1 provided in this Section or by deposit in the United States  
2 mail of the notice in an envelope with postage prepaid and  
3 addressed to the person at his address as shown on the  
4 Uniform Traffic Ticket and the statutory summary  
5 suspension and disqualification shall begin as provided in  
6 paragraph (g). The officer shall confiscate any Illinois  
7 driver's license or permit on the person at the time of  
8 arrest. If the person has a valid driver's license or  
9 permit, the officer shall issue the person a receipt, in a  
10 form prescribed by the Secretary of State, that will allow  
11 that person to drive during the periods provided for in  
12 paragraph (g). The officer shall immediately forward the  
13 driver's license or permit to the circuit court of venue  
14 along with the sworn report provided for in paragraph (d).

15 (2) (Blank).

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

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

23 Upon receipt of the sworn report from the law enforcement  
24 officer, the Secretary of State shall confirm the statutory  
25 summary suspension or revocation by mailing a notice of the  
26 effective date of the suspension or revocation to the person

1 and the court of venue. The Secretary of State shall also mail  
2 notice of the effective date of the disqualification to the  
3 person. However, should the sworn report be defective by not  
4 containing sufficient information or be completed in error, the  
5 confirmation of the statutory summary suspension or revocation  
6 shall not be mailed to the person or entered to the record;  
7 instead, the sworn report shall be forwarded to the court of  
8 venue with a copy returned to the issuing agency identifying  
9 any defect.

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

17 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;  
18 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.  
19 1-12-15.)

20 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

22 (a) Upon the trial of any civil or criminal action or  
23 proceeding arising out of an arrest for an offense as defined  
24 in Section 11-501 or a similar local ordinance or proceedings  
25 pursuant to Section 2-118.1, evidence of the concentration of

1 alcohol, other drug or drugs including but not limited to  
2 synthetic drugs enumerated under Section 204 of the Illinois  
3 Controlled Substances Act and controlled substance analogs, or  
4 intoxicating compound or compounds, or any combination thereof  
5 in a person's blood or breath at the time alleged, as  
6 determined by analysis of the person's blood, urine, breath or  
7 other bodily substance, shall be admissible. Where such test is  
8 made the following provisions shall apply:

9 1. Chemical analyses of the person's blood, urine,  
10 breath or other bodily substance to be considered valid  
11 under the provisions of this Section shall have been  
12 performed according to standards promulgated by the  
13 Department of State Police by a licensed physician,  
14 registered nurse, trained phlebotomist, licensed  
15 paramedic, or other individual possessing a valid permit  
16 issued by that Department for this purpose. The Director of  
17 State Police is authorized to approve satisfactory  
18 techniques or methods, to ascertain the qualifications and  
19 competence of individuals to conduct such analyses, to  
20 issue permits which shall be subject to termination or  
21 revocation at the discretion of that Department and to  
22 certify the accuracy of breath testing equipment. The  
23 Department of State Police shall prescribe regulations as  
24 necessary to implement this Section.

25 2. When a person in this State shall submit to a blood  
26 test at the request of a law enforcement officer under the

1 provisions of Section 11-501.1, only a physician  
2 authorized to practice medicine, a licensed physician  
3 assistant, a licensed advanced practice nurse, a  
4 registered nurse, trained phlebotomist, or licensed  
5 paramedic, or other qualified person approved by the  
6 Department of State Police may withdraw blood for the  
7 purpose of determining the alcohol, drug, or alcohol and  
8 drug content therein. This limitation shall not apply to  
9 the taking of breath or urine specimens.

10 When a blood test of a person who has been taken to an  
11 adjoining state for medical treatment is requested by an  
12 Illinois law enforcement officer, the blood may be  
13 withdrawn only by a physician authorized to practice  
14 medicine in the adjoining state, a licensed physician  
15 assistant, a licensed advanced practice nurse, a  
16 registered nurse, a trained phlebotomist acting under the  
17 direction of the physician, or licensed paramedic. The law  
18 enforcement officer requesting the test shall take custody  
19 of the blood sample, and the blood sample shall be analyzed  
20 by a laboratory certified by the Department of State Police  
21 for that purpose.

22 3. The person tested may have a physician, or a  
23 qualified technician, chemist, registered nurse, or other  
24 qualified person of their own choosing administer a  
25 chemical test or tests in addition to any administered at  
26 the direction of a law enforcement officer. The failure or

1 inability to obtain an additional test by a person shall  
2 not preclude the admission of evidence relating to the test  
3 or tests taken at the direction of a law enforcement  
4 officer.

5 4. Upon the request of the person who shall submit to a  
6 chemical test or tests at the request of a law enforcement  
7 officer, full information concerning the test or tests  
8 shall be made available to the person or such person's  
9 attorney.

10 5. Alcohol concentration shall mean either grams of  
11 alcohol per 100 milliliters of blood or grams of alcohol  
12 per 210 liters of breath.

13 (a-5) Law enforcement officials may use standardized field  
14 sobriety tests approved by the National Highway Traffic Safety  
15 Administration when conducting investigations of a violation  
16 of Section 11-501 or similar local ordinance by drivers  
17 suspected of driving under the influence of cannabis. The  
18 General Assembly finds that standardized field sobriety tests  
19 approved by the National Highway Traffic Safety Administration  
20 are divided attention tasks that are intended to determine if a  
21 person is under the influence of cannabis. The purpose of these  
22 tests is to determine the effect of the use of cannabis on a  
23 person's capacity to think and act with ordinary care and  
24 therefore operate a motor vehicle safely. Therefore, the  
25 results of these standardized field sobriety tests,  
26 appropriately administered, shall be admissible in the trial of

1 any civil or criminal action or proceeding arising out of an  
2 arrest for a cannabis-related offense as defined in Section  
3 11-501 or a similar local ordinance or proceedings under  
4 Section 2-118.1 or 2-118.2. Where a test is made the following  
5 provisions shall apply:

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

15 2. Upon the request of the person who shall submit to a  
16 standardized field sobriety test or tests at the request of  
17 a law enforcement officer, full information concerning the  
18 test or tests shall be made available to the person or the  
19 person's attorney.

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

1 physical capacity to perform the standardized field  
2 sobriety tests.

3 (b) Upon the trial of any civil or criminal action or  
4 proceeding arising out of acts alleged to have been committed  
5 by any person while driving or in actual physical control of a  
6 vehicle while under the influence of alcohol, the concentration  
7 of alcohol in the person's blood or breath at the time alleged  
8 as shown by analysis of the person's blood, urine, breath, or  
9 other bodily substance shall give rise to the following  
10 presumptions:

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

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

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

23 4. The foregoing provisions of this Section shall not  
24 be construed as limiting the introduction of any other  
25 relevant evidence bearing upon the question whether the  
26 person was under the influence of alcohol.



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

9           2. Notwithstanding any ability to refuse under this Code to  
10 submit to these tests or any ability to revoke the implied  
11 consent to these tests, if a law enforcement officer has  
12 probable cause to believe that a motor vehicle driven by or in  
13 actual physical control of a person under the influence of  
14 alcohol, other drug or drugs, or intoxicating compound or  
15 compounds, or any combination thereof has caused the death or  
16 personal injury to another, the law enforcement officer shall  
17 request, and that person shall submit, upon the request of a  
18 law enforcement officer, to a chemical test or tests of his or  
19 her blood, breath or urine for the purpose of determining the  
20 alcohol content thereof or the presence of any other drug or  
21 combination of both.

22           This provision does not affect the applicability of or  
23 imposition of driver's license sanctions under Section  
24 11-501.1 of this Code.

25           3. For purposes of this Section, a personal injury includes  
26 any Type A injury as indicated on the traffic accident report

1 completed by a law enforcement officer that requires immediate  
2 professional attention in either a doctor's office or a medical  
3 facility. A Type A injury includes severe bleeding wounds,  
4 distorted extremities, and injuries that require the injured  
5 party to be carried from the scene.

6 (d) If a person refuses standardized field sobriety tests  
7 under Section 11-501.9 of this Code, evidence of refusal shall  
8 be admissible in any civil or criminal action or proceeding  
9 arising out of acts committed while the person was driving or  
10 in actual physical control of a vehicle and alleged to have  
11 been impaired by the use of cannabis.

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

15 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

16 Sec. 11-501.4. Admissibility of chemical tests of blood or  
17 urine conducted in the regular course of providing emergency  
18 medical treatment.

19 (a) Notwithstanding any other provision of law, the results  
20 of blood or urine tests performed for the purpose of  
21 determining the content of alcohol, other drug or drugs  
22 including but not limited to synthetic drugs enumerated under  
23 Section 204 of the Illinois Controlled Substances Act and  
24 controlled substance analogs, or intoxicating compound or  
25 compounds, or any combination thereof, of an individual's blood

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

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

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

16 (3) results of chemical tests performed upon an  
17 individual's blood or urine are admissible into evidence  
18 regardless of the time that the 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 or urine under the provisions of this Section in  
23 prosecutions as specified in subsection (a) of this Section. No  
24 person shall be liable for civil damages as a result of the  
25 evidentiary use of chemical testing of an individual's blood or  
26 urine test results under this Section, or as a result of that

1 person's testimony made available under this Section.

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

3 (625 ILCS 5/11-501.4-1)

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

7 (a) Notwithstanding any other provision of law, the results  
8 of blood or urine tests performed for the purpose of  
9 determining the content of alcohol, other drug or drugs  
10 including but not limited to synthetic drugs enumerated under  
11 Section 204 of the Illinois Controlled Substances Act and  
12 controlled substance analogs, or intoxicating compound or  
13 compounds, or any combination thereof, in an individual's blood  
14 or urine conducted upon persons receiving medical treatment in  
15 a hospital emergency room for injuries resulting from a motor  
16 vehicle accident shall be disclosed to the Department of State  
17 Police or local law enforcement agencies of jurisdiction, upon  
18 request. Such blood or urine tests are admissible in evidence  
19 as a 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 or  
2 urine under the provisions of subsection (a) of this Section.  
3 No person shall be liable for civil damages or professional  
4 discipline as a result of the disclosure or reporting of the  
5 tests or the evidentiary use of an individual's blood or urine  
6 test results under this Section or Section 11-501.4 or as a  
7 result of that person's testimony made available under this  
8 Section or Section 11-501.4, except for willful or wanton  
9 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 or urine for the purpose of determining the content of alcohol,  
21 other drug or drugs including but not limited to synthetic  
22 drugs enumerated under Section 204 of the Illinois Controlled  
23 Substances Act and controlled substance analogs, or  
24 intoxicating compound or compounds of such person's blood if  
25 arrested as evidenced by the issuance of a Uniform Traffic

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

12 (b) Any person who is dead, unconscious or who is otherwise  
13 in a condition rendering such person incapable of refusal shall  
14 be deemed not to have withdrawn the consent provided by  
15 subsection (a) of this Section. In addition, if a driver of a  
16 vehicle is receiving medical treatment as a result of a motor  
17 vehicle accident, any physician licensed to practice medicine,  
18 licensed physician assistant, licensed advanced practice  
19 nurse, registered nurse or a phlebotomist acting under the  
20 direction of a licensed physician shall withdraw blood for  
21 testing purposes to ascertain the presence of alcohol, other  
22 drug or drugs including but not limited to synthetic drugs  
23 enumerated under Section 204 of the Illinois Controlled  
24 Substances Act and controlled substance analogs, or  
25 intoxicating compound or compounds, upon the specific request  
26 of a law enforcement officer. However, no such testing shall be

1 performed until, in the opinion of the medical personnel on  
2 scene, the withdrawal can be made without interfering with or  
3 endangering the well-being of the patient.

4 (c) A person requested to submit to a test as provided  
5 above shall be warned by the law enforcement officer requesting  
6 the test that a refusal to submit to the test, or submission to  
7 the test resulting in an alcohol concentration of 0.08 or more,  
8 or any amount of a drug, substance, or intoxicating compound  
9 resulting from the unlawful use or consumption of cannabis, as  
10 covered by the Cannabis Control Act, a controlled substance  
11 listed in the Illinois Controlled Substances Act, an  
12 intoxicating compound listed in the Use of Intoxicating  
13 Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act as  
15 detected in such person's blood or urine, may result in the  
16 suspension of such person's privilege to operate a motor  
17 vehicle and may result in the disqualification of the person's  
18 privilege to operate a commercial motor vehicle, as provided in  
19 Section 6-514 of this Code, if the person is a CDL holder. The  
20 length of the suspension shall be the same as outlined in  
21 Section 6-208.1 of this Code regarding statutory summary  
22 suspensions.

23 (d) If the person refuses testing or submits to a test  
24 which discloses an alcohol concentration of 0.08 or more, or  
25 any amount of a drug, substance, or intoxicating compound in  
26 such person's blood or urine resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control Act, a  
2 controlled substance listed in the Illinois Controlled  
3 Substances Act, an intoxicating compound listed in the Use of  
4 Intoxicating Compounds Act, or methamphetamine as listed in the  
5 Methamphetamine Control and Community Protection Act, the law  
6 enforcement officer shall immediately submit a sworn report to  
7 the Secretary of State on a form prescribed by the Secretary,  
8 certifying that the test or tests were requested pursuant to  
9 subsection (a) and the person refused to submit to a test or  
10 tests or submitted to testing which disclosed an alcohol  
11 concentration of 0.08 or more, or any amount of a drug,  
12 substance, or intoxicating compound in such person's blood or  
13 urine, resulting from the unlawful use or consumption of  
14 cannabis listed in the Cannabis Control Act, a controlled  
15 substance listed in the Illinois Controlled Substances Act, an  
16 intoxicating compound listed in the Use of Intoxicating  
17 Compounds Act, or methamphetamine as listed in the  
18 Methamphetamine Control and Community Protection Act.

19 Upon receipt of the sworn report of a law enforcement  
20 officer, the Secretary shall enter the suspension and  
21 disqualification to the individual's driving record and the  
22 suspension and disqualification shall be effective on the 46th  
23 day following the date notice of the suspension was given to  
24 the person.

25 The law enforcement officer submitting the sworn report  
26 shall serve immediate notice of this suspension on the person



1 and such suspension and disqualification shall be effective on  
2 the 46th day following the date notice was given.

3 In cases where the blood alcohol concentration of 0.08 or  
4 more, or any amount of a drug, substance, or intoxicating  
5 compound resulting from the unlawful use or consumption of  
6 cannabis as 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, is  
11 established by a subsequent analysis of blood or urine  
12 collected at the time of arrest, the arresting officer shall  
13 give notice as provided in this Section or by deposit in the  
14 United States mail of such notice in an envelope with postage  
15 prepaid and addressed to such person at his address as shown on  
16 the Uniform Traffic Ticket and the suspension and  
17 disqualification shall be effective on the 46th day following  
18 the date notice was given.

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

1 rather the sworn report shall be returned to the issuing law  
2 enforcement agency.

3 (e) A driver may contest this suspension of his or her  
4 driving privileges and disqualification of his or her CDL  
5 privileges by requesting an administrative hearing with the  
6 Secretary in accordance with Section 2-118 of this Code. At the  
7 conclusion of a hearing held under Section 2-118 of this Code,  
8 the Secretary may rescind, continue, or modify the orders of  
9 suspension and disqualification. If the Secretary does not  
10 rescind the orders of suspension and disqualification, a  
11 restricted driving permit may be granted by the Secretary upon  
12 application being made and good cause shown. A restricted  
13 driving permit may be granted to relieve undue hardship to  
14 allow driving for employment, educational, and medical  
15 purposes as outlined in Section 6-206 of this Code. The  
16 provisions of Section 6-206 of this Code shall apply. In  
17 accordance with 49 C.F.R. 384, the Secretary of State may not  
18 issue a restricted driving permit for the operation of a  
19 commercial motor vehicle to a person holding a CDL whose  
20 driving privileges have been suspended, revoked, cancelled, or  
21 disqualified.

22 (f) (Blank).

23 (g) For the purposes of this Section, a personal injury  
24 shall include any type A injury as indicated on the traffic  
25 accident report completed by a law enforcement officer that  
26 requires immediate professional attention in either a doctor's

1 office or a medical facility. A type A injury shall include  
2 severely bleeding wounds, distorted extremities, and injuries  
3 that require the injured party to be carried from the scene.

4 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;  
5 97-835, eff. 7-20-12.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.