

# SB3049



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3049

Introduced 1/5/2022, by Sen. Ram Villivalam

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501  
625 ILCS 5/11-501.1

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that if a circuit court enters an order vacating a conviction for driving under the influence of alcohol, drugs, or an intoxicating compound more than 30 days after the entry of judgment of conviction, the Secretary of State shall not remove that conviction from the driving record and, with exceptions, may use it for imposing sanctions related to driving privileges. Provides that if a court enters an order rescinding a statutory summary suspension, the Secretary shall not remove the statutory summary suspension from the driving record and may use it for imposing sanctions related to driving privileges.

LRB102 23738 RAM 32927 b

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  
5 changing Sections 11-501 and 11-501.1 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,  
8 other drug or drugs, intoxicating compound or compounds or any  
9 combination thereof.

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

12 (1) the alcohol concentration in the person's blood,  
13 other bodily substance, or breath is 0.08 or more based on  
14 the definition of blood and breath units in Section  
15 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound  
18 or combination of intoxicating compounds to a degree that  
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or  
21 combination of drugs to a degree that renders the person  
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds to a  
2 degree that renders the person incapable of safely  
3 driving;

4 (6) there is any amount of a drug, substance, or  
5 compound in the person's breath, blood, other bodily  
6 substance, or urine resulting from the unlawful use or  
7 consumption of a controlled substance listed in the  
8 Illinois Controlled Substances Act, an intoxicating  
9 compound listed in the Use of Intoxicating Compounds Act,  
10 or methamphetamine as listed in the Methamphetamine  
11 Control and Community Protection Act; or

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

24 (b) The fact that any person charged with violating this  
25 Section is or has been legally entitled to use alcohol,  
26 cannabis under the Compassionate Use of Medical Cannabis

1 Program Act, other drug or drugs, or intoxicating compound or  
2 compounds, or any combination thereof, shall not constitute a  
3 defense against any charge of violating this Section.

4 (c) Penalties.

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

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

13 (3) A person who violates subsection (a) is subject to  
14 6 months of imprisonment, an additional mandatory minimum  
15 fine of \$1,000, and 25 days of community service in a  
16 program benefiting children if the person was transporting  
17 a person under the age of 16 at the time of the violation.

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

26 (5) A person who violates subsection (a) a second

1 time, if at the time of the second violation the alcohol  
2 concentration in his or her blood, breath, other bodily  
3 substance, or urine was 0.16 or more based on the  
4 definition of blood, breath, other bodily substance, or  
5 urine units in Section 11-501.2, shall be subject, in  
6 addition to any other penalty that may be imposed, to a  
7 mandatory minimum of 2 days of imprisonment and a  
8 mandatory minimum fine of \$1,250.

9 (d) Aggravated driving under the influence of alcohol,  
10 other drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof.

12 (1) Every person convicted of committing a violation  
13 of this Section shall be guilty of aggravated driving  
14 under the influence of alcohol, other drug or drugs, or  
15 intoxicating compound or compounds, or any combination  
16 thereof if:

17 (A) the person committed a violation of subsection  
18 (a) or a similar provision for the third or subsequent  
19 time;

20 (B) the person committed a violation of subsection  
21 (a) while driving a school bus with one or more  
22 passengers on board;

23 (C) the person in committing a violation of  
24 subsection (a) was involved in a motor vehicle  
25 accident that resulted in great bodily harm or  
26 permanent disability or disfigurement to another, when

1 the violation was a proximate cause of the injuries;

2 (D) the person committed a violation of subsection  
3 (a) and has been previously convicted of violating  
4 Section 9-3 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 or a similar provision of a law  
6 of another state relating to reckless homicide in  
7 which the person was determined to have been under the  
8 influence of alcohol, other drug or drugs, or  
9 intoxicating compound or compounds as an element of  
10 the offense or the person has previously been  
11 convicted under subparagraph (C) or subparagraph (F)  
12 of this paragraph (1);

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

23 (F) the person, in committing a violation of  
24 subsection (a), was involved in a motor vehicle,  
25 snowmobile, all-terrain vehicle, or watercraft  
26 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate  
2 cause of the death;

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

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

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

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

25 (K) the person in committing a second violation of  
26 subsection (a) or a similar provision was transporting

1 a person under the age of 16; or

2 (L) the person committed a violation of subsection  
3 (a) of this Section while transporting one or more  
4 passengers in a vehicle for-hire.

5 (2) (A) Except as provided otherwise, a person  
6 convicted of aggravated driving under the influence of  
7 alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof is guilty of a Class  
9 4 felony.

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

24 (C) A fourth violation of this Section or a similar  
25 provision is a Class 2 felony, for which a sentence of  
26 probation or conditional discharge may not be imposed. If



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

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

1 administrative sanction.

2 (E) A sixth or subsequent violation of this Section or  
3 similar provision is a Class X felony. If at the time of  
4 the violation, the alcohol concentration in the  
5 defendant's blood, breath, other bodily substance, or  
6 urine was 0.16 or more based on the definition of blood,  
7 breath, other bodily substance, or urine units in Section  
8 11-501.2, a mandatory minimum fine of \$5,000 shall be  
9 imposed in addition to any other criminal or  
10 administrative sanction. If at the time of the violation,  
11 the defendant was transporting a person under the age of  
12 16, a mandatory fine of \$25,000 and 25 days of community  
13 service in a program benefiting children shall be imposed  
14 in addition to any other criminal or administrative  
15 sanction.

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

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

1 of not less than 6 years and not more than 28 years if the  
2 violation resulted in the deaths of 2 or more persons.

3 (H) For a violation of subparagraph (J) of paragraph  
4 (1) of this subsection (d), a mandatory fine of \$2,500,  
5 and 25 days of community service in a program benefiting  
6 children shall be imposed in addition to any other  
7 criminal or administrative sanction.

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

19 (J) A violation of subparagraph (D) of paragraph (1)  
20 of this subsection (d) is a Class 3 felony, for which a  
21 sentence of probation or conditional discharge may not be  
22 imposed.

23 (3) Any person sentenced under this subsection (d) who  
24 receives a term of probation or conditional discharge must  
25 serve a minimum term of either 480 hours of community  
26 service or 10 days of imprisonment as a condition of the

1           probation or conditional discharge in addition to any  
2           other criminal or administrative sanction.

3           (e) Any reference to a prior violation of subsection (a)  
4           or a similar provision includes any violation of a provision  
5           of a local ordinance or a provision of a law of another state  
6           or an offense committed on a military installation that is  
7           similar to a violation of subsection (a) of this Section.

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

11          (g) Any penalty imposed for driving with a license that  
12          has been revoked for a previous violation of subsection (a) of  
13          this Section shall be in addition to the penalty imposed for  
14          any subsequent violation of subsection (a).

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

18          (i) Notwithstanding any other provision to the contrary,  
19          if a circuit court enters an order vacating a conviction for a  
20          violation of this Section or a similar provision of a local  
21          ordinance more than 30 days after the judgment of conviction  
22          has been entered, the Secretary shall not remove that  
23          conviction from the driving record and may use it for imposing  
24          sanctions related to driving privileges unless paragraph (6)  
25          or (8) of subsection (b) of Section 5.2 of the Criminal  
26          Identification Act applies.

1 (Source: P.A. 101-363, eff. 8-9-19.)

2 (625 ILCS 5/11-501.1)

3 Sec. 11-501.1. Suspension of drivers license; statutory  
4 summary alcohol, other drug or drugs, or intoxicating compound  
5 or compounds related suspension or revocation; implied  
6 consent.

7 (a) Any person who drives or is in actual physical control  
8 of a motor vehicle upon the public highways of this State shall  
9 be deemed to have given consent, subject to the provisions of  
10 Section 11-501.2, to a chemical test or tests of blood,  
11 breath, other bodily substance, or urine for the purpose of  
12 determining the content of alcohol, other drug or drugs, or  
13 intoxicating compound or compounds or any combination thereof  
14 in the person's blood if arrested, as evidenced by the  
15 issuance of a Uniform Traffic Ticket, for any offense as  
16 defined in Section 11-501 or a similar provision of a local  
17 ordinance, or if arrested for violating Section 11-401. If a  
18 law enforcement officer has probable cause to believe the  
19 person was under the influence of alcohol, other drug or  
20 drugs, intoxicating compound or compounds, or any combination  
21 thereof, the law enforcement officer shall request a chemical  
22 test or tests which shall be administered at the direction of  
23 the arresting officer. The law enforcement agency employing  
24 the officer shall designate which of the aforesaid tests shall  
25 be administered. Up to 2 additional tests of urine or other

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

22         (a-5) (Blank).

23         (b) Any person who is dead, unconscious, or who is  
24     otherwise in a condition rendering the person incapable of  
25     refusal, shall be deemed not to have withdrawn the consent  
26     provided by paragraph (a) of this Section and the test or tests

1 may be administered, subject to the provisions of Section  
2 11-501.2.

3 (c) A person requested to submit to a test as provided  
4 above shall be warned by the law enforcement officer  
5 requesting the test that a refusal to submit to the test will  
6 result in the statutory summary suspension of the person's  
7 privilege to operate a motor vehicle, as provided in Section  
8 6-208.1 of this Code, and will also result in the  
9 disqualification of the person's privilege to operate a  
10 commercial motor vehicle, as provided in Section 6-514 of this  
11 Code, if the person is a CDL holder. The person shall also be  
12 warned that a refusal to submit to the test, when the person  
13 was involved in a motor vehicle accident that caused personal  
14 injury or death to another, will result in the statutory  
15 summary revocation of the person's privilege to operate a  
16 motor vehicle, as provided in Section 6-208.1, and will also  
17 result in the disqualification of the person's privilege to  
18 operate a commercial motor vehicle, as provided in Section  
19 6-514 of this Code, if the person is a CDL holder. The person  
20 shall also be warned by the law enforcement officer that if the  
21 person submits to the test or tests provided in paragraph (a)  
22 of this Section and the alcohol concentration in the person's  
23 blood, other bodily substance, or breath is 0.08 or greater,  
24 or testing discloses the presence of cannabis as listed in the  
25 Cannabis Control Act with a tetrahydrocannabinol concentration  
26 as defined in paragraph 6 of subsection (a) of Section

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

26 A person who is under the age of 21 at the time the person



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

19 A person requested to submit to a test shall also  
20 acknowledge, in writing, receipt of the warning required under  
21 this Section. If the person refuses to acknowledge receipt of  
22 the warning, the law enforcement officer shall make a written  
23 notation on the warning that the person refused to sign the  
24 warning. A person's refusal to sign the warning shall not be  
25 evidence that the person was not read the warning.

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

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

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

26 (e) Upon receipt of the sworn report of a law enforcement

1 officer submitted under paragraph (d), the Secretary of State  
2 shall enter the statutory summary suspension or revocation and  
3 disqualification for the periods specified in Sections 6-208.1  
4 and 6-514, respectively, and effective as provided in  
5 paragraph (g).

6 If the person is a first offender as defined in Section  
7 11-500 of this Code, and is not convicted of a violation of  
8 Section 11-501 of this Code or a similar provision of a local  
9 ordinance, then reports received by the Secretary of State  
10 under this Section shall, except during the actual time the  
11 Statutory Summary Suspension is in effect, be privileged  
12 information and for use only by the courts, police officers,  
13 prosecuting authorities or the Secretary of State, unless the  
14 person is a CDL holder, is operating a commercial motor  
15 vehicle or vehicle required to be placarded for hazardous  
16 materials, in which case the suspension shall not be  
17 privileged. Reports received by the Secretary of State under  
18 this Section shall also be made available to the parent or  
19 guardian of a person under the age of 18 years that holds an  
20 instruction permit or a graduated driver's license, regardless  
21 of whether the statutory summary suspension is in effect. A  
22 statutory summary revocation shall not be privileged  
23 information.

24 (f) The law enforcement officer submitting the sworn  
25 report under paragraph (d) shall serve immediate notice of the  
26 statutory summary suspension or revocation on the person and

1 the suspension or revocation and disqualification shall be  
2 effective as provided in paragraph (g).

3 (1) In cases involving a person who is not a CDL holder  
4 where the blood alcohol concentration of 0.08 or greater  
5 or any amount of a drug, substance, or compound resulting  
6 from the unlawful use or consumption of a controlled  
7 substance listed in the Illinois Controlled Substances  
8 Act, an intoxicating compound listed in the Use of  
9 Intoxicating Compounds Act, or methamphetamine as listed  
10 in the Methamphetamine Control and Community Protection  
11 Act is established by a subsequent analysis of blood,  
12 other bodily substance, or urine or analysis of whole  
13 blood or other bodily substance establishes a  
14 tetrahydrocannabinol concentration as defined in paragraph  
15 6 of subsection (a) of Section 11-501.2 of this Code,  
16 collected at the time of arrest, the arresting officer or  
17 arresting agency shall give notice as provided in this  
18 Section or by deposit in the United States mail of the  
19 notice in an envelope with postage prepaid and addressed  
20 to the person at his or her address as shown on the Uniform  
21 Traffic Ticket and the statutory summary suspension shall  
22 begin as provided in paragraph (g).

23 (1.3) In cases involving a person who is a CDL holder  
24 where the blood alcohol concentration of 0.08 or greater  
25 or any amount of a drug, substance, or compound resulting  
26 from the unlawful use or consumption of cannabis as

1 covered by the Cannabis Control Act, a controlled  
2 substance listed in the Illinois Controlled Substances  
3 Act, an intoxicating compound listed in the Use of  
4 Intoxicating Compounds Act, or methamphetamine as listed  
5 in the Methamphetamine Control and Community Protection  
6 Act is established by a subsequent analysis of blood,  
7 other bodily substance, or urine collected at the time of  
8 arrest, the arresting officer or arresting agency shall  
9 give notice as provided in this Section or by deposit in  
10 the United States mail of the notice in an envelope with  
11 postage prepaid and addressed to the person at his or her  
12 address as shown on the Uniform Traffic Ticket and the  
13 statutory summary suspension and disqualification shall  
14 begin as provided in paragraph (g).

15 (1.5) The officer shall confiscate any Illinois  
16 driver's license or permit on the person at the time of  
17 arrest. If the person has a valid driver's license or  
18 permit, the officer shall issue the person a receipt, in a  
19 form prescribed by the Secretary of State, that will allow  
20 that person to drive during the periods provided for in  
21 paragraph (g). The officer shall immediately forward the  
22 driver's license or permit to the circuit court of venue  
23 along with the sworn report provided for in paragraph (d).

24 (2) (Blank).

25 (g) The statutory summary suspension or revocation and  
26 disqualification referred to in this Section shall take effect

1 on the 46th day following the date the notice of the statutory  
2 summary suspension or revocation was given to the person.

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

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

19 (h-5) Notwithstanding any other provision to the contrary,  
20 if a circuit court enters an order rescinding a statutory  
21 summary suspension imposed pursuant to this Section more than  
22 30 days after the entry of a prior order sustaining the  
23 statutory summary suspension, the Secretary shall not remove  
24 the statutory summary suspension from the driving record and  
25 may use it for imposing sanctions related to driving  
26 privileges.

1           (i) As used in this Section, "personal injury" includes  
2 any 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  
5 medical facility. A Type A injury includes severely bleeding  
6 wounds, distorted extremities, and injuries that require the  
7 injured party to be carried from the scene.

8           (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;  
9 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)