

SB0295



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0295

Introduced 2/6/2009, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.1

from Ch. 95 1/2, par. 11-501.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning driving under the influence of alcohol or drugs.

LRB096 08045 AJT 18151 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 changing
5 Section 11-501.1 as follows:

6 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

7 Sec. 11-501.1. Suspension of drivers license; statutory
8 summary alcohol, other drug or drugs, or intoxicating compound
9 or compounds related suspension; implied consent.

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

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

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

1 11-501.2.

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

1 imposed.

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

20 (d) If the person refuses testing or submits to a test that
21 discloses an alcohol concentration of 0.08 or more, or any
22 amount of a drug, substance, or intoxicating compound in the
23 person's breath, blood, or urine resulting from the unlawful
24 use or consumption of cannabis listed in the Cannabis Control
25 Act, 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, the law
3 enforcement officer shall immediately submit a sworn report to
4 the circuit court of venue and the Secretary of State,
5 certifying that the test or tests was or were requested under
6 paragraph (a) and the person refused to submit to a test, or
7 tests, or submitted to testing that disclosed an alcohol
8 concentration of 0.08 or more.

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

15 If the person is a first offender as defined in Section
16 11-500 of this Code, and is not convicted of a violation of
17 Section 11-501 of this Code or a similar provision of a local
18 ordinance, then reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 Statutory Summary Suspension is in effect, be privileged
21 information and for use only by the courts, police officers,
22 prosecuting authorities or the Secretary of State. However,
23 beginning January 1, 2008, if the person is a CDL holder, the
24 statutory summary suspension shall also be made available to
25 the driver licensing administrator of any other state, the U.S.
26 Department of Transportation, and the affected driver or motor

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

7 (f) The law enforcement officer submitting the sworn report
8 under paragraph (d) shall serve immediate notice of the
9 statutory summary suspension on the person and the suspension
10 and disqualification shall be effective as provided in
11 paragraph (g). In cases where the blood alcohol concentration
12 of 0.08 or greater or any amount of a drug, substance, or
13 compound resulting from the unlawful use or consumption of
14 cannabis as covered by 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 is
19 established by a subsequent analysis of blood or urine
20 collected at the time of arrest, the arresting officer or
21 arresting agency shall give notice as provided in this Section
22 or by deposit in the United States mail of the notice in an
23 envelope with postage prepaid and addressed to the person at
24 his address as shown on the Uniform Traffic Ticket and the
25 statutory summary suspension and disqualification shall begin
26 as provided in paragraph (g). The officer shall confiscate any

1 Illinois driver's license or permit on the person at the time
2 of arrest. If the person has a valid driver's license or
3 permit, the officer shall issue the person a receipt, in a form
4 prescribed by the Secretary of State, that will allow that
5 person to drive during the periods provided for in paragraph
6 (g). The officer shall immediately forward the driver's license
7 or permit to the circuit court of venue along with the sworn
8 report provided for in paragraph (d).

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

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

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

1 issuing agency identifying any defect.

2 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,

3 eff. 8-23-07; 95-876, eff. 8-21-08.)