

1                                    AMENDMENT TO HOUSE BILL 1237

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1237 on page 1,  
3 below line 3, by inserting the following:

4            "Section 3. The Illinois Vehicle Code is amended by  
5 changing Section 11-501 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  
8 alcohol, other drug or drugs, intoxicating compound or  
9 compounds or any 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 or breath is 0.08 or more based on the definition of  
14 blood and breath units in Section 11-501.2;

15                    (2) under the influence of alcohol;

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

1           (5) under the combined influence of alcohol, other  
2 drug or drugs, or intoxicating compound or compounds to a  
3 degree that renders the person incapable of safely  
4 driving; or

5           (6) there is any amount of a drug, substance, or  
6 compound in the person's breath, blood, or urine  
7 resulting from the unlawful use or consumption of  
8 cannabis listed in the Cannabis Control Act, a controlled  
9 substance listed in the Illinois Controlled Substances  
10 Act, or an intoxicating compound listed in the Use of  
11 Intoxicating Compounds Act.

12           (b) The fact that any person charged with violating this  
13 Section is or has been legally entitled to use alcohol, other  
14 drug or drugs, or intoxicating compound or compounds, or any  
15 combination thereof, shall not constitute a defense against  
16 any charge of violating this Section.

17           (c) Except as provided under paragraphs (c-3), (c-4),  
18 and (d) of this Section, every person convicted of violating  
19 this Section or a similar provision of a local ordinance,  
20 shall be guilty of a Class A misdemeanor and, in addition to  
21 any other criminal or administrative action, for any second  
22 conviction of violating this Section or a similar provision  
23 of a law of another state or local ordinance committed within  
24 5 years of a previous violation of this Section or a similar  
25 provision of a local ordinance shall be mandatorily sentenced  
26 to a minimum of 5 days of imprisonment or assigned to a  
27 minimum of 30 days of community service as may be determined  
28 by the court. Every person convicted of violating this  
29 Section or a similar provision of a local ordinance shall be  
30 subject to an additional mandatory minimum fine of \$500 and  
31 an additional mandatory 5 days of community service in a  
32 program benefiting children if the person committed a  
33 violation of paragraph (a) or a similar provision of a local  
34 ordinance while transporting a person under age 16. Every

1 person convicted a second time for violating this Section or  
2 a similar provision of a local ordinance within 5 years of a  
3 previous violation of this Section or a similar provision of  
4 a law of another state or local ordinance shall be subject to  
5 an additional mandatory minimum fine of \$500 and an  
6 additional 10 days of mandatory community service in a  
7 program benefiting children if the current offense was  
8 committed while transporting a person under age 16. The  
9 imprisonment or assignment under this subsection shall not be  
10 subject to suspension nor shall the person be eligible for  
11 probation in order to reduce the sentence or assignment.

12 (c-1) (1) A person who violates this Section during a  
13 period in which his or her driving privileges are revoked  
14 or suspended, where the revocation or suspension was for  
15 a violation of this Section, Section 11-501.1, paragraph  
16 (b) of Section 11-401, or Section 9-3 of the Criminal  
17 Code of 1961 is guilty of a Class 4 felony.

18 (2) A person who violates this Section a third time  
19 during a period in which his or her driving privileges  
20 are revoked or suspended where the revocation or  
21 suspension was for a violation of this Section, Section  
22 11-501.1, paragraph (b) of Section 11-401, or Section 9-3  
23 of the Criminal Code of 1961 is guilty of a Class 3  
24 felony.

25 (3) A person who violates this Section a fourth or  
26 subsequent time during a period in which his or her  
27 driving privileges are revoked or suspended where the  
28 revocation or suspension was for a violation of this  
29 Section, Section 11-501.1, paragraph (b) of Section  
30 11-401, or Section 9-3 of the Criminal Code of 1961 is  
31 guilty of a Class 2 felony.

32 (c-2) (Blank).

33 (c-3) Every person convicted of violating this Section  
34 or a similar provision of a local ordinance who had a child

1 under age 16 in the vehicle at the time of the offense shall  
2 have his or her punishment under this Act enhanced by 2 days  
3 of imprisonment for a first offense, 10 days of imprisonment  
4 for a second offense, 30 days of imprisonment for a third  
5 offense, and 90 days of imprisonment for a fourth or  
6 subsequent offense, in addition to the fine and community  
7 service required under subsection (c) and the possible  
8 imprisonment required under subsection (d). The imprisonment  
9 or assignment under this subsection shall not be subject to  
10 suspension nor shall the person be eligible for probation in  
11 order to reduce the sentence or assignment.

12 (c-4) When a person is convicted of violating Section  
13 11-501 of this Code or a similar provision of a local  
14 ordinance, the following penalties apply when his or her  
15 blood, breath, or urine was .16 or more based on the  
16 definition of blood, breath, or urine units in Section  
17 11-501.2 or when that person is convicted of violating this  
18 Section while transporting a child under the age of 16:

19 (1) A person who is convicted of violating  
20 subsection (a) of Section 11-501 of this Code a first  
21 time, in addition to any other penalty that may be  
22 imposed under subsection (c), is subject to a mandatory  
23 minimum of 100 hours of community service and a minimum  
24 fine of \$500.

25 (2) A person who is convicted of violating  
26 subsection (a) of Section 11-501 of this Code a second  
27 time within 10 years, in addition to any other penalty  
28 that may be imposed under subsection (c), is subject to a  
29 mandatory minimum of 2 days of imprisonment and a minimum  
30 fine of \$1,250.

31 (3) A person who is convicted of violating  
32 subsection (a) of Section 11-501 of this Code a third  
33 time within 20 years is guilty of a Class 4 felony and,  
34 in addition to any other penalty that may be imposed

1 under subsection (c), is subject to a mandatory minimum  
2 of 90 days of imprisonment and a minimum fine of \$2,500.

3 (4) A person who is convicted of violating this  
4 subsection (c-4) a fourth or subsequent time is guilty of  
5 a Class 2 felony and, in addition to any other penalty  
6 that may be imposed under subsection (c), is not eligible  
7 for a sentence of probation or conditional discharge and  
8 is subject to a minimum fine of \$2,500.

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

14 (A) the person committed a violation of this  
15 Section, or a similar provision of a law of another  
16 state or a local ordinance when the cause of action  
17 is the same as or substantially similar to this  
18 Section, for the third or subsequent time;

19 (B) the person committed a violation of  
20 paragraph (a) while driving a school bus with  
21 children on board;

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

28 (D) the person committed a violation of  
29 paragraph (a) for a second time and has been  
30 previously convicted of violating Section 9-3 of the  
31 Criminal Code of 1961 relating to reckless homicide  
32 in which the person was determined to have been  
33 under the influence of alcohol, other drug or drugs,  
34 or intoxicating compound or compounds as an element

1 of the offense or the person has previously been  
2 convicted under subparagraph (C) of this paragraph  
3 (1); or

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

14 (2) Aggravated driving under the influence of  
15 alcohol, other drug or drugs, or intoxicating compound or  
16 compounds, or any combination thereof is a Class 4  
17 felony. For a violation of subparagraph (C) of paragraph  
18 (1) of this subsection (d), the defendant, if sentenced  
19 to a term of imprisonment, shall be sentenced to not less  
20 than one year nor more than 12 years. For any  
21 prosecution under this subsection (d), a certified copy  
22 of the driving abstract of the defendant shall be  
23 admitted as proof of any prior conviction.

24 (e) After a finding of guilt and prior to any final  
25 sentencing, or an order for supervision, for an offense based  
26 upon an arrest for a violation of this Section or a similar  
27 provision of a local ordinance, individuals shall be required  
28 to undergo a professional evaluation to determine if an  
29 alcohol, drug, or intoxicating compound abuse problem exists  
30 and the extent of the problem, and undergo the imposition of  
31 treatment as appropriate. Programs conducting these  
32 evaluations shall be licensed by the Department of Human  
33 Services. The cost of any professional evaluation shall be  
34 paid for by the individual required to undergo the

1 professional evaluation.

2 (e-1) Any person who is found guilty of or pleads guilty  
3 to violating this Section, including any person receiving a  
4 disposition of court supervision for violating this Section,  
5 may be required by the Court to attend a victim impact panel  
6 offered by, or under contract with, a County State's  
7 Attorney's office, a probation and court services department,  
8 Mothers Against Drunk Driving, or the Alliance Against  
9 Intoxicated Motorists. All costs generated by the victim  
10 impact panel shall be paid from fees collected from the  
11 offender or as may be determined by the court.

12 (f) Every person found guilty of violating this Section,  
13 whose operation of a motor vehicle while in violation of this  
14 Section proximately caused any incident resulting in an  
15 appropriate emergency response, shall be liable for the  
16 expense of an emergency response as provided under Section  
17 5-5-3 of the Unified Code of Corrections.

18 (g) The Secretary of State shall revoke the driving  
19 privileges of any person convicted under this Section or a  
20 similar provision of a local ordinance.

21 (h) Every person sentenced under paragraph (2) or (3) of  
22 subsection (c-1) of this Section or subsection (d) of this  
23 Section and who receives a term of probation or conditional  
24 discharge shall be required to serve a minimum term of either  
25 60 days community service or 10 days of imprisonment as a  
26 condition of the probation or conditional discharge. This  
27 mandatory minimum term of imprisonment or assignment of  
28 community service shall not be suspended and shall not be  
29 subject to reduction by the court.

30 (i) The Secretary of State shall require the use of  
31 ignition interlock devices on all vehicles owned by an  
32 individual who has been convicted of a second or subsequent  
33 offense of this Section or a similar provision of a local  
34 ordinance. The Secretary shall establish by rule and

1 regulation the procedures for certification and use of the  
2 interlock system.

3 (j) In addition to any other penalties and liabilities,  
4 a person who is found guilty of or pleads guilty to violating  
5 this Section, including any person placed on court  
6 supervision for violating this Section, shall be fined \$100,  
7 payable to the circuit clerk, who shall distribute the money  
8 to the law enforcement agency that made the arrest. If the  
9 person has been previously convicted of violating this  
10 Section or a similar provision of a local ordinance, the fine  
11 shall be \$200. In the event that more than one agency is  
12 responsible for the arrest, the \$100 or \$200 shall be shared  
13 equally. Any moneys received by a law enforcement agency  
14 under this subsection (j) shall be used to purchase law  
15 enforcement equipment that will assist in the prevention of  
16 alcohol related criminal violence throughout the State. This  
17 shall include, but is not limited to, in-car video cameras,  
18 radar and laser speed detection devices, and alcohol breath  
19 testers. Any moneys received by the Department of State  
20 Police under this subsection (j) shall be deposited into the  
21 State Police DUI Fund and shall be used to purchase law  
22 enforcement equipment that will assist in the prevention of  
23 alcohol related criminal violence throughout the State.

24 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;  
25 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.  
26 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,  
27 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

28 Section 4. The Snowmobile Registration and Safety Act is  
29 amended by changing Sections 2-2, 5-7. 5-7.1, 5-7.2, 5-7.3,  
30 5-7.4, and 5-7.5 and adding Section 5-7.6 as follows:

31 (625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

32 Sec. 2-2. Inspection; seizure; impoundment.



1       (a) Agents of the Department or other duly authorized  
2 police officers may stop and inspect any snowmobile at any  
3 time for the purpose of determining if the provisions of this  
4 Act are being complied with. If the inspecting officer or  
5 agent discovers any violation of the provisions of this Act,  
6 he must issue a summons to the operator of such snowmobile  
7 requiring that the operator appear before the circuit court  
8 for the county within which the offense was committed.

9       (b) Every snowmobile subject to this Act, if under way  
10 and upon being hailed by a designated law enforcement  
11 officer, must stop immediately.

12       (c) Agents of the Department and other duly authorized  
13 police officers may seize and impound, at the owner's  
14 expense, any snowmobile involved in an accident or a  
15 violation of subsection B of Section 5-1 or of Section 5-7 of  
16 this Act.

17       (d) If a snowmobile is causing a traffic hazard because  
18 of its position in relation to the highway or its physical  
19 appearance is causing the impeding of traffic, its immediate  
20 removal from the highway or private property adjacent to the  
21 highway by a towing service may be authorized by a law  
22 enforcement agency having jurisdiction.

23       (e) Whenever a peace officer reasonably believes that a  
24 person under arrest for a violation of subsection B of  
25 Section 5-1 or Section 5-7 of this Act or similar provision  
26 of a local ordinance, is likely, upon release, to commit a  
27 subsequent violation of subsection B of Section 5-1 or  
28 Section 5-7 or a similar provision of a local ordinance, the  
29 arresting officer shall have the snowmobile which the person  
30 was operating at the time of the arrest impounded for a  
31 period of not more than 12 hours after the time of the  
32 arrest. The snowmobile may be released by the arresting law  
33 enforcement agency without impoundment, or may be released  
34 prior to the end of the impoundment period, however, if:

1           (1) the snowmobile was not owned by the person  
2 under arrest, and the lawful owner requesting release of  
3 the snowmobile possesses proof of ownership, and would  
4 not, as determined by the arresting law enforcement  
5 agency: (i) indicate a lack of ability to operate a  
6 snowmobile in a safe manner, or (ii) otherwise, by  
7 operating the snowmobile, be in violation of this Act; or

8           (2) the snowmobile is owned by the person under  
9 arrest, and the person under arrest gives permission to  
10 another person to operate the snowmobile, and the other  
11 person would not, as determined by the arresting law  
12 enforcement agency: (i) indicate a lack of ability to  
13 operate a snowmobile in a safe manner, or (ii) otherwise,  
14 by operating the snowmobile, be in violation of this Act.

15 (Source: P.A. 77-1312.)

16 (625 ILCS 40/5-7)

17 Sec. 5-7. Operating a snowmobile while under the  
18 influence of alcohol or other drug or drugs, intoxicating  
19 compound or compounds, or a combination of them; criminal  
20 penalties; suspension of operating privileges.

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

23 1. The alcohol concentration in that person's blood  
24 or breath is a concentration at which driving a motor  
25 vehicle is prohibited under subdivision (1) of subsection  
26 (a) of Section 11-501 of the Illinois Vehicle Code;

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

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

31 3.1. The person is under the influence of any  
32 intoxicating compound or combination of intoxicating  
33 compounds to a degree that renders the person incapable

1 of safely operating a snowmobile;

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

6 5. There is any amount of a drug, substance, or  
7 compound in that person's breath, blood, or urine  
8 resulting from the unlawful use or consumption of  
9 cannabis listed in the Cannabis Control Act, ~~or~~  
10 controlled substance listed in the Illinois Controlled  
11 Substances Act, or intoxicating compound listed in the  
12 use of Intoxicating Compounds Act.

13 (b) The fact that a person charged with violating this  
14 Section is or has been legally entitled to use alcohol, ~~or~~  
15 other drug or drugs, any intoxicating compound or compounds,  
16 or any combination of them does not constitute a defense  
17 against a charge of violating this Section.

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

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

23 1. The person has a previous conviction under this  
24 Section; ~~or~~

25 2. The offense results in personal injury where a  
26 person other than the operator suffers great bodily harm  
27 or permanent disability or disfigurement, when the  
28 violation was a proximate cause of the injuries. A person  
29 guilty of a Class 4 felony under this paragraph 2, if  
30 sentenced to a term of imprisonment, shall be sentenced  
31 to not less than one year nor more than 12 years; or

32 3. The offense occurred during a period in which  
33 the person's privileges to operate a snowmobile are  
34 revoked or suspended, and the revocation or suspension

1 was for a violation of this Section or was imposed under  
2 Section 5-7.1.

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

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

18 (e-2) Every person found guilty of violating this  
19 Section, whose operation of a snowmobile while in violation  
20 of this Section proximately caused any incident resulting in  
21 an appropriate emergency response, shall be liable for the  
22 expense of an emergency response as provided under Section  
23 5-5-3 of the Unified Code of Corrections.

24 (e-3) In addition to any other penalties and  
25 liabilities, a person who is found guilty of violating this  
26 Section, including any person placed on court supervision,  
27 shall be fined \$100, payable to the circuit clerk, who shall  
28 distribute the money to the law enforcement agency that made  
29 the arrest. In the event that more than one agency is  
30 responsible for the arrest, the \$100 shall be shared equally.  
31 Any moneys received by a law enforcement agency under this  
32 subsection (e-3) shall be used to purchase law enforcement  
33 equipment or to provide law enforcement training that will  
34 assist in the prevention of alcohol related criminal violence

1 throughout the State. Law enforcement equipment shall  
2 include, but is not limited to, in-car video cameras, radar  
3 and laser speed detection devices, and alcohol breath  
4 testers.

5 (f) In addition to any criminal penalties imposed, the  
6 Department of Natural Resources Conservation shall suspend  
7 the snowmobile operation privileges of a person convicted or  
8 found guilty of a misdemeanor under this Section for a period  
9 of one year, except that first-time offenders receiving  
10 supervision are exempt from this mandatory one year  
11 suspension.

12 (g) In addition to any criminal penalties imposed, the  
13 Department of Natural Resources shall suspend for a period of  
14 5 years the snowmobile operation privileges of any person  
15 convicted or found guilty of a felony under this Section or  
16 ~~for--a--period--of--5--years--if--the--person--is--convicted--of--a~~  
17 ~~felony--under--this--Section.~~

18 (Source: P.A. 92-615, eff. 1-1-03.)

19 (625 ILCS 40/5-7.1)

20 Sec. 5-7.1. Implied consent.

21 (a) A person who operates or is in actual physical  
22 control of a snowmobile in this State is deemed to have given  
23 consent to a chemical test or tests of blood, breath, or  
24 urine for the purpose of determining the content of alcohol,  
25 ~~or~~ other drug or drugs, intoxicating compound or compounds,  
26 or a combination of them in ~~content-of~~ that person's blood if  
27 arrested for a violation of Section 5-7. The chemical test  
28 or tests shall be administered at the direction of the  
29 arresting officer. The law enforcement agency employing the  
30 officer shall designate which tests shall be administered. A  
31 urine test may be administered even after a blood or breath  
32 test or both has been administered.

33 (a-1) For the purposes of this Section, an Illinois law

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

19 (a-2) Notwithstanding any ability to refuse under this  
20 Act to submit to these tests or any ability to revoke the  
21 implied consent to these tests, if a law enforcement officer  
22 has probable cause to believe that a snowmobile operated by  
23 or under actual physical control of a person under the  
24 influence of alcohol, other drug or drugs, intoxicating  
25 compound or compounds, or any combination of them has caused  
26 the death or personal injury to another, that person shall  
27 submit, upon the request of a law enforcement officer, to a  
28 chemical test or tests of his or her blood, breath, or urine  
29 for the purpose of determining the alcohol content or the  
30 presence of any other drug or combination of both. For the  
31 purposes of this Section, a personal injury includes severe  
32 bleeding wounds, distorted extremities, and injuries that  
33 require the injured party to be carried from the scene for  
34 immediate professional attention in either a doctor's office

1 or a medical facility.

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

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

11 (d) Following this warning, if a person under arrest  
12 refuses upon the request of a law enforcement officer to  
13 submit to a test designated by the officer, no tests test may  
14 be given, but the law enforcement officer shall file with the  
15 clerk of the circuit court for the county in which the arrest  
16 was made, and with the Department of Natural Resources, a  
17 sworn statement naming the person refusing to take and  
18 complete the chemical test or tests requested under the  
19 provisions of this Section. The sworn statement shall  
20 identify the arrested person, the person's current residence  
21 address and shall specify that a refusal by that person to  
22 take the chemical test or tests was made. The sworn statement  
23 shall include a statement that the officer had reasonable  
24 cause to believe the person was operating or was in actual  
25 physical control of the snowmobile within this State while  
26 under the influence of alcohol, ~~or~~ other drug or drugs, an  
27 intoxicating compound or compound, or a combination of them  
28 and that a chemical test or tests were requested as an  
29 incident to and following the lawful arrest for an offense as  
30 defined in Section 5-7 or a similar provision of a local  
31 ordinance, and that the person, after being arrested for an  
32 offense arising out of acts alleged to have been committed  
33 while operating a snowmobile, refused to submit to and  
34 complete a chemical test or tests as requested by the law

1 enforcement officer.

2 (e) The law enforcement officer submitting the sworn  
3 statement shall serve immediate written notice upon the  
4 person refusing the chemical test or tests that the person's  
5 privilege to operate a snowmobile within this State will be  
6 suspended for a period of 2 years unless, within 28 days from  
7 the date of the notice, the person requests in writing a  
8 hearing on the suspension. ~~The clerk shall notify the person~~  
9 ~~in writing that the person's privilege to operate a~~  
10 ~~snowmobile will be suspended for a minimum of 2 years unless,~~  
11 ~~within 28 days from the date of mailing of the notice, that~~  
12 ~~person requests a hearing in writing.~~

13 If the person desires a hearing, the person shall file a  
14 complaint in the circuit court in the county where that  
15 person was arrested within 28 days from the date of mailing  
16 of the notice. The hearing shall proceed in the court in the  
17 same manner as other civil proceedings. The hearing shall  
18 cover only the following issues: (1) whether the person was  
19 placed under arrest for an offense as defined in Section 5-7  
20 or a similar provision of a local ordinance as evidenced by  
21 the issuance of a uniform citation; (2) whether the  
22 arresting officer had reasonable grounds to believe that the  
23 person was operating a snowmobile while under the influence  
24 of alcohol, ~~or~~ other drug or drugs, an intoxicating compound  
25 or compounds, or a combination of them; and (3) whether that  
26 person refused to submit to and complete the chemical test or  
27 tests upon the request of the law enforcement officer.  
28 Whether the person was informed that the person's privilege  
29 to operate a snowmobile would be suspended if that person  
30 refused to submit to the chemical test or tests may not be an  
31 issue in the hearing.

32 If the person fails to request a hearing in writing  
33 within 28 days of the date of the notice, or if a hearing is  
34 held and the court finds against the person on the issues



1 before the court, the clerk shall immediately notify the  
2 Department of Natural Resources Conservation-of-the-court's  
3 decision, and the Department shall suspend the snowmobile  
4 operation privileges of that person for at least 2 years.

5 (f) (Blank) If-the-person-fails-to-request-a-hearing-in  
6 writing-within-28-days-of-the-date-of-mailing-of-the--notice,  
7 the---clerk---shall--immediately--notify--the--Department--of  
8 Conservation-that-no--request--for--a--hearing--was--received  
9 within--the--statutory--time-period,-and-the-Department-shall  
10 suspend-the-snowmobile-operation-privileges--of--that--person  
11 for-at-least-2-years.

12 (f-1) If the person submits to a test that discloses an  
13 alcohol concentration of 0.08 or more, or any amount of a  
14 drug, substance, or intoxicating compound in the person's  
15 breath, blood, or urine resulting from the unlawful use of  
16 cannabis listed in the Cannabis Control Act, a controlled  
17 substance listed in the Illinois Controlled Substances Act,  
18 or an intoxicating compound listed in the Use of Intoxicating  
19 Compounds Act, the law enforcement officer shall immediately  
20 submit a sworn report to the circuit clerk of venue and the  
21 Department of Natural Resources, certifying that the test or  
22 tests was or were requested under subsection (a-1) of this  
23 Section and the person submitted to testing that disclosed an  
24 alcohol concentration of 0.08 or more.

25 In cases where the blood alcohol concentration of 0.08 or  
26 greater or any amount of drug, substance, or compound  
27 resulting from the unlawful use of cannabis, a controlled  
28 substance, or an intoxicating compound is established by a  
29 subsequent analysis of blood or urine collected at the time  
30 of arrest, the arresting officer or arresting agency shall  
31 immediately submit a sworn report to the circuit clerk of  
32 venue and the Department of Natural Resources upon receipt of  
33 the test results.

34 (g) A person must submit to each chemical test offered

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

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

6 (Source: P.A. 89-55, eff. 1-1-96.)

7 (625 ILCS 40/5-7.2)

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

9 (a) Upon the trial of a civil or criminal action or  
10 proceeding arising out of acts alleged to have been committed  
11 while under the influence of alcohol, the concentration of  
12 alcohol in the person's blood or breath at the time alleged  
13 as shown by analysis of the person's blood, urine, breath, or  
14 other bodily substance gives rise to the presumptions  
15 specified in subdivisions 1, 2, and 3 of subsection (b) of  
16 Section 11-501.2 of the Illinois Vehicle Code.

17 (b) The provisions of subsection (a) shall not be  
18 construed as limiting the introduction of any other relevant  
19 evidence bearing upon the question whether the person was  
20 under the influence of alcohol.

21 (c) If a person under arrest refuses to submit to a  
22 chemical test under the provisions of Section 5-7.1, evidence  
23 of refusal is admissible in a civil or criminal action or  
24 proceeding arising out of acts alleged to have been committed  
25 while the person under the influence of alcohol, ~~or~~ other  
26 drug or drugs, an intoxicating compound or compounds, or a  
27 combination of them was operating a snowmobile.

28 (Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

29 (625 ILCS 40/5-7.3)

30 Sec. 5-7.3. Supervision of operator; notification; 6  
31 hour operating limitation.

32 (a) The owner of a snowmobile or person given

1 supervisory authority over a snowmobile, may not knowingly  
 2 permit a snowmobile to be operated by a person under the  
 3 influence of alcohol, other drug or drugs, an intoxicating  
 4 compound or compounds, or a combination of them.

5 (b) Whenever a person is convicted or found guilty of a  
 6 violation of Section 5-7, including any person placed on  
 7 court supervision, the court shall notify the Office of Law  
 8 Enforcement of the Department of Natural Resources with the  
 9 records essential for the performance of the Department's  
 10 duties to monitor and enforce an order of suspension or  
 11 revocation concerning the person's privilege to operate a  
 12 snowmobile.

13 (c) A person who has been arrested and charged with  
 14 violating Section 5-7 may not operate a snowmobile within  
 15 this State for a period of 24 6 hours after that person's  
 16 arrest.

17 (Source: P.A. 89-55, eff. 1-1-96.)

18 (625 ILCS 40/5-7.4)

19 Sec. 5-7.4. Admissibility of chemical tests of blood  
 20 conducted in the regular course of providing emergency  
 21 medical treatment ~~alcohol~~-tests.

22 (a) Notwithstanding any other provision of law, the  
 23 ~~written~~ results of blood ~~alcohol~~ tests performed for the  
 24 purpose of determining the content of alcohol, other drug or  
 25 drugs, intoxicating compound or compounds, or any combination  
 26 of them in an individual's blood conducted upon persons  
 27 receiving medical treatment in a hospital emergency room, are  
 28 admissible in evidence as a business record exception to the  
 29 hearsay rule only in prosecutions for a violation of Section  
 30 5-7 of this Act or a similar provision of a local ordinance  
 31 or in prosecutions for reckless homicide brought under the  
 32 Criminal Code of 1961.

33 The results of the tests are admissible only when each of

1 the following criteria are met:

2 1. The chemical tests performed upon an  
 3 individual's blood were ordered in the regular course of  
 4 providing emergency treatment and not at the request of  
 5 law enforcement authorities; and ~~The blood alcohol tests~~  
 6 ~~were ordered by a physician on duty at the hospital~~  
 7 ~~emergency room and were performed in the regular course~~  
 8 ~~of providing emergency medical treatment in order to~~  
 9 ~~assist the physician in diagnosis or treatment;~~

10 2. The chemical tests performed upon an  
 11 individual's blood were performed by the laboratory  
 12 routinely used by the hospital. ~~The blood alcohol tests~~  
 13 ~~were performed by the hospital's own laboratory; and~~

14 3. (Blank) ~~The written results of the blood alcohol~~  
 15 ~~tests were received and considered by the physician on~~  
 16 ~~duty at the hospital emergency room to assist that~~  
 17 ~~physician in diagnosis or treatment.~~

18 Results of chemical tests performed upon an individual's  
 19 blood are admissible into evidence regardless of the time  
 20 that the records were prepared.

21 (b) The confidentiality provisions of law pertaining to  
 22 medical records and medical treatment are not applicable with  
 23 regard to chemical ~~blood alcohol~~ tests performed upon a  
 24 person's blood or urine under the provisions of this Section  
 25 in prosecutions as specified in subsection (a) of this  
 26 Section. No person shall be liable for civil damages as a  
 27 result of the evidentiary use of the results of chemical  
 28 testing of the individual's ~~blood alcohol tests results~~ under  
 29 this Section or as a result of that person's testimony made  
 30 available under this Section.

31 (Source: P.A. 89-55, eff. 1-1-96; 89-626, eff. 8-9-96.)

32 (625 ILCS 40/5-7.5)

33 Sec. 5-7.5. Preliminary breath screening test. If a law

1 enforcement officer has reasonable suspicion ~~probable~~--cause  
2 to believe that a person is violating or has violated Section  
3 5-7 or a similar provision of a local ordinance, the officer,  
4 before an arrest, may request the person to provide a sample  
5 of his or her breath for a preliminary breath screening test  
6 using a portable device approved by the Department of State  
7 Police. The results of this preliminary breath screening  
8 test may be used by the law enforcement officer for the  
9 purpose of assisting with the determination of whether to  
10 require a chemical test, as authorized under Sections 5-7.1  
11 and 5-7.2 and the appropriate type of test to request. Any  
12 chemical test authorized under Sections 5-7.1 and 5-7.2 may  
13 be requested by the officer regardless of the result of the  
14 preliminary breath screening test if probable cause for an  
15 arrest exists. The result of a preliminary breath screening  
16 test may be used by the defendant as evidence in an  
17 administrative or court proceeding involving a violation of  
18 Section 5-7 ~~or~~ 5-7.1.

19 (Source: P.A. 91-828, eff. 1-1-01.)

20 (625 ILCS 40/5-7.6 new)

21 Sec. 5-7.6. Reporting of test results of blood or urine  
22 conducted in the regular course of providing emergency  
23 medical treatment.

24 (a) Notwithstanding any other provision of law, the  
25 results of blood or urine tests performed for the purpose of  
26 determining the content of alcohol, other drug or drugs,  
27 intoxicating compound or compounds, or any combination of  
28 them in an individual's blood or urine, conducted upon  
29 persons receiving medical treatment in a hospital emergency  
30 room for injuries resulting from a snowmobile accident, shall  
31 be disclosed to the Department of Natural Resources, or local  
32 law enforcement agencies of jurisdiction, upon request. The  
33 blood or urine tests are admissible in evidence as a business

1 record exception to the hearsay rule only in prosecutions for  
2 violations of Section 5-7 of this Code or a similar provision  
3 of a local ordinance, or in prosecutions for reckless  
4 homicide brought under the Criminal Code of 1961.

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

16 on page 15, line 19, after "Code<sub>1</sub>", by inserting "Section 5-7  
17 of the Snowmobile Registration and Safety Act," and

18 on page 15, line 22, after "11-501<sub>1</sub>", by inserting "Section  
19 5-7,".