



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4325

Introduced 02/02/04, by Annazette Collins

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-197.5	from Ch. 95 1/2, par. 1-203.1
625 ILCS 5/2-118.1	from Ch. 95 1/2, par. 2-118.1
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-517	from Ch. 95 1/2, par. 6-517
625 ILCS 5/6-520	from Ch. 95 1/2, par. 6-520
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
625 ILCS 5/11-501.1	from Ch. 95 1/2, par. 11-501.1
625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
625 ILCS 5/11-501.6	from Ch. 95 1/2, par. 11-501.6
625 ILCS 5/11-501.8	
625 ILCS 40/5-7.1	
625 ILCS 45/5-16	

Amends the Illinois Vehicle Code, the Snowmobile Registration and Safety Act, and the Boat Registration and Safety Act. Lowers the blood alcohol concentration level at which a person is presumed to be under the influence of alcohol from 0.08 to 0.06.

LRB093 16606 DRH 42256 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to driving offenses.

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 1-197.5, 2-118.1, 6-206, 6-208.1, 6-517, 6-520,
6 11-500, 11-501, 11-501.1, 11-501.2, 11-501.6, and 11-501.8 as
7 follows:

8 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

9 Sec. 1-197.5. Statutory summary alcohol or other drug
10 related suspension of driver's privileges. The withdrawal by
11 the circuit court of a person's license or privilege to operate
12 a motor vehicle on the public highways for the periods provided
13 in Section 6-208.1. Reinstatement after the suspension period
14 shall occur after all appropriate fees have been paid, unless
15 the court notifies the Secretary of State that the person
16 should be disqualified. The bases for this withdrawal of
17 driving privileges shall be the individual's refusal to submit
18 to or failure to complete a chemical test or tests following an
19 arrest for the offense of driving under the influence of
20 alcohol, other drugs, or intoxicating compounds, or any
21 combination thereof, or submission to such a test or tests
22 indicating an alcohol concentration of 0.06 ~~0.08~~ or more as
23 provided in Section 11-501.1 of this Code.

24 (Source: P.A. 92-834, eff. 8-22-02.)

25 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

26 Sec. 2-118.1. Opportunity for hearing; statutory summary
27 alcohol or other drug related suspension.

28 (a) A statutory summary suspension of driving privileges
29 under Section 11-501.1 shall not become effective until the
30 person is notified in writing of the impending suspension and
31 informed that he may request a hearing in the circuit court of

1 venue under paragraph (b) of this Section and the statutory
2 summary suspension shall become effective as provided in
3 Section 11-501.1.

4 (b) Within 90 days after the notice of statutory summary
5 suspension served under Section 11-501.1, the person may make a
6 written request for a judicial hearing in the circuit court of
7 venue. The request to the circuit court shall state the grounds
8 upon which the person seeks to have the statutory summary
9 suspension rescinded. Within 30 days after receipt of the
10 written request or the first appearance date on the Uniform
11 Traffic Ticket issued pursuant to a violation of Section
12 11-501, or a similar provision of a local ordinance, the
13 hearing shall be conducted by the circuit court having
14 jurisdiction. This judicial hearing, request, or process shall
15 not stay or delay the statutory summary suspension. The
16 hearings shall proceed in the court in the same manner as in
17 other civil proceedings.

18 The hearing may be conducted upon a review of the law
19 enforcement officer's own official reports; provided however,
20 that the person may subpoena the officer. Failure of the
21 officer to answer the subpoena shall be considered grounds for
22 a continuance if in the court's discretion the continuance is
23 appropriate.

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

25 1. Whether the person was placed under arrest for an
26 offense as defined in Section 11-501, or a similar
27 provision of a local ordinance, as evidenced by the
28 issuance of a Uniform Traffic Ticket, or issued a Uniform
29 Traffic Ticket out of state as provided in subsection (a)
30 of Section 11-501.1; and

31 2. Whether the officer had reasonable grounds to
32 believe that the person was driving or in actual physical
33 control of a motor vehicle upon a highway while under the
34 influence of alcohol, other drug, or combination of both;
35 and

36 3. Whether the person, after being advised by the

1 officer that the privilege to operate a motor vehicle would
2 be suspended if the person refused to submit to and
3 complete the test or tests, did refuse to submit to or
4 complete the test or tests to determine the person's
5 alcohol or drug concentration; or

6 4. Whether the person, after being advised by the
7 officer that the privilege to operate a motor vehicle would
8 be suspended if the person submits to a chemical test, or
9 tests, and the test discloses an alcohol concentration of
10 0.06 ~~0.08~~ or more, or any amount of a drug, substance, or
11 compound in the person's blood or urine resulting from the
12 unlawful use or consumption of cannabis listed in the
13 Cannabis Control Act, a controlled substance listed in the
14 Illinois Controlled Substances Act, or an intoxicating
15 compound as listed in the Use of Intoxicating Compounds
16 Act, and the person did submit to and complete the test or
17 tests that determined an alcohol concentration of 0.06 ~~0.08~~
18 or more.

19 Upon the conclusion of the judicial hearing, the circuit
20 court shall sustain or rescind the statutory summary suspension
21 and immediately notify the Secretary of State. Reports received
22 by the Secretary of State under this Section shall be
23 privileged information and for use only by the courts, police
24 officers, and Secretary of State.

25 (Source: P.A. 92-458, eff. 8-22-01.)

26 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

27 Sec. 6-206. Discretionary authority to suspend or revoke
28 license or permit; Right to a hearing.

29 (a) The Secretary of State is authorized to suspend or
30 revoke the driving privileges of any person without preliminary
31 hearing upon a showing of the person's records or other
32 sufficient evidence that the person:

33 1. Has committed an offense for which mandatory
34 revocation of a driver's license or permit is required upon
35 conviction;

1 2. Has been convicted of not less than 3 offenses
2 against traffic regulations governing the movement of
3 vehicles committed within any 12 month period. No
4 revocation or suspension shall be entered more than 6
5 months after the date of last conviction;

6 3. Has been repeatedly involved as a driver in motor
7 vehicle collisions or has been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree that indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 4. Has by the unlawful operation of a motor vehicle
15 caused or contributed to an accident resulting in death or
16 injury requiring immediate professional treatment in a
17 medical facility or doctor's office to any person, except
18 that any suspension or revocation imposed by the Secretary
19 of State under the provisions of this subsection shall
20 start no later than 6 months after being convicted of
21 violating a law or ordinance regulating the movement of
22 traffic, which violation is related to the accident, or
23 shall start not more than one year after the date of the
24 accident, whichever date occurs later;

25 5. Has permitted an unlawful or fraudulent use of a
26 driver's license, identification card, or permit;

27 6. Has been lawfully convicted of an offense or
28 offenses in another state, including the authorization
29 contained in Section 6-203.1, which if committed within
30 this State would be grounds for suspension or revocation;

31 7. Has refused or failed to submit to an examination
32 provided for by Section 6-207 or has failed to pass the
33 examination;

34 8. Is ineligible for a driver's license or permit under
35 the provisions of Section 6-103;

36 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this
8 State when the person's driving privilege or privilege to
9 obtain a driver's license or permit was revoked or
10 suspended unless the operation was authorized by a judicial
11 driving permit, probationary license to drive, or a
12 restricted driving permit issued under this Code;

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services of
15 another person to submit to any portion of the application
16 process for the purpose of obtaining a license,
17 identification card, or permit for some other person;

18 13. Has operated a motor vehicle upon a highway of this
19 State when the person's driver's license or permit was
20 invalid under the provisions of Sections 6-107.1 and 6-110;

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
23 of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 relating to criminal trespass to
26 vehicles in which case, the suspension shall be for one
27 year;

28 16. Has been convicted of violating Section 11-204 of
29 this Code relating to fleeing from a peace officer;

30 17. Has refused to submit to a test, or tests, as
31 required under Section 11-501.1 of this Code and the person
32 has not sought a hearing as provided for in Section
33 11-501.1;

34 18. Has, since issuance of a driver's license or
35 permit, been adjudged to be afflicted with or suffering
36 from any mental disability or disease;

1 19. Has committed a violation of paragraph (a) or (b)
2 of Section 6-101 relating to driving without a driver's
3 license;

4 20. Has been convicted of violating Section 6-104
5 relating to classification of driver's license;

6 21. Has been convicted of violating Section 11-402 of
7 this Code relating to leaving the scene of an accident
8 resulting in damage to a vehicle in excess of \$1,000, in
9 which case the suspension shall be for one year;

10 22. Has used a motor vehicle in violating paragraph
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
12 the Criminal Code of 1961 relating to unlawful use of
13 weapons, in which case the suspension shall be for one
14 year;

15 23. Has, as a driver, been convicted of committing a
16 violation of paragraph (a) of Section 11-502 of this Code
17 for a second or subsequent time within one year of a
18 similar violation;

19 24. Has been convicted by a court-martial or punished
20 by non-judicial punishment by military authorities of the
21 United States at a military installation in Illinois of or
22 for a traffic related offense that is the same as or
23 similar to an offense specified under Section 6-205 or
24 6-206 of this Code;

25 25. Has permitted any form of identification to be used
26 by another in the application process in order to obtain or
27 attempt to obtain a license, identification card, or
28 permit;

29 26. Has altered or attempted to alter a license or has
30 possessed an altered license, identification card, or
31 permit;

32 27. Has violated Section 6-16 of the Liquor Control Act
33 of 1934;

34 28. Has been convicted of the illegal possession, while
35 operating or in actual physical control, as a driver, of a
36 motor vehicle, of any controlled substance prohibited

1 under the Illinois Controlled Substances Act or any
2 cannabis prohibited under the provisions of the Cannabis
3 Control Act, in which case the person's driving privileges
4 shall be suspended for one year, and any driver who is
5 convicted of a second or subsequent offense, within 5 years
6 of a previous conviction, for the illegal possession, while
7 operating or in actual physical control, as a driver, of a
8 motor vehicle, of any controlled substance prohibited
9 under the provisions of the Illinois Controlled Substances
10 Act or any cannabis prohibited under the Cannabis Control
11 Act shall be suspended for 5 years. Any defendant found
12 guilty of this offense while operating a motor vehicle,
13 shall have an entry made in the court record by the
14 presiding judge that this offense did occur while the
15 defendant was operating a motor vehicle and order the clerk
16 of the court to report the violation to the Secretary of
17 State;

18 29. Has been convicted of the following offenses that
19 were committed while the person was operating or in actual
20 physical control, as a driver, of a motor vehicle: criminal
21 sexual assault, predatory criminal sexual assault of a
22 child, aggravated criminal sexual assault, criminal sexual
23 abuse, aggravated criminal sexual abuse, juvenile pimping,
24 soliciting for a juvenile prostitute and the manufacture,
25 sale or delivery of controlled substances or instruments
26 used for illegal drug use or abuse in which case the
27 driver's driving privileges shall be suspended for one
28 year;

29 30. Has been convicted a second or subsequent time for
30 any combination of the offenses named in paragraph 29 of
31 this subsection, in which case the person's driving
32 privileges shall be suspended for 5 years;

33 31. Has refused to submit to a test as required by
34 Section 11-501.6 or has submitted to a test resulting in an
35 alcohol concentration of 0.06 ~~0.08~~ or more or any amount of
36 a drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, or an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, in which case the penalty shall be as prescribed in
6 Section 6-208.1;

7 32. Has been convicted of Section 24-1.2 of the
8 Criminal Code of 1961 relating to the aggravated discharge
9 of a firearm if the offender was located in a motor vehicle
10 at the time the firearm was discharged, in which case the
11 suspension shall be for 3 years;

12 33. Has as a driver, who was less than 21 years of age
13 on the date of the offense, been convicted a first time of
14 a violation of paragraph (a) of Section 11-502 of this Code
15 or a similar provision of a local ordinance;

16 34. Has committed a violation of Section 11-1301.5 of
17 this Code;

18 35. Has committed a violation of Section 11-1301.6 of
19 this Code;

20 36. Is under the age of 21 years at the time of arrest
21 and has been convicted of not less than 2 offenses against
22 traffic regulations governing the movement of vehicles
23 committed within any 24 month period. No revocation or
24 suspension shall be entered more than 6 months after the
25 date of last conviction;

26 37. Has committed a violation of subsection (c) of
27 Section 11-907 of this Code;

28 38. Has been convicted of a violation of Section 6-20
29 of the Liquor Control Act of 1934 or a similar provision of
30 a local ordinance; or

31 39. Has committed a second or subsequent violation of
32 Section 11-1201 of this Code.

33 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
34 and 27 of this subsection, license means any driver's license,
35 any traffic ticket issued when the person's driver's license is
36 deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license or a temporary driver's
3 license.

4 (b) If any conviction forming the basis of a suspension or
5 revocation authorized under this Section is appealed, the
6 Secretary of State may rescind or withhold the entry of the
7 order of suspension or revocation, as the case may be, provided
8 that a certified copy of a stay order of a court is filed with
9 the Secretary of State. If the conviction is affirmed on
10 appeal, the date of the conviction shall relate back to the
11 time the original judgment of conviction was entered and the 6
12 month limitation prescribed shall not apply.

13 (c) 1. Upon suspending or revoking the driver's license or
14 permit of any person as authorized in this Section, the
15 Secretary of State shall immediately notify the person in
16 writing of the revocation or suspension. The notice to be
17 deposited in the United States mail, postage prepaid, to
18 the last known address of the person.

19 2. If the Secretary of State suspends the driver's
20 license of a person under subsection 2 of paragraph (a) of
21 this Section, a person's privilege to operate a vehicle as
22 an occupation shall not be suspended, provided an affidavit
23 is properly completed, the appropriate fee received, and a
24 permit issued prior to the effective date of the
25 suspension, unless 5 offenses were committed, at least 2 of
26 which occurred while operating a commercial vehicle in
27 connection with the driver's regular occupation. All other
28 driving privileges shall be suspended by the Secretary of
29 State. Any driver prior to operating a vehicle for
30 occupational purposes only must submit the affidavit on
31 forms to be provided by the Secretary of State setting
32 forth the facts of the person's occupation. The affidavit
33 shall also state the number of offenses committed while
34 operating a vehicle in connection with the driver's regular
35 occupation. The affidavit shall be accompanied by the
36 driver's license. Upon receipt of a properly completed

1 affidavit, the Secretary of State shall issue the driver a
2 permit to operate a vehicle in connection with the driver's
3 regular occupation only. Unless the permit is issued by the
4 Secretary of State prior to the date of suspension, the
5 privilege to drive any motor vehicle shall be suspended as
6 set forth in the notice that was mailed under this Section.
7 If an affidavit is received subsequent to the effective
8 date of this suspension, a permit may be issued for the
9 remainder of the suspension period.

10 The provisions of this subparagraph shall not apply to
11 any driver required to obtain a commercial driver's license
12 under Section 6-507 during the period of a disqualification
13 of commercial driving privileges under Section 6-514.

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section
16 6-302 and upon conviction thereof shall have all driving
17 privileges revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118
19 of this Code, the Secretary of State shall either rescind
20 or continue an order of revocation or shall substitute an
21 order of suspension; or, good cause appearing therefor,
22 rescind, continue, change, or extend the order of
23 suspension. If the Secretary of State does not rescind the
24 order, the Secretary may upon application, to relieve undue
25 hardship, issue a restricted driving permit granting the
26 privilege of driving a motor vehicle between the
27 petitioner's residence and petitioner's place of
28 employment or within the scope of his employment related
29 duties, or to allow transportation for the petitioner, or a
30 household member of the petitioner's family, to receive
31 necessary medical care and if the professional evaluation
32 indicates, provide transportation for alcohol remedial or
33 rehabilitative activity, or for the petitioner to attend
34 classes, as a student, in an accredited educational
35 institution; if the petitioner is able to demonstrate that
36 no alternative means of transportation is reasonably

1 available and the petitioner will not endanger the public
2 safety or welfare.

3 If a person's license or permit has been revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, arising out of
7 separate occurrences, that person, if issued a restricted
8 driving permit, may not operate a vehicle unless it has
9 been equipped with an ignition interlock device as defined
10 in Section 1-129.1.

11 If a person's license or permit has been revoked or
12 suspended 2 or more times within a 10 year period due to a
13 single conviction of violating Section 11-501 of this Code
14 or a similar provision of a local ordinance or a similar
15 out-of-state offense, and a statutory summary suspension
16 under Section 11-501.1, or 2 or more statutory summary
17 suspensions, or combination of 2 offenses, or of an offense
18 and a statutory summary suspension, arising out of separate
19 occurrences, that person, if issued a restricted driving
20 permit, may not operate a vehicle unless it has been
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1. The person must pay to the Secretary of
23 State DUI Administration Fund an amount not to exceed \$20
24 per month. The Secretary shall establish by rule the amount
25 and the procedures, terms, and conditions relating to these
26 fees. If the restricted driving permit was issued for
27 employment purposes, then this provision does not apply to
28 the operation of an occupational vehicle owned or leased by
29 that person's employer. In each case the Secretary may
30 issue a restricted driving permit for a period deemed
31 appropriate, except that all permits shall expire within
32 one year from the date of issuance. The Secretary may not,
33 however, issue a restricted driving permit to any person
34 whose current revocation is the result of a second or
35 subsequent conviction for a violation of Section 11-501 of
36 this Code or a similar provision of a local ordinance

1 relating to the offense of operating or being in physical
2 control of a motor vehicle while under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or any similar out-of-state offense, or any
5 combination of those offenses, until the expiration of at
6 least one year from the date of the revocation. A
7 restricted driving permit issued under this Section shall
8 be subject to cancellation, revocation, and suspension by
9 the Secretary of State in like manner and for like cause as
10 a driver's license issued under this Code may be cancelled,
11 revoked, or suspended; except that a conviction upon one or
12 more offenses against laws or ordinances regulating the
13 movement of traffic shall be deemed sufficient cause for
14 the revocation, suspension, or cancellation of a
15 restricted driving permit. The Secretary of State may, as a
16 condition to the issuance of a restricted driving permit,
17 require the applicant to participate in a designated driver
18 remedial or rehabilitative program. The Secretary of State
19 is authorized to cancel a restricted driving permit if the
20 permit holder does not successfully complete the program.

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 18 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be
27 retested under Section 6-109 of this Code.

28 (d) This Section is subject to the provisions of the
29 Drivers License Compact.

30 (e) The Secretary of State shall not issue a restricted
31 driving permit to a person under the age of 16 years whose
32 driving privileges have been suspended or revoked under any
33 provisions of this Code.

34 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
35 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
36 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

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

2 Sec. 6-208.1. Period of statutory summary alcohol, other
3 drug, or intoxicating compound related suspension.

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

9 1. Six months from the effective date of the statutory
10 summary suspension for a refusal or failure to complete a
11 test or tests to determine the alcohol, drug, or
12 intoxicating compound concentration, pursuant to Section
13 11-501.1; or

14 2. Three months from the effective date of the
15 statutory summary suspension imposed following the
16 person's submission to a chemical test which disclosed an
17 alcohol concentration of 0.06 ~~0.08~~ or more, or any amount
18 of a drug, substance, or intoxicating compound in such
19 person's breath, blood, or urine resulting from the
20 unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act,
24 pursuant to Section 11-501.1; or

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

30 4. One year from the effective date of the summary
31 suspension imposed for any person other than a first
32 offender following submission to a chemical test which
33 disclosed an alcohol concentration of 0.06 ~~0.08~~ or more
34 pursuant to Section 11-501.1 or any amount of a drug,
35 substance or compound in such person's blood or urine

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

6 (b) Following a statutory summary suspension of the
7 privilege to drive a motor vehicle under Section 11-501.1, full
8 driving privileges shall be restored unless the person is
9 otherwise disqualified by this Code. If the court has reason to
10 believe that the person's driving privilege should not be
11 restored, the court shall notify the Secretary of State prior
12 to the expiration of the statutory summary suspension so
13 appropriate action may be taken pursuant to this Code.

14 (c) Full driving privileges may not be restored until all
15 applicable reinstatement fees, as provided by this Code, have
16 been paid to the Secretary of State and the appropriate entry
17 made to the driver's record.

18 (d) Where a driving privilege has been summarily suspended
19 under Section 11-501.1 and the person is subsequently convicted
20 of violating Section 11-501, or a similar provision of a local
21 ordinance, for the same incident, any period served on
22 statutory summary suspension shall be credited toward the
23 minimum period of revocation of driving privileges imposed
24 pursuant to Section 6-205.

25 (e) Following a statutory summary suspension of driving
26 privileges pursuant to Section 11-501.1, for a first offender,
27 the circuit court may, after at least 30 days from the
28 effective date of the statutory summary suspension, issue a
29 judicial driving permit as provided in Section 6-206.1.

30 (f) Subsequent to an arrest of a first offender, for any
31 offense as defined in Section 11-501 or a similar provision of
32 a local ordinance, following a statutory summary suspension of
33 driving privileges pursuant to Section 11-501.1, for a first
34 offender, the circuit court may issue a court order directing
35 the Secretary of State to issue a judicial driving permit as
36 provided in Section 6-206.1. However, this JDP shall not be

1 effective prior to the 31st day of the statutory summary
2 suspension.

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

7 (h) (Blank).

8 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

9 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

11 (a) Any person driving a commercial motor vehicle who is
12 requested by a police officer, pursuant to Section 6-516, to
13 submit to a chemical test or tests to determine the alcohol
14 concentration or any amount of a drug, substance, or compound
15 resulting from the unlawful use or consumption of cannabis
16 listed in the Cannabis Control Act or a controlled substance
17 listed in the Illinois Controlled Substances Act in such
18 person's system, must be warned by the police officer
19 requesting the test or tests that a refusal to submit to the
20 test or tests will result in that person being immediately
21 placed out-of-service for a period of 24 hours and being
22 disqualified from operating a commercial motor vehicle for a
23 period of not less than 12 months; the person shall also be
24 warned that if such person submits to testing which discloses
25 an alcohol concentration of greater than 0.00 but less than
26 0.04 or any amount of a drug, substance, or compound in such
27 person's blood or urine resulting from the unlawful use or
28 consumption of cannabis listed in the Cannabis Control Act or a
29 controlled substance listed in the Illinois Controlled
30 Substances Act, such person shall be placed immediately
31 out-of-service for a period of 24 hours; if the person submits
32 to testing which discloses an alcohol concentration of 0.04 or
33 more or any amount of a drug, substance, or compound in such
34 person's blood or urine resulting from the unlawful use or
35 consumption of cannabis listed in the Cannabis Control Act or a

1 controlled substance listed in the Illinois Controlled
2 Substances Act, such person shall be placed immediately
3 out-of-service and disqualified from driving a commercial
4 motor vehicle for a period of at least 12 months; also the
5 person shall be warned that if such testing discloses an
6 alcohol concentration of 0.06 ~~0.08~~, or more or any amount of a
7 drug, substance, or compound in such person's blood or urine
8 resulting from the unlawful use or consumption of cannabis
9 listed in the Cannabis Control Act or a controlled substance
10 listed in the Illinois Controlled Substances Act, in addition
11 to the person being immediately placed out-of-service and
12 disqualified for 12 months as provided in this UCCLA, the
13 results of such testing shall also be admissible in
14 prosecutions for violations of Section 11-501 of this Code, or
15 similar violations of local ordinances, however, such results
16 shall not be used to impose any driving sanctions pursuant to
17 Section 11-501.1 of this Code.

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

25 (b) If the person refuses or fails to complete testing, or
26 submits to a test which discloses an alcohol concentration of
27 at least 0.04, or any amount of a drug, substance, or compound
28 in such person's blood or urine resulting from the unlawful use
29 or consumption of cannabis listed in the Cannabis Control Act
30 or a controlled substance listed in the Illinois Controlled
31 Substances Act, the law enforcement officer must submit a Sworn
32 Report to the Secretary of State, in a form prescribed by the
33 Secretary, certifying that the test or tests was requested
34 pursuant to paragraph (a); that the person was warned, as
35 provided in paragraph (a) and that such person refused to
36 submit to or failed to complete testing, or submitted to a test

1 which disclosed an alcohol concentration of 0.04 or more, or
2 any amount of a drug, substance, or compound in such person's
3 blood or urine resulting from the unlawful use or consumption
4 of cannabis listed in the Cannabis Control Act or a controlled
5 substance listed in the Illinois Controlled Substances Act.

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

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

26 (e) Upon receipt of the Sworn Report from the police
27 officer, the Secretary of State shall disqualify the person
28 from driving any commercial motor vehicle and shall confirm the
29 CDL disqualification by mailing the notice of the effective
30 date to the person. However, should the Sworn Report be
31 defective by not containing sufficient information or be
32 completed in error, the confirmation of the CDL
33 disqualification shall not be mailed to the affected person or
34 entered into the record, instead the Sworn Report shall be
35 forwarded to the issuing agency identifying any such defect.

36 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

1 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)

2 Sec. 6-520. CDL disqualification or out-of-service order;
3 hearing.

4 (a) A disqualification of commercial driving privileges by
5 the Secretary of State, pursuant to this UCDLA, shall not
6 become effective until the person is notified in writing, by
7 the Secretary, of the impending disqualification and advised
8 that a CDL hearing may be requested.

9 (b) Upon receipt of the notice of a CDL disqualification
10 not based upon a conviction, an out-of-service order, or
11 notification that a CDL disqualification is forthcoming, the
12 person may make a written petition in a form, approved by the
13 Secretary of State, for a CDL hearing. Such petition must state
14 the grounds upon which the person seeks to have the CDL
15 disqualification rescinded or the out-of-service order removed
16 from the person's driving record. Within 10 days after the
17 receipt of such petition, it shall be reviewed by the Director
18 of the Department of Administrative Hearings, Office of the
19 Secretary of State, or by an appointed designee. If it is
20 determined that the petition on its face does not state grounds
21 upon which the relief may be based, the petition for a CDL
22 hearing shall be denied and the disqualification shall become
23 effective as if no petition had been filed and the
24 out-of-service order shall be sustained. If such petition is so
25 denied, the person may submit another petition.

26 (c) The scope of a CDL hearing, for any disqualification
27 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
28 Section 6-514 shall be limited to the following issues:

29 1. Whether the person was operating a commercial motor
30 vehicle;

31 2. Whether, after making the initial stop, the police
32 officer had probable cause to issue a Sworn Report;

33 3. Whether the person was verbally warned of the
34 ensuing consequences prior to submitting to any type of
35 chemical test or tests to determine such person's blood

1 concentration of alcohol, other drug, or both;

2 4. Whether the person did refuse to submit to or failed
3 to complete the chemical testing or did submit to such test
4 or tests and such test or tests disclosed an alcohol
5 concentration of at least 0.04 or any amount of a drug,
6 substance, or compound resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act
8 or a controlled substance listed in the Illinois Controlled
9 Substances Act in the person's system;

10 5. Whether the person was warned that if the test or
11 tests disclosed an alcohol concentration of 0.06 ~~0.08~~ or
12 more or any amount of a drug, substance, or compound
13 resulting from the unlawful use or consumption of cannabis
14 listed in the Cannabis Control Act or a controlled
15 substance listed in the Illinois Controlled Substances
16 Act, such results could be admissible in a subsequent
17 prosecution under Section 11-501 of this Code or similar
18 provision of local ordinances; and

19 6. Whether such results could not be used to impose any
20 driver's license sanctions pursuant to Section 11-501.1.

21 Upon the conclusion of the above CDL hearing, the CDL
22 disqualification imposed shall either be sustained or
23 rescinded.

24 (d) The scope of a CDL hearing for any out-of-service
25 sanction, imposed pursuant to Section 6-515, shall be limited
26 to the following issues:

27 1. Whether the person was driving a commercial motor
28 vehicle;

29 2. Whether, while driving such commercial motor
30 vehicle, the person had alcohol or any amount of a drug,
31 substance, or compound resulting from the unlawful use or
32 consumption of cannabis listed in the Cannabis Control Act
33 or a controlled substance listed in the Illinois Controlled
34 Substances Act in such person's system;

35 3. Whether the person was verbally warned of the
36 ensuing consequences prior to being asked to submit to any

1 type of chemical test or tests to determine such person's
2 alcohol, other drug, or both, concentration; and

3 4. Whether, after being so warned, the person did
4 refuse to submit to or failed to complete such chemical
5 test or tests or did submit to such test or tests and such
6 test or tests disclosed an alcohol concentration greater
7 than 0.00 or any amount of a drug, substance, or compound
8 resulting from the unlawful use or consumption of cannabis
9 listed in the Cannabis Control Act or a controlled
10 substance listed in the Illinois Controlled Substances
11 Act.

12 Upon the conclusion of the above CDL hearing, the
13 out-of-service sanction shall either be sustained or removed
14 from the person's driving record.

15 (e) If any person petitions for a hearing relating to any
16 CDL disqualification based upon a conviction, as defined in
17 this UCDLA, said hearing shall not be conducted as a CDL
18 hearing, but shall be conducted as any other driver's license
19 hearing, whether formal or informal, as promulgated in the
20 rules and regulations of the Secretary.

21 (f) Any evidence of alcohol or other drug consumption, for
22 the purposes of this UCDLA, shall be sufficient probable cause
23 for requesting the driver to submit to a chemical test or tests
24 to determine the presence of alcohol, other drug, or both in
25 the person's system and the subsequent issuance of an
26 out-of-service order or a Sworn Report by a police officer.

27 (g) For the purposes of this UCDLA, a CDL "hearing" shall
28 mean a hearing before the Office of the Secretary of State in
29 accordance with Section 2-118 of this Code, for the purpose of
30 resolving differences or disputes specifically related to the
31 scope of the issues identified in this Section. These
32 proceedings will be a matter of record and a final appealable
33 order issued. The petition for a CDL hearing shall not stay or
34 delay the effective date of the impending disqualification.

35 (h) The CDL hearing may be conducted upon a review of the
36 police officer's own official reports; provided however, that

1 the petitioner may subpoena the officer. Failure of the officer
2 to answer the subpoena shall be grounds for a continuance.

3 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

4 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

5 Sec. 11-500. Definitions. For the purposes of interpreting
6 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
7 shall mean any person who has not had a previous conviction or
8 court assigned supervision for violating Section 11-501, or a
9 similar provision of a local ordinance, or a conviction in any
10 other state for a violation of driving while under the
11 influence or a similar offense where the cause of action is the
12 same or substantially similar to this Code or any person who
13 has not had a driver's license suspension for violating Section
14 11-501.1 within 5 years prior to the date of the current
15 offense, except in cases where the driver submitted to chemical
16 testing resulting in an alcohol concentration of 0.06 ~~0.08~~ or
17 more, or any amount of a drug, substance, or compound in such
18 person's blood or urine resulting from the unlawful use or
19 consumption of cannabis listed in the Cannabis Control Act, a
20 controlled substance listed in the Illinois Controlled
21 Substances Act, or an intoxicating compound listed in the Use
22 of Intoxicating Compounds Act and was subsequently found not
23 guilty of violating Section 11-501, or a similar provision of a
24 local ordinance.

25 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

26 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

27 Sec. 11-501. Driving while under the influence of alcohol,
28 other drug or drugs, intoxicating compound or compounds or any
29 combination thereof.

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

32 (1) the alcohol concentration in the person's blood or
33 breath is 0.06 ~~0.08~~ or more based on the definition of
34 blood and breath units in Section 11-501.2;

1 (2) under the influence of alcohol;

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

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

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

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

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

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

15 (c-1) (1) A person who violates this Section during a
16 period in which his or her driving privileges are revoked
17 or suspended, where the revocation or suspension was for a
18 violation of this Section, Section 11-501.1, paragraph (b)
19 of Section 11-401, or Section 9-3 of the Criminal Code of
20 1961 is guilty of a Class 4 felony.

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

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

33 (c-2) (Blank).

34 (c-3) Every person convicted of violating this Section or a
35 similar provision of a local ordinance who had a child under
36 age 16 in the vehicle at the time of the offense shall have his

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

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

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

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

28 (3) A person who is convicted of violating subsection
29 (a) of Section 11-501 of this Code a third time within 20
30 years is guilty of a Class 4 felony and, in addition to any
31 other penalty that may be imposed under subsection (c), is
32 subject to a mandatory minimum of 90 days of imprisonment
33 and a minimum fine of \$2,500.

34 (4) A person who is convicted of violating this
35 subsection (c-4) a fourth or subsequent time is guilty of a
36 Class 2 felony and, in addition to any other penalty that

1 may be imposed under subsection (c), is not eligible for a
2 sentence of probation or conditional discharge and is
3 subject to a minimum fine of \$2,500.

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

9 (A) the person committed a violation of this
10 Section, or a similar provision of a law of another
11 state or a local ordinance when the cause of action is
12 the same as or substantially similar to this Section,
13 for the third or subsequent time;

14 (B) the person committed a violation of paragraph
15 (a) while driving a school bus with children on board;

16 (C) the person in committing a violation of
17 paragraph (a) was involved in a motor vehicle accident
18 that resulted in great bodily harm or permanent
19 disability or disfigurement to another, when the
20 violation was a proximate cause of the injuries;

21 (D) the person committed a violation of paragraph
22 (a) for a second time and has been previously convicted
23 of violating Section 9-3 of the Criminal Code of 1961
24 relating to reckless homicide in which the person was
25 determined to have been under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or
27 compounds as an element of the offense or the person
28 has previously been convicted under subparagraph (C)
29 or subparagraph (F) of this paragraph (1);

30 (E) the person, in committing a violation of
31 paragraph (a) while driving at any speed in a school
32 speed zone at a time when a speed limit of 20 miles per
33 hour was in effect under subsection (a) of Section
34 11-605 of this Code, was involved in a motor vehicle
35 accident that resulted in bodily harm, other than great
36 bodily harm or permanent disability or disfigurement,

1 to another person, when the violation of paragraph (a)
2 was a proximate cause of the bodily harm; or

3 (F) the person, in committing a violation of
4 paragraph (a), was involved in a motor vehicle,
5 snowmobile, all-terrain vehicle, or watercraft
6 accident that resulted in the death of another person,
7 when the violation of paragraph (a) was a proximate
8 cause of the death.

9 (2) Except as provided in this paragraph (2),
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof is a Class 4 felony. For a
13 violation of subparagraph (C) of paragraph (1) of this
14 subsection (d), the defendant, if sentenced to a term of
15 imprisonment, shall be sentenced to not less than one year
16 nor more than 12 years. Aggravated driving under the
17 influence of alcohol, other drug or drugs, or intoxicating
18 compound or compounds, or any combination thereof as
19 defined in subparagraph (F) of paragraph (1) of this
20 subsection (d) is a Class 2 felony, for which the
21 defendant, if sentenced to a term of imprisonment, shall be
22 sentenced to: (A) a term of imprisonment of not less than 3
23 years and not more than 14 years if the violation resulted
24 in the death of one person; or (B) a term of imprisonment
25 of not less than 6 years and not more than 28 years if the
26 violation resulted in the deaths of 2 or more persons. For
27 any prosecution under this subsection (d), a certified copy
28 of the driving abstract of the defendant shall be admitted
29 as proof of any prior conviction.

30 (e) After a finding of guilt and prior to any final
31 sentencing, or an order for supervision, for an offense based
32 upon an arrest for a violation of this Section or a similar
33 provision of a local ordinance, individuals shall be required
34 to undergo a professional evaluation to determine if an
35 alcohol, drug, or intoxicating compound abuse problem exists
36 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

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

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

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

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

34 (i) The Secretary of State shall require the use of
35 ignition interlock devices on all vehicles owned by an
36 individual who has been convicted of a second or subsequent

1 offense of this Section or a similar provision of a local
2 ordinance. The Secretary shall establish by rule and regulation
3 the procedures for certification and use of the interlock
4 system.

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

25 (k) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury. All moneys received by the
27 Secretary of State Police under subsection (j) of this Section
28 shall be deposited into the Secretary of State Police DUI Fund
29 and, subject to appropriation, shall be used to purchase law
30 enforcement equipment to assist in the prevention of alcohol
31 related criminal violence throughout the State.

32 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
33 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
34 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
35 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

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

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

5 (a) Any person who drives or is in actual physical control
6 of a motor vehicle upon the public highways of this State shall
7 be deemed to have given consent, subject to the provisions of
8 Section 11-501.2, to a chemical test or tests of blood, breath,
9 or urine for the purpose of determining the content of alcohol,
10 other drug or drugs, or intoxicating compound or compounds or
11 any combination thereof in the person's blood if arrested, as
12 evidenced by the issuance of a Uniform Traffic Ticket, for any
13 offense as defined in Section 11-501 or a similar provision of
14 a local ordinance. The test or tests shall be administered at
15 the direction of the arresting officer. The law enforcement
16 agency employing the officer shall designate which of the
17 aforesaid tests shall be administered. A urine test may be
18 administered even after a blood or breath test or both has been
19 administered. For purposes of this Section, an Illinois law
20 enforcement officer of this State who is investigating the
21 person for any offense defined in Section 11-501 may travel
22 into an adjoining state, where the person has been transported
23 for medical care, to complete an investigation and to request
24 that the person submit to the test or tests set forth in this
25 Section. The requirements of this Section that the person be
26 arrested are inapplicable, but the officer shall issue the
27 person a Uniform Traffic Ticket for an offense as defined in
28 Section 11-501 or a similar provision of a local ordinance
29 prior to requesting that the person submit to the test or
30 tests. The issuance of the Uniform Traffic Ticket shall not
31 constitute an arrest, but shall be for the purpose of notifying
32 the person that he or she is subject to the provisions of this
33 Section and of the officer's belief of the existence of
34 probable cause to arrest. Upon returning to this State, the
35 officer shall file the Uniform Traffic Ticket with the Circuit
36 Clerk of the county where the offense was committed, and shall

1 seek the issuance of an arrest warrant or a summons for the
2 person.

3 (b) Any person who is dead, unconscious, or who is
4 otherwise in a condition rendering the person incapable of
5 refusal, shall be deemed not to have withdrawn the consent
6 provided by paragraph (a) of this Section and the test or tests
7 may be administered, subject to the provisions of Section
8 11-501.2.

9 (c) A person requested to submit to a test as provided
10 above shall be warned by the law enforcement officer requesting
11 the test that a refusal to submit to the test will result in
12 the statutory summary suspension of the person's privilege to
13 operate a motor vehicle as provided in Section 6-208.1 of this
14 Code. The person shall also be warned by the law enforcement
15 officer that if the person submits to the test or tests
16 provided in paragraph (a) of this Section and the alcohol
17 concentration in the person's blood or breath is 0.06 ~~0.08~~ or
18 greater, or any amount of a drug, substance, or compound
19 resulting from the unlawful use or consumption of cannabis as
20 covered by the Cannabis Control Act, a controlled substance
21 listed in the Illinois Controlled Substances Act, or an
22 intoxicating compound listed in the Use of Intoxicating
23 Compounds Act is detected in the person's blood or urine, a
24 statutory summary suspension of the person's privilege to
25 operate a motor vehicle, as provided in Sections 6-208.1 and
26 11-501.1 of this Code, will be imposed.

27 A person who is under the age of 21 at the time the person
28 is requested to submit to a test as provided above shall, in
29 addition to the warnings provided for in this Section, be
30 further warned by the law enforcement officer requesting the
31 test that if the person submits to the test or tests provided
32 in paragraph (a) of this Section and the alcohol concentration
33 in the person's blood or breath is greater than 0.00 and less
34 than 0.06 ~~0.08~~, a suspension of the person's privilege to
35 operate a motor vehicle, as provided under Sections 6-208.2 and
36 11-501.8 of this Code, will be imposed. The results of this

1 test shall be admissible in a civil or criminal action or
2 proceeding arising from an arrest for an offense as defined in
3 Section 11-501 of this Code or a similar provision of a local
4 ordinance or pursuant to Section 11-501.4 in prosecutions for
5 reckless homicide brought under the Criminal Code of 1961.
6 These test results, however, shall be admissible only in
7 actions or proceedings directly related to the incident upon
8 which the test request was made.

9 (d) If the person refuses testing or submits to a test that
10 discloses an alcohol concentration of 0.06 ~~0.08~~ or more, or any
11 amount of a drug, substance, or intoxicating compound in the
12 person's breath, blood, or urine resulting from the unlawful
13 use or consumption of cannabis listed in the Cannabis Control
14 Act, a controlled substance listed in the Illinois Controlled
15 Substances Act, or an intoxicating compound listed in the Use
16 of Intoxicating Compounds Act, the law enforcement officer
17 shall immediately submit a sworn report to the circuit court of
18 venue and the Secretary of State, certifying that the test or
19 tests was or were requested under paragraph (a) and the person
20 refused to submit to a test, or tests, or submitted to testing
21 that disclosed an alcohol concentration of 0.06 ~~0.08~~ or more.

22 (e) Upon receipt of the sworn report of a law enforcement
23 officer submitted under paragraph (d), the Secretary of State
24 shall enter the statutory summary suspension for the periods
25 specified in Section 6-208.1, and effective as provided in
26 paragraph (g).

27 If the person is a first offender as defined in Section
28 11-500 of this Code, and is not convicted of a violation of
29 Section 11-501 of this Code or a similar provision of a local
30 ordinance, then reports received by the Secretary of State
31 under this Section shall, except during the actual time the
32 Statutory Summary Suspension is in effect, be privileged
33 information and for use only by the courts, police officers,
34 prosecuting authorities or the Secretary of State.

35 (f) The law enforcement officer submitting the sworn report
36 under paragraph (d) shall serve immediate notice of the

1 statutory summary suspension on the person and the suspension
2 shall be effective as provided in paragraph (g). In cases where
3 the blood alcohol concentration of 0.06 ~~0.08~~ or greater or any
4 amount of a drug, substance, or compound resulting from the
5 unlawful use or consumption of cannabis as covered by the
6 Cannabis Control Act, a controlled substance listed in the
7 Illinois Controlled Substances Act, or an intoxicating
8 compound listed in the Use of Intoxicating Compounds Act is
9 established by a subsequent analysis of blood or urine
10 collected at the time of arrest, the arresting officer or
11 arresting agency shall give notice as provided in this Section
12 or by deposit in the United States mail of the notice in an
13 envelope with postage prepaid and addressed to the person at
14 his address as shown on the Uniform Traffic Ticket and the
15 statutory summary suspension shall begin as provided in
16 paragraph (g). The officer shall confiscate any Illinois
17 driver's license or permit on the person at the time of arrest.
18 If the person has a valid driver's license or permit, the
19 officer shall issue the person a receipt, in a form prescribed
20 by the Secretary of State, that will allow that person to drive
21 during the periods provided for in paragraph (g). The officer
22 shall immediately forward the driver's license or permit to the
23 circuit court of venue along with the sworn report provided for
24 in paragraph (d).

25 (g) The statutory summary suspension referred to in this
26 Section shall take effect on the 46th day following the date
27 the notice of the statutory summary suspension was given to the
28 person.

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

32 Upon receipt of the sworn report from the law enforcement
33 officer, the Secretary of State shall confirm the statutory
34 summary suspension by mailing a notice of the effective date of
35 the suspension to the person and the court of venue. However,
36 should the sworn report be defective by not containing

1 sufficient information or be completed in error, the
2 confirmation of the statutory summary suspension shall not be
3 mailed to the person or entered to the record; instead, the
4 sworn report shall be forwarded to the court of venue with a
5 copy returned to the issuing agency identifying any defect.

6 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,
7 eff. 7-29-99.)

8 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

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

20 1. Chemical analyses of the person's blood, urine,
21 breath or other bodily substance to be considered valid
22 under the provisions of this Section shall have been
23 performed according to standards promulgated by the
24 Department of State Police by a licensed physician,
25 registered nurse, trained phlebotomist acting under the
26 direction of a licensed physician, certified paramedic, or
27 other individual possessing a valid permit issued by that
28 Department for this purpose. The Director of State Police
29 is authorized to approve satisfactory techniques or
30 methods, to ascertain the qualifications and competence of
31 individuals to conduct such analyses, to issue permits
32 which shall be subject to termination or revocation at the
33 discretion of that Department and to certify the accuracy
34 of breath testing equipment. The Department of State Police
35 shall prescribe regulations as necessary to implement this

1 Section.

2 2. When a person in this State shall submit to a blood
3 test at the request of a law enforcement officer under the
4 provisions of Section 11-501.1, only a physician
5 authorized to practice medicine, a registered nurse,
6 trained phlebotomist, or certified paramedic, or other
7 qualified person approved by the Department of State Police
8 may withdraw blood for the purpose of determining the
9 alcohol, drug, or alcohol and drug content therein. This
10 limitation shall not apply to the taking of breath or urine
11 specimens.

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

23 3. The person tested may have a physician, or a
24 qualified technician, chemist, registered nurse, or other
25 qualified person of their own choosing administer a
26 chemical test or tests in addition to any administered at
27 the direction of a law enforcement officer. The failure or
28 inability to obtain an additional test by a person shall
29 not preclude the admission of evidence relating to the test
30 or tests taken at the direction of a law enforcement
31 officer.

32 4. Upon the request of the person who shall submit to a
33 chemical test or tests at the request of a law enforcement
34 officer, full information concerning the test or tests
35 shall be made available to the person or such person's
36 attorney.

1 5. Alcohol concentration shall mean either grams of
2 alcohol per 100 milliliters of blood or grams of alcohol
3 per 210 liters of breath.

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

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

15 2. If there was at that time an alcohol concentration
16 in excess of 0.05 but less than 0.06 ~~0.08~~, such facts shall
17 not give rise to any presumption that the person was or was
18 not under the influence of alcohol, but such fact may be
19 considered with other competent evidence in determining
20 whether the person was under the influence of alcohol.

21 3. If there was at that time an alcohol concentration
22 of 0.06 ~~0.08~~ or more, it shall be presumed that the person
23 was under the influence of alcohol.

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

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

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

14 This provision does not affect the applicability of or
15 imposition of driver's license sanctions under Section
16 11-501.1 of this Code.

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

25 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-828,
26 eff. 1-1-01.)

27 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

28 Sec. 11-501.6. Driver involvement in personal injury or
29 fatal motor vehicle accident - chemical test.

30 (a) Any person who drives or is in actual control of a
31 motor vehicle upon the public highways of this State and who
32 has been involved in a personal injury or fatal motor vehicle
33 accident, shall be deemed to have given consent to a breath
34 test using a portable device as approved by the Department of
35 State Police or to a chemical test or tests of blood, breath,

1 or urine for the purpose of determining the content of alcohol,
2 other drug or drugs, or intoxicating compound or compounds of
3 such person's blood if arrested as evidenced by the issuance of
4 a Uniform Traffic Ticket for any violation of the Illinois
5 Vehicle Code or a similar provision of a local ordinance, with
6 the exception of equipment violations contained in Chapter 12
7 of this Code, or similar provisions of local ordinances. The
8 test or tests shall be administered at the direction of the
9 arresting officer. The law enforcement agency employing the
10 officer shall designate which of the aforesaid tests shall be
11 administered. A urine test may be administered even after a
12 blood or breath test or both has been administered. Compliance
13 with this Section does not relieve such person from the
14 requirements of Section 11-501.1 of this Code.

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

29 (c) A person requested to submit to a test as provided
30 above shall be warned by the law enforcement officer requesting
31 the test that a refusal to submit to the test, or submission to
32 the test resulting in an alcohol concentration of 0.06 ~~0.08~~ or
33 more, or any amount of a drug, substance, or intoxicating
34 compound resulting from the unlawful use or consumption of
35 cannabis, as covered by the Cannabis Control Act, a controlled
36 substance listed in the Illinois Controlled Substances Act, or

1 an intoxicating compound listed in the Use of Intoxicating
2 Compounds Act as detected in such person's blood or urine, may
3 result in the suspension of such person's privilege to operate
4 a motor vehicle. The length of the suspension shall be the same
5 as outlined in Section 6-208.1 of this Code regarding statutory
6 summary suspensions.

7 (d) If the person refuses testing or submits to a test
8 which discloses an alcohol concentration of 0.06 ~~0.08~~ or more,
9 or any amount of a drug, substance, or intoxicating 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, the law enforcement officer
15 shall immediately submit a sworn report to the Secretary of
16 State on a form prescribed by the Secretary, certifying that
17 the test or tests were requested pursuant to subsection (a) and
18 the person refused to submit to a test or tests or submitted to
19 testing which disclosed an alcohol concentration of 0.06 ~~0.08~~
20 or more, or any amount of a drug, substance, or intoxicating
21 compound in such person's blood or urine, resulting from the
22 unlawful use or consumption of cannabis listed in the Cannabis
23 Control Act, a controlled substance listed in the Illinois
24 Controlled Substances Act, or an intoxicating compound listed
25 in the Use of Intoxicating Compounds Act.

26 Upon receipt of the sworn report of a law enforcement
27 officer, the Secretary shall enter the suspension to the
28 individual's driving record and the suspension shall be
29 effective on the 46th day following the date notice of the
30 suspension was given to the person.

31 The law enforcement officer submitting the sworn report
32 shall serve immediate notice of this suspension on the person
33 and such suspension shall be effective on the 46th day
34 following the date notice was given.

35 In cases where the blood alcohol concentration of 0.06 ~~0.08~~
36 or more, or any amount of a drug, substance, or intoxicating

1 compound resulting from the unlawful use or consumption of
2 cannabis as listed in the Cannabis Control Act, a controlled
3 substance listed in the Illinois Controlled Substances Act, or
4 an intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, is established by a subsequent analysis of blood
6 or urine collected at the time of arrest, the arresting officer
7 shall give notice as provided in this Section or by deposit in
8 the United States mail of such notice in an envelope with
9 postage prepaid and addressed to such person at his address as
10 shown on the Uniform Traffic Ticket and the suspension shall be
11 effective on the 46th day following the date notice was given.

12 Upon receipt of the sworn report of a law enforcement
13 officer, the Secretary shall also give notice of the suspension
14 to the driver by mailing a notice of the effective date of the
15 suspension to the individual. However, should the sworn report
16 be defective by not containing sufficient information or be
17 completed in error, the notice of the suspension shall not be
18 mailed to the person or entered to the driving record, but
19 rather the sworn report shall be returned to the issuing law
20 enforcement agency.

21 (e) A driver may contest this suspension of his driving
22 privileges by requesting an administrative hearing with the
23 Secretary in accordance with Section 2-118 of this Code. At the
24 conclusion of a hearing held under Section 2-118 of this Code,
25 the Secretary may rescind, continue, or modify the order of
26 suspension. If the Secretary does not rescind the order, a
27 restricted driving permit may be granted by the Secretary upon
28 application being made and good cause shown. A restricted
29 driving permit may be granted to relieve undue hardship to
30 allow driving for employment, educational, and medical
31 purposes as outlined in Section 6-206 of this Code. The
32 provisions of Section 6-206 of this Code shall apply.

33 (f) (Blank).

34 (g) For the purposes of this Section, a personal injury
35 shall include any type A injury as indicated on the traffic
36 accident report completed by a law enforcement officer that

1 requires immediate professional attention in either a doctor's
2 office or a medical facility. A type A injury shall include
3 severely bleeding wounds, distorted extremities, and injuries
4 that require the injured party to be carried from the scene.

5 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,
6 eff. 7-29-99; 91-828, eff. 1-1-01.)

7 (625 ILCS 5/11-501.8)

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

10 (a) A person who is less than 21 years of age and who
11 drives or is in actual physical control of a motor vehicle upon
12 the public highways of this State shall be deemed to have given
13 consent to a chemical test or tests of blood, breath, or urine
14 for the purpose of determining the alcohol content of the
15 person's blood if arrested, as evidenced by the issuance of a
16 Uniform Traffic Ticket for any violation of the Illinois
17 Vehicle Code or a similar provision of a local ordinance, if a
18 police officer has probable cause to believe that the driver
19 has consumed any amount of an alcoholic beverage based upon
20 evidence of the driver's physical condition or other first hand
21 knowledge of the police officer. The test or tests shall be
22 administered at the direction of the arresting officer. The law
23 enforcement agency employing the officer shall designate which
24 of the aforesaid tests shall be administered. A urine test may
25 be administered even after a blood or breath test or both has
26 been administered.

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

32 (i) Chemical analysis of the person's blood, urine,
33 breath, or other bodily substance, to be considered valid
34 under the provisions of this Section, shall have been
35 performed according to standards promulgated by the

1 Department of State Police by an individual possessing a
2 valid permit issued by that Department for this purpose.
3 The Director of State Police is authorized to approve
4 satisfactory techniques or methods, to ascertain the
5 qualifications and competence of individuals to conduct
6 analyses, to issue permits that shall be subject to
7 termination or revocation at the direction of that
8 Department, and to certify the accuracy of breath testing
9 equipment. The Department of State Police shall prescribe
10 regulations as necessary.

11 (ii) When a person submits to a blood test at the
12 request of a law enforcement officer under the provisions
13 of this Section, only a physician authorized to practice
14 medicine, a registered nurse, or other qualified person
15 trained in venipuncture and acting under the direction of a
16 licensed physician may withdraw blood for the purpose of
17 determining the alcohol content therein. This limitation
18 does not apply to the taking of breath or urine specimens.

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

27 (iv) Upon a request of the person who submits to a
28 chemical test or tests at the request of a law enforcement
29 officer, full information concerning the test or tests
30 shall be made available to the person or that person's
31 attorney.

32 (v) Alcohol concentration means either grams of
33 alcohol per 100 milliliters of blood or grams of alcohol
34 per 210 liters of breath.

35 (vi) If a driver is receiving medical treatment as a
36 result of a motor vehicle accident, a physician licensed to

1 practice medicine, registered nurse, or other qualified
2 person trained in venipuncture and acting under the
3 direction of a licensed physician shall withdraw blood for
4 testing purposes to ascertain the presence of alcohol upon
5 the specific request of a law enforcement officer. However,
6 that testing shall not be performed until, in the opinion
7 of the medical personnel on scene, the withdrawal can be
8 made without interfering with or endangering the
9 well-being of the patient.

10 (c) A person requested to submit to a test as provided
11 above shall be warned by the law enforcement officer requesting
12 the test that a refusal to submit to the test, or submission to
13 the test resulting in an alcohol concentration of more than
14 0.00, may result in the loss of that person's privilege to
15 operate a motor vehicle. The loss of driving privileges shall
16 be imposed in accordance with Section 6-208.2 of this Code.

17 (d) If the person refuses testing or submits to a test that
18 discloses an alcohol concentration of more than 0.00, the law
19 enforcement officer shall immediately submit a sworn report to
20 the Secretary of State on a form prescribed by the Secretary of
21 State, certifying that the test or tests were requested under
22 subsection (a) and the person refused to submit to a test or
23 tests or submitted to testing which disclosed an alcohol
24 concentration of more than 0.00. The law enforcement officer
25 shall submit the same sworn report when a person under the age
26 of 21 submits to testing under Section 11-501.1 of this Code
27 and the testing discloses an alcohol concentration of more than
28 0.00 and less than 0.06 ~~0.08~~.

29 Upon receipt of the sworn report of a law enforcement
30 officer, the Secretary of State shall enter the driver's
31 license sanction on the individual's driving record and the
32 sanctions shall be effective on the 46th day following the date
33 notice of the sanction was given to the person. If this
34 sanction is the individual's first driver's license suspension
35 under this Section, reports received by the Secretary of State
36 under this Section shall, except during the time the suspension

1 is in effect, be privileged information and for use only by the
2 courts, police officers, prosecuting authorities, the
3 Secretary of State, or the individual personally.

4 The law enforcement officer submitting the sworn report
5 shall serve immediate notice of this driver's license sanction
6 on the person and the sanction shall be effective on the 46th
7 day following the date notice was given.

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

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

25 (e) A driver may contest this driver's license sanction by
26 requesting an administrative hearing with the Secretary of
27 State in accordance with Section 2-118 of this Code. An
28 individual whose blood alcohol concentration is shown to be
29 more than 0.00 is not subject to this Section if he or she
30 consumed alcohol in the performance of a religious service or
31 ceremony. An individual whose blood alcohol concentration is
32 shown to be more than 0.00 shall not be subject to this Section
33 if the individual's blood alcohol concentration resulted only
34 from ingestion of the prescribed or recommended dosage of
35 medicine that contained alcohol. The petition for that hearing
36 shall not stay or delay the effective date of the impending

1 suspension. The scope of this hearing shall be limited to the
2 issues of:

3 (1) whether the police officer had probable cause to
4 believe that the person was driving or in actual physical
5 control of a motor vehicle upon the public highways of the
6 State and the police officer had reason to believe that the
7 person was in violation of any provision of the Illinois
8 Vehicle Code or a similar provision of a local ordinance;
9 and

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

13 (3) whether the police officer had probable cause to
14 believe that the driver had consumed any amount of an
15 alcoholic beverage based upon the driver's physical
16 actions or other first-hand knowledge of the police
17 officer; and

18 (4) whether the person, after being advised by the
19 officer that the privilege to operate a motor vehicle would
20 be suspended if the person refused to submit to and
21 complete the test or tests, did refuse to submit to or
22 complete the test or tests to determine the person's
23 alcohol concentration; and

24 (5) whether the person, after being advised by the
25 officer that the privileges to operate a motor vehicle
26 would be suspended if the person submits to a chemical test
27 or tests and the test or tests disclose an alcohol
28 concentration of more than 0.00, did submit to and complete
29 the test or tests that determined an alcohol concentration
30 of more than 0.00; and

31 (6) whether the test result of an alcohol concentration
32 of more than 0.00 was based upon the person's consumption
33 of alcohol in the performance of a religious service or
34 ceremony; and

35 (7) whether the test result of an alcohol concentration
36 of more than 0.00 was based upon the person's consumption

1 of alcohol through ingestion of the prescribed or
2 recommended dosage of medicine.

3 Provided that the petitioner may subpoena the officer, the
4 hearing may be conducted upon a review of the law enforcement
5 officer's own official reports. Failure of the officer to
6 answer the subpoena shall be grounds for a continuance if, in
7 the hearing officer's discretion, the continuance is
8 appropriate. At the conclusion of the hearing held under
9 Section 2-118 of this Code, the Secretary of State may rescind,
10 continue, or modify the driver's license sanction. If the
11 Secretary of State does not rescind the sanction, a restricted
12 driving permit may be granted by the Secretary of State upon
13 application being made and good cause shown. A restricted
14 driving permit may be granted to relieve undue hardship by
15 allowing driving for employment, educational, and medical
16 purposes as outlined in item (3) of part (c) of Section 6-206
17 of this Code. The provisions of item (3) of part (c) of Section
18 6-206 of this Code shall apply. The Secretary of State shall
19 promulgate rules providing for participation in an alcohol
20 education and awareness program or activity, a drug education
21 and awareness program or activity, or both as a condition to
22 the issuance of a restricted driving permit for suspensions
23 imposed under this Section.

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

35 (g) This Section applies only to drivers who are under age
36 21 at the time of the issuance of a Uniform Traffic Ticket for

1 a violation of the Illinois Vehicle Code or a similar provision
2 of a local ordinance, and a chemical test request is made under
3 this Section.

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

12 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99; 91-828,
13 eff. 1-1-01.)

14 Section 10. The Snowmobile Registration and Safety Act is
15 amended by changing Section 5-7.1 as follows:

16 (625 ILCS 40/5-7.1)

17 Sec. 5-7.1. Implied consent.

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

29 (a-1) For the purposes of this Section, an Illinois law
30 enforcement officer of this State who is investigating the
31 person for any offense defined in Section 5-7 may travel into
32 an adjoining state, where the person has been transported for
33 medical care to complete an investigation and to request that
34 the person submit to the test or tests set forth in this

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

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

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

34 (c) A person requested to submit to a test as provided in
35 this Section shall be verbally advised by the law enforcement
36 officer requesting the test that a refusal to submit to the

1 test will result in suspension of that person's privilege to
2 operate a snowmobile for a minimum of 2 years.

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

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

34 If the person desires a hearing, the person shall file a
35 complaint in the circuit court in the county where that person
36 was arrested within 28 days from the date of the notice. The

1 hearing shall proceed in the court in the same manner as other
2 civil proceedings. The hearing shall cover only the following
3 issues: (1) whether the person was placed under arrest for an
4 offense as defined in Section 5-7 or a similar provision of a
5 local ordinance as evidenced by the issuance of a uniform
6 citation; (2) whether the arresting officer had reasonable
7 grounds to believe that the person was operating a snowmobile
8 while under the influence of alcohol, other drug or drugs, an
9 intoxicating compound or compounds, or a combination of them;
10 and (3) whether that person refused to submit to and complete
11 the chemical test or tests upon the request of the law
12 enforcement officer. Whether the person was informed that the
13 person's privilege to operate a snowmobile would be suspended
14 if that person refused to submit to the chemical test or tests
15 may not be an issue in the hearing.

16 If the person fails to request a hearing in writing within
17 28 days of the date of the notice, or if a hearing is held and
18 the court finds against the person on the issues before the
19 court, the clerk shall immediately notify the Department of
20 Natural Resources, and the Department shall suspend the
21 snowmobile operation privileges of that person for at least 2
22 years.

23 (f) (Blank).

24 (f-1) If the person submits to a test that discloses an
25 alcohol concentration of 0.06 ~~0.08~~ or more, or any amount of a
26 drug, substance, or intoxicating compound in the person's
27 breath, blood, or urine resulting from the unlawful use of
28 cannabis listed in the Cannabis Control Act, a controlled
29 substance listed in the Illinois Controlled Substances Act, or
30 an intoxicating compound listed in the Use of Intoxicating
31 Compounds Act, the law enforcement officer shall immediately
32 submit a sworn report to the circuit clerk of venue and the
33 Department of Natural Resources, certifying that the test or
34 tests was or were requested under subsection (a-1) of this
35 Section and the person submitted to testing that disclosed an
36 alcohol concentration of 0.06 ~~0.08~~ or more.

1 In cases where the blood alcohol concentration of 0.06 ~~0.08~~
2 or greater or any amount of drug, substance, or compound
3 resulting from the unlawful use of cannabis, a controlled
4 substance, or an intoxicating compound is established by a
5 subsequent analysis of blood or urine collected at the time of
6 arrest, the arresting officer or arresting agency shall
7 immediately submit a sworn report to the circuit clerk of venue
8 and the Department of Natural Resources upon receipt of the
9 test results.

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

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

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

17 Section 15. The Boat Registration and Safety Act is amended
18 by changing Section 5-16 as follows:

19 (625 ILCS 45/5-16)

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

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

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

30 (b) Under the influence of alcohol;

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

34 (c-1) Under the influence of any intoxicating

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

4 (d) Under the combined influence of alcohol and any
5 other drug or drugs to a degree which renders such
6 person incapable of safely operating a watercraft; or

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

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

19 3. Every person convicted of violating this Section
20 shall be guilty of a Class A misdemeanor, except as
21 otherwise provided in this Section.

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

24 (a) He has a previous conviction under this
25 Section;

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

34 (c) The offense occurred during a period in which
35 his or her privileges to operate a watercraft are
36 revoked or suspended, and the revocation or suspension

1 was for a violation of this Section or was imposed
2 under subsection (B).

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

9 5.1. A person convicted of violating this Section or a
10 similar provision of a local ordinance who had a child
11 under the age of 16 aboard the watercraft at the time of
12 offense is subject to a mandatory minimum fine of \$500 and
13 to a mandatory minimum of 5 days of community service in a
14 program benefiting children. The assignment under this
15 paragraph 5.1 is not subject to suspension and the person
16 is not eligible for probation in order to reduce the
17 assignment.

18 5.2. A person found guilty of violating this Section,
19 if his or her operation of a watercraft while in violation
20 of this Section proximately caused any incident resulting
21 in an appropriate emergency response, is liable for the
22 expense of an emergency response as provided under Section
23 5-5-3 of the Unified Code of Corrections.

24 5.3. 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
28 shall distribute the money to the law enforcement agency
29 that made the arrest. In the event that more than one
30 agency is responsible for the arrest, the \$100 shall be
31 shared equally. Any moneys received by a law enforcement
32 agency under this paragraph 5.3 shall be used to purchase
33 law enforcement equipment or to provide law enforcement
34 training that will assist in the prevention of alcohol
35 related criminal violence throughout the State. Law
36 enforcement equipment shall include, but is not limited to,

1 in-car video cameras, radar and laser speed detection
2 devices, and alcohol breath testers.

3 6. (a) In addition to any criminal penalties imposed,
4 the Department of Natural Resources shall suspend the
5 watercraft operation privileges of any person
6 convicted or found guilty of a misdemeanor under this
7 Section for a period of one year, except that a first
8 time offender is exempt from this mandatory one year
9 suspension.

10 (b) In addition to any criminal penalties imposed,
11 the Department of Natural Resources shall suspend the
12 watercraft operation privileges of any person
13 convicted of a felony under this Section for a period
14 of 3 years.

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

28 1.1. For the purposes of this Section, an Illinois Law
29 Enforcement officer of this State who is investigating the
30 person for any offense defined in Section 5-16 may travel
31 into an adjoining state, where the person has been
32 transported for medical care to complete an investigation,
33 and may request that the person submit to the test or tests
34 set forth in this Section. The requirements of this Section
35 that the person be arrested are inapplicable, but the
36 officer shall issue the person a uniform citation for an

1 offense as defined in Section 5-16 or a similar provision
2 of a local ordinance prior to requesting that the person
3 submit to the test or tests. The issuance of the uniform
4 citation shall not constitute an arrest, but shall be for
5 the purpose of notifying the person that he or she is
6 subject to the provisions of this Section and of the
7 officer's belief in the existence of probable cause to
8 arrest. Upon returning to this State, the officer shall
9 file the uniform citation with the circuit clerk of the
10 county where the offense was committed and shall seek the
11 issuance of an arrest warrant or a summons for the person.

12 1.2. Notwithstanding any ability to refuse under this
13 Act to submit to these tests or any ability to revoke the
14 implied consent to these tests, if a law enforcement
15 officer has probable cause to believe that a watercraft
16 operated by or under actual physical control of a person
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination of
19 them has caused the death of or personal injury to another,
20 that person shall submit, upon the request of a law
21 enforcement officer, to a chemical test or tests of his or
22 her blood, breath, or urine for the purpose of determining
23 the alcohol content or the presence of any other drug,
24 intoxicating compound, or combination of them. For the
25 purposes of this Section, a personal injury includes severe
26 bleeding wounds, distorted extremities, and injuries that
27 require the injured party to be carried from the scene for
28 immediate professional attention in either a doctor's
29 office or a medical facility.

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

34 3. A person requested to submit to a chemical test as
35 provided above shall be verbally advised by the law
36 enforcement officer requesting the test that a refusal to

1 submit to the test will result in suspension of such
2 person's privilege to operate a watercraft for a minimum of
3 2 years. Following this warning, if a person under arrest
4 refuses upon the request of a law enforcement officer to
5 submit to a test designated by the officer, no test shall
6 be given, but the law enforcement officer shall file with
7 the clerk of the circuit court for the county in which the
8 arrest was made, and with the Department of Natural
9 Resources, a sworn statement naming the person refusing to
10 take and complete the chemical test or tests requested
11 under the provisions of this Section. Such sworn statement
12 shall identify the arrested person, such person's current
13 residence address and shall specify that a refusal by such
14 person to take the chemical test or tests was made. Such
15 sworn statement shall include a statement that the
16 arresting officer had reasonable cause to believe the
17 person was operating or was in actual physical control of
18 the watercraft within this State while under the influence
19 of alcohol, other drug or drugs, intoxicating compound or
20 compounds, or combination thereof and that such chemical
21 test or tests were made as an incident to and following the
22 lawful arrest for an offense as defined in this Section or
23 a similar provision of a local ordinance, and that the
24 person after being arrested for an offense arising out of
25 acts alleged to have been committed while so operating a
26 watercraft refused to submit to and complete a chemical
27 test or tests as requested by the law enforcement officer.

28 3.1. The law enforcement officer submitting the sworn
29 statement as provided in paragraph 3 of this subsection (B)
30 shall serve immediate written notice upon the person
31 refusing the chemical test or tests that the person's
32 privilege to operate a watercraft within this State will be
33 suspended for a period of 2 years unless, within 28 days
34 from the date of the notice, the person requests in writing
35 a hearing on the suspension.

36 If the person desires a hearing, such person shall file

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

18 If the person fails to request in writing a hearing
19 within 28 days from the date of notice, or if a hearing is
20 held and the court finds against the person on the issues
21 before the court, the clerk shall immediately notify the
22 Department of Natural Resources, and the Department shall
23 suspend the watercraft operation privileges of the person
24 for at least 2 years.

25 3.2. If the person submits to a test that discloses an
26 alcohol concentration of 0.06 ~~0.08~~ or more, or any amount
27 of a drug, substance or intoxicating compound in the
28 person's breath, blood, or urine resulting from the
29 unlawful use of cannabis listed in the Cannabis Control
30 Act, a controlled substance listed in the Illinois
31 Controlled Substances Act, or an intoxicating compound
32 listed in the Use of Intoxicating Compounds Act, the law
33 enforcement officer shall immediately submit a sworn
34 report to the circuit clerk of venue and the Department of
35 Natural Resources, certifying that the test or tests were
36 requested under paragraph 1 of this subsection (B) and the

1 person submitted to testing that disclosed an alcohol
2 concentration of 0.06 ~~0.08~~ or more.

3 In cases where the blood alcohol concentration of 0.06
4 ~~0.08~~ or greater or any amount of drug, substance or
5 compound resulting from the unlawful use of cannabis, a
6 controlled substance or an intoxicating compound is
7 established by a subsequent analysis of blood or urine
8 collected at the time of arrest, the arresting officer or
9 arresting agency shall immediately submit a sworn report to
10 the circuit clerk of venue and the Department of Natural
11 Resources upon receipt of the test results.

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

15 5. The provisions of Section 11-501.2 of the Illinois
16 Vehicle Code, as amended, concerning the certification and
17 use of chemical tests apply to the use of such tests under
18 this Section.

19 (C) Upon the trial of any civil or criminal action or
20 proceeding arising out of acts alleged to have been committed
21 by any person while operating a watercraft while under the
22 influence of alcohol, the concentration of alcohol in the
23 person's blood or breath at the time alleged as shown by
24 analysis of a person's blood, urine, breath, or other bodily
25 substance shall give rise to the presumptions specified in
26 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
27 of the Illinois Vehicle Code. The foregoing provisions of this
28 subsection (C) shall not be construed as limiting the
29 introduction of any other relevant evidence bearing upon the
30 question whether the person was under the influence of alcohol.

31 (D) If a person under arrest refuses to submit to a
32 chemical test under the provisions of this Section, evidence of
33 refusal shall be admissible in any civil or criminal action or
34 proceeding arising out of acts alleged to have been committed
35 while the person under the influence of alcohol, other drug or
36 drugs, intoxicating compound or compounds, or combination of

1 them was operating a watercraft.

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

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

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

19 (Source: P.A. 92-615, eff. 1-1-03; 93-156, eff. 1-1-04.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.