

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 11-501.2 and 11-501.6 as follows:

6 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)
7 Sec. 11-501.2. Chemical and other tests.

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

18 1. Chemical analyses of the person's blood, urine,
19 breath or other bodily substance to be considered valid
20 under the provisions of this Section shall have been
21 performed according to standards promulgated by the
22 Department of State Police by a licensed physician,
23 registered nurse, trained phlebotomist acting under the

1 direction of a licensed physician, certified paramedic, or
2 other individual possessing a valid permit issued by that
3 Department for this purpose. The Director of State Police
4 is authorized to approve satisfactory techniques or
5 methods, to ascertain the qualifications and competence of
6 individuals to conduct such analyses, to issue permits
7 which shall be subject to termination or revocation at the
8 discretion of that Department and to certify the accuracy
9 of breath testing equipment. The Department of State Police
10 shall prescribe regulations as necessary to implement this
11 Section, including rules providing for testing of saliva.

12 2. When a person in this State shall submit to a blood
13 test at the request of a law enforcement officer under the
14 provisions of Section 11-501.1, only a physician
15 authorized to practice medicine, a registered nurse,
16 trained phlebotomist, or certified paramedic, or other
17 qualified person approved by the Department of State Police
18 may withdraw blood for the purpose of determining the
19 alcohol, drug, or alcohol and drug content therein. This
20 limitation shall not apply to the taking of breath or urine
21 specimens.

22 When a blood test of a person who has been taken to an
23 adjoining state for medical treatment is requested by an
24 Illinois law enforcement officer, the blood may be
25 withdrawn only by a physician authorized to practice
26 medicine in the adjoining state, a registered nurse, a

1 trained phlebotomist acting under the direction of the
2 physician, or certified paramedic. The law enforcement
3 officer requesting the test shall take custody of the blood
4 sample, and the blood sample shall be analyzed by a
5 laboratory certified by the Department of State Police for
6 that purpose.

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

16 4. Upon the request of the person who shall submit to a
17 chemical test or tests at the request of a law enforcement
18 officer, full information concerning the test or tests
19 shall be made available to the person or such person's
20 attorney.

21 5. Alcohol concentration shall mean either grams of
22 alcohol per 100 milliliters of blood or grams of alcohol
23 per 210 liters of breath.

24 (b) Upon the trial of any civil or criminal action or
25 proceeding arising out of acts alleged to have been committed
26 by any person while driving or in actual physical control of a

1 vehicle while under the influence of alcohol, the concentration
2 of alcohol in the person's blood or breath at the time alleged
3 as shown by analysis of the person's blood, urine, breath, or
4 other bodily substance shall give rise to the following
5 presumptions:

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

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

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

18 4. The foregoing provisions of this Section shall not
19 be construed as limiting the introduction of any other
20 relevant evidence bearing upon the question whether the
21 person was under the influence of alcohol.

22 (c) 1. If a person under arrest refuses to submit to a
23 chemical test under the provisions of Section 11-501.1,
24 evidence of refusal shall be admissible in any civil or
25 criminal action or proceeding arising out of acts alleged to
26 have been committed while the person under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof was driving or in actual
3 physical control of a motor vehicle.

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

17 This provision does not affect the applicability of or
18 imposition of driver's license sanctions under Section
19 11-501.1 of this Code.

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

1 from the scene.

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

4 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

7 (a) Any person who drives or is in actual control of a
8 motor vehicle upon the public highways of this State and who
9 has been involved in a personal injury or fatal motor vehicle
10 accident, shall be deemed to have given consent to a breath
11 test using a portable device as approved by the Department of
12 State Police or to a chemical test or tests of blood, breath,
13 saliva, or urine for the purpose of determining the content of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds of such person's blood if arrested as evidenced by
16 the issuance of a Uniform Traffic Ticket for any violation of
17 the Illinois Vehicle Code or a similar provision of a local
18 ordinance, with the exception of equipment violations
19 contained in Chapter 12 of this Code, or similar provisions of
20 local ordinances. The test or tests shall be administered at
21 the direction of the arresting officer. The law enforcement
22 agency employing the officer shall designate which of the
23 aforesaid tests shall be administered. A urine test may be
24 administered even after a blood, saliva, or breath test or any
25 combination of those tests ~~both~~ has been administered.

1 Compliance with this Section does not relieve such person from
2 the requirements of Section 11-501.1 of this Code.

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

17 (c) A person requested to submit to a test as provided
18 above shall be warned by the law enforcement officer requesting
19 the test that a refusal to submit to the test, or submission to
20 the test resulting in an alcohol concentration of 0.08 or more,
21 or any amount of a drug, substance, or intoxicating compound
22 resulting from the unlawful use or consumption of cannabis, as
23 covered by the Cannabis Control Act, a controlled substance
24 listed in the Illinois Controlled Substances Act, or an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act as detected in such person's blood, saliva, or

1 urine, may result in the suspension of such person's privilege
2 to operate a motor vehicle. The length of the suspension shall
3 be the same as outlined in Section 6-208.1 of this Code
4 regarding statutory summary suspensions.

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

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary shall enter the suspension to the

1 individual's driving record and the suspension shall be
2 effective on the 46th day following the date notice of the
3 suspension was given to the person.

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

8 In cases where the blood alcohol concentration of 0.08 or
9 more, or any amount of a drug, substance, or intoxicating
10 compound resulting from the unlawful use or consumption of
11 cannabis as listed in the Cannabis Control Act, a controlled
12 substance listed in the Illinois Controlled Substances Act, or
13 an intoxicating compound listed in the Use of Intoxicating
14 Compounds Act, is established by a subsequent analysis of
15 blood, saliva, or urine collected at the time of arrest, the
16 arresting officer shall give notice as provided in this Section
17 or by deposit in the United States mail of such notice in an
18 envelope with postage prepaid and addressed to such person at
19 his address as shown on the Uniform Traffic Ticket and the
20 suspension shall be effective on the 46th day following the
21 date notice was given.

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary shall also give notice of the suspension
24 to the driver by mailing a notice of the effective date of the
25 suspension to the individual. However, should the sworn report
26 be defective by not containing sufficient information or be

1 completed in error, the notice of the suspension shall not be
2 mailed to the person or entered to the driving record, but
3 rather the sworn report shall be returned to the issuing law
4 enforcement agency.

5 (e) A driver may contest this suspension of his driving
6 privileges by requesting an administrative hearing with the
7 Secretary in accordance with Section 2-118 of this Code. At the
8 conclusion of a hearing held under Section 2-118 of this Code,
9 the Secretary may rescind, continue, or modify the order of
10 suspension. If the Secretary does not rescind the order, a
11 restricted driving permit may be granted by the Secretary upon
12 application being made and good cause shown. A restricted
13 driving permit may be granted to relieve undue hardship to
14 allow driving for employment, educational, and medical
15 purposes as outlined in Section 6-206 of this Code. The
16 provisions of Section 6-206 of this Code shall apply.

17 (f) (Blank).

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

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