



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2993

Introduced 2/3/2010, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-514	from Ch. 95 1/2, par. 6-514
625 ILCS 5/6-518	from Ch. 95 1/2, par. 6-518
625 ILCS 5/6-524	from Ch. 95 1/2, par. 6-524
625 ILCS 5/11-501.1	from Ch. 95 1/2, par. 11-501.1
625 ILCS 5/11-501.8	

Amends the Illinois Vehicle Code. Decreases the number of days from 10 to 5 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver from another state, for a violation of any law or local ordinance of this State relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, that the Secretary of State must notify the driver licensing authority which issued the person's driver's license of the conviction. Increases the minimum fine from \$2,750 to \$5,000 for a second or subsequent offense of certain provisions related to commercial motor vehicles, and increases a maximum civil penalty. Provides that certain information relating to a first offender's driving under the influence offense is not privileged when the offender is a commercial driver's license holder and operating a commercial motor vehicle or vehicle required to be placarded as hazardous materials. Makes other changes. Effective immediately.

LRB096 18657 AJT 34041 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-514, 6-518, 6-524, 11-501.1, and 11-501.8 as
6 follows:

7 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

8 Sec. 6-514. Commercial Driver's License (CDL) -
9 Disqualifications.

10 (a) A person shall be disqualified from driving a
11 commercial motor vehicle for a period of not less than 12
12 months for the first violation of:

13 (1) Refusing to submit to or failure to complete a test
14 or tests to determine the driver's blood concentration of
15 alcohol, other drug, or both, while driving a commercial
16 motor vehicle or, if the driver is a CDL holder, while
17 driving a non-CMV; or

18 (2) Operating a commercial motor vehicle while the
19 alcohol concentration of the person's blood, breath or
20 urine is at least 0.04, or any amount of a drug, substance,
21 or compound in the person's blood or urine resulting from
22 the unlawful use or consumption of cannabis listed in the
23 Cannabis Control Act, a controlled substance listed in the

1 Illinois Controlled Substances Act, or methamphetamine as
2 listed in the Methamphetamine Control and Community
3 Protection Act as indicated by a police officer's sworn
4 report or other verified evidence; or operating a
5 non-commercial motor vehicle while the alcohol
6 concentration of the person's blood, breath, or urine was
7 above the legal limit defined in Section 11-501.1 or
8 11-501.8 or any amount of a drug, substance, or compound in
9 the person's blood or urine resulting from the unlawful use
10 or consumption of cannabis listed in the Cannabis Control
11 Act, a controlled substance listed in the Illinois
12 Controlled Substances Act, or methamphetamine as listed in
13 the Methamphetamine Control and Community Protection Act
14 as indicated by a police officer's sworn report or other
15 verified evidence while holding a commercial driver's
16 license; or

17 (3) Conviction for a first violation of:

18 (i) Driving a commercial motor vehicle or, if the
19 driver is a CDL holder, driving a non-CMV while under
20 the influence of alcohol, or any other drug, or
21 combination of drugs to a degree which renders such
22 person incapable of safely driving; or

23 (ii) Knowingly ~~and wilfully~~ leaving the scene of an
24 accident while operating a commercial motor vehicle
25 or, if the driver is a CDL holder, while driving a
26 non-CMV; or

1 (iii) Driving a commercial motor vehicle or, if the
2 driver is a CDL holder, driving a non-CMV while
3 committing any felony; or

4 (iv) Driving a commercial motor vehicle while the
5 person's driving privileges or driver's license or
6 permit is revoked, suspended, or cancelled or the
7 driver is disqualified from operating a commercial
8 motor vehicle; or

9 (v) Causing a fatality through the negligent
10 operation of a commercial motor vehicle, including but
11 not limited to the crimes of motor vehicle
12 manslaughter, homicide by a motor vehicle, and
13 negligent homicide.

14 As used in this subdivision (a)(3)(v), "motor
15 vehicle manslaughter" means the offense of involuntary
16 manslaughter if committed by means of a vehicle;
17 "homicide by a motor vehicle" means the offense of
18 first degree murder or second degree murder, if either
19 offense is committed by means of a vehicle; and
20 "negligent homicide" means reckless homicide under
21 Section 9-3 of the Criminal Code of 1961 and aggravated
22 driving under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds, or any
24 combination thereof under subdivision (d)(1)(F) of
25 Section 11-501 of this Code.

26 If any of the above violations or refusals occurred

1 while transporting hazardous material(s) required to be
2 placarded, the person shall be disqualified for a period of
3 not less than 3 years.

4 (b) A person is disqualified for life for a second
5 conviction of any of the offenses specified in paragraph (a),
6 or any combination of those offenses, arising from 2 or more
7 separate incidents.

8 (c) A person is disqualified from driving a commercial
9 motor vehicle for life if the person either (i) uses a
10 commercial motor vehicle in the commission of any felony
11 involving the manufacture, distribution, or dispensing of a
12 controlled substance, or possession with intent to
13 manufacture, distribute or dispense a controlled substance or
14 (ii) if the person is a CDL holder, uses a non-CMV in the
15 commission of a felony involving any of those activities.

16 (d) The Secretary of State may, when the United States
17 Secretary of Transportation so authorizes, issue regulations
18 in which a disqualification for life under paragraph (b) may be
19 reduced to a period of not less than 10 years. If a reinstated
20 driver is subsequently convicted of another disqualifying
21 offense, as specified in subsection (a) of this Section, he or
22 she shall be permanently disqualified for life and shall be
23 ineligible to again apply for a reduction of the lifetime
24 disqualification.

25 (e) A person is disqualified from driving a commercial
26 motor vehicle for a period of not less than 2 months if

1 convicted of 2 serious traffic violations, committed in a
2 commercial motor vehicle, non-CMV while holding a CDL, or any
3 combination thereof, arising from separate incidents,
4 occurring within a 3 year period, provided the serious traffic
5 violation committed in a non-CMV would result in the suspension
6 or revocation of the CDL holder's non-CMV privileges. However,
7 a person will be disqualified from driving a commercial motor
8 vehicle for a period of not less than 4 months if convicted of
9 3 serious traffic violations, committed in a commercial motor
10 vehicle, non-CMV while holding a CDL, or any combination
11 thereof, arising from separate incidents, occurring within a 3
12 year period, provided the serious traffic violation committed
13 in a non-CMV would result in the suspension or revocation of
14 the CDL holder's non-CMV privileges. If all the convictions
15 occurred in a non-CMV, the disqualification shall be entered
16 only if the convictions would result in the suspension or
17 revocation of the CDL holder's non-CMV privileges.

18 (e-1) (Blank). ~~A person is disqualified from driving a~~
19 ~~commercial motor vehicle for a period of not less than 2 months~~
20 ~~if convicted of 2 serious traffic violations committed in a~~
21 ~~non-CMV while holding a CDL, arising from separate incidents,~~
22 ~~occurring within a 3 year period, if the convictions would~~
23 ~~result in the suspension or revocation of the CDL holder's~~
24 ~~non-CMV privileges. A person shall be disqualified from driving~~
25 ~~a commercial motor vehicle for a period of not less than 4~~
26 ~~months, however, if he or she is convicted of 3 or more serious~~

1 ~~traffic violations committed in a non-CMV while holding a CDL,~~
2 ~~arising from separate incidents, occurring within a 3 year~~
3 ~~period, if the convictions would result in the suspension or~~
4 ~~revocation of the CDL holder's non-CMV privileges.~~

5 (f) Notwithstanding any other provision of this Code, any
6 driver disqualified from operating a commercial motor vehicle,
7 pursuant to this UCDLA, shall not be eligible for restoration
8 of commercial driving privileges during any such period of
9 disqualification.

10 (g) After suspending, revoking, or cancelling a commercial
11 driver's license, the Secretary of State must update the
12 driver's records to reflect such action within 10 days. After
13 suspending or revoking the driving privilege of any person who
14 has been issued a CDL or commercial driver instruction permit
15 from another jurisdiction, the Secretary shall originate
16 notification to such issuing jurisdiction within 10 days.

17 (h) The "disqualifications" referred to in this Section
18 shall not be imposed upon any commercial motor vehicle driver,
19 by the Secretary of State, unless the prohibited action(s)
20 occurred after March 31, 1992.

21 (i) A person is disqualified from driving a commercial
22 motor vehicle in accordance with the following:

23 (1) For 6 months upon a first conviction of paragraph
24 (2) of subsection (b) or subsection (b-3) of Section 6-507
25 of this Code.

26 (2) For 2 years upon a second conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) or any
2 combination of paragraphs (2) or (3) of subsection (b) or
3 subsections (b-3) or (b-5) of Section 6-507 of this Code
4 within a 10-year period if the second conviction is a
5 violation of paragraph (2) of subsection (b) or subsection
6 (b-3).

7 (3) For 3 years upon a third or subsequent conviction
8 of paragraph (2) of subsection (b) or subsection (b-3) or
9 any combination of paragraphs (2) or (3) of subsection (b)
10 or subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the third or subsequent
12 conviction is a violation of paragraph (2) of subsection
13 (b) or subsection (b-3).

14 (4) For one year upon a first conviction of paragraph
15 (3) of subsection (b) or subsection (b-5) of Section 6-507
16 of this Code.

17 (5) For 3 years upon a second conviction of paragraph
18 (3) of subsection (b) or subsection (b-5) or any
19 combination of paragraphs (2) or (3) of subsection (b) or
20 subsections (b-3) or (b-5) of Section 6-507 of this Code
21 within a 10-year period if the second conviction is a
22 violation of paragraph (3) of subsection (b) or (b-5).

23 (6) For 5 years upon a third or subsequent conviction
24 of paragraph (3) of subsection (b) or subsection (b-5) or
25 any combination of paragraphs (2) or (3) of subsection (b)
26 or subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the third or subsequent
2 conviction is a violation of paragraph (3) of subsection
3 (b) or (b-5).

4 (j) Disqualification for railroad-highway grade crossing
5 violation.

6 (1) General rule. A driver who is convicted of a
7 violation of a federal, State, or local law or regulation
8 pertaining to one of the following 6 offenses at a
9 railroad-highway grade crossing must be disqualified from
10 operating a commercial motor vehicle for the period of time
11 specified in paragraph (2) of this subsection (j) if the
12 offense was committed while operating a commercial motor
13 vehicle:

14 (i) For drivers who are not required to always
15 stop, failing to slow down and check that the tracks
16 are clear of an approaching train, as described in
17 subsection (a-5) of Section 11-1201 of this Code;

18 (ii) For drivers who are not required to always
19 stop, failing to stop before reaching the crossing, if
20 the tracks are not clear, as described in subsection
21 (a) of Section 11-1201 of this Code;

22 (iii) For drivers who are always required to stop,
23 failing to stop before driving onto the crossing, as
24 described in Section 11-1202 of this Code;

25 (iv) For all drivers, failing to have sufficient
26 space to drive completely through the crossing without

1 stopping, as described in subsection (b) of Section
2 11-1425 of this Code;

3 (v) For all drivers, failing to obey a traffic
4 control device or the directions of an enforcement
5 official at the crossing, as described in subdivision
6 (a)2 of Section 11-1201 of this Code;

7 (vi) For all drivers, failing to negotiate a
8 crossing because of insufficient undercarriage
9 clearance, as described in subsection (d-1) of Section
10 11-1201 of this Code.

11 (2) Duration of disqualification for railroad-highway
12 grade crossing violation.

13 (i) First violation. A driver must be disqualified
14 from operating a commercial motor vehicle for not less
15 than 60 days if the driver is convicted of a violation
16 described in paragraph (1) of this subsection (j) and,
17 in the three-year period preceding the conviction, the
18 driver had no convictions for a violation described in
19 paragraph (1) of this subsection (j).

20 (ii) Second violation. A driver must be
21 disqualified from operating a commercial motor vehicle
22 for not less than 120 days if the driver is convicted
23 of a violation described in paragraph (1) of this
24 subsection (j) and, in the three-year period preceding
25 the conviction, the driver had one other conviction for
26 a violation described in paragraph (1) of this

1 subsection (j) that was committed in a separate
2 incident.

3 (iii) Third or subsequent violation. A driver must
4 be disqualified from operating a commercial motor
5 vehicle for not less than one year if the driver is
6 convicted of a violation described in paragraph (1) of
7 this subsection (j) and, in the three-year period
8 preceding the conviction, the driver had 2 or more
9 other convictions for violations described in
10 paragraph (1) of this subsection (j) that were
11 committed in separate incidents.

12 (k) Upon notification of a disqualification of a driver's
13 commercial motor vehicle privileges imposed by the U.S.
14 Department of Transportation, Federal Motor Carrier Safety
15 Administration, in accordance with 49 C.F.R. 383.52, the
16 Secretary of State shall immediately record to the driving
17 record the notice of disqualification and confirm to the driver
18 the action that has been taken.

19 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

20 (625 ILCS 5/6-518) (from Ch. 95 1/2, par. 6-518)

21 Sec. 6-518. Notification of Traffic Convictions.

22 (a) Within 5 ~~10~~ days after receiving a report of an
23 Illinois conviction, or other verified evidence, of any driver
24 who has been issued a CDL by another State, for a violation of
25 any law or local ordinance of this State, relating to motor

1 vehicle traffic control, other than parking violations,
2 committed in any motor vehicle, the Secretary of State must
3 notify the driver licensing authority which issued such CDL of
4 said conviction.

5 (b) Within 5 ~~10~~ days after receiving a report of an
6 Illinois conviction, or other verified evidence, of any driver
7 from another state, for a violation of any law or local
8 ordinance of this State, relating to motor vehicle traffic
9 control, other than parking violations, committed in a
10 commercial motor vehicle, the Secretary of State must notify
11 the driver licensing authority which issued the person's
12 driver's license of the conviction.

13 (Source: P.A. 94-307, eff. 9-30-05.)

14 (625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

15 Sec. 6-524. Penalties.

16 (a) Every person convicted of violating any provision of
17 this UCCLA for which another penalty is not provided shall for
18 a first offense be guilty of a petty offense; and for a second
19 conviction for any offense committed within 3 years of any
20 previous offense, shall be guilty of a Class B misdemeanor.

21 (b) Any person convicted of violating subsection (b) of
22 Section 6-506 of this Code shall be subject to a civil penalty
23 of not more than \$10,000 ~~\$25,000~~.

24 (c) Any person or employer convicted of violating paragraph
25 (5) of subsection (a) or subsection (b-3) or (b-5) of Section

1 6-506 shall be subject to a civil penalty of not less than
2 \$2,750 nor more than \$25,000.

3 (d) Any person convicted of violating paragraph (2) or (3)
4 of subsection (b) or subsection (b-3) or (b-5) of Section 6-507
5 shall be subject to a civil penalty of not less than \$2,750 nor
6 more than \$25,000 for a first conviction and not less than
7 \$5,000 nor more than \$25,000 for a second conviction.

8 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

9 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

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

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

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

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

1 11-501.2.

2 (c) A person requested to submit to a test as provided
3 above shall be warned by the law enforcement officer requesting
4 the test that a refusal to submit to the test will result in
5 the statutory summary suspension of the person's privilege to
6 operate a motor vehicle, as provided in Section 6-208.1 of this
7 Code, and will also result in the disqualification of the
8 person's privilege to operate a commercial motor vehicle, as
9 provided in Section 6-514 of this Code, if the person is a CDL
10 holder. The person shall also be warned by the law enforcement
11 officer that if the person submits to the test or tests
12 provided in paragraph (a) of this Section and the alcohol
13 concentration in the person's blood or breath is 0.08 or
14 greater, or any amount of a drug, substance, or compound
15 resulting from the unlawful use or consumption of cannabis as
16 covered by the Cannabis Control Act, a controlled substance
17 listed in the Illinois Controlled Substances Act, an
18 intoxicating compound listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act is
21 detected in the person's blood or urine, a statutory summary
22 suspension of the person's privilege to operate a motor
23 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
24 Code, and a disqualification of the person's privilege to
25 operate a commercial motor vehicle, as provided in Section
26 6-514 of this Code, if the person is a CDL holder, will be

1 imposed.

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

20 (d) If the person refuses testing or submits to a test that
21 discloses an alcohol concentration of 0.08 or more, or any
22 amount of a drug, substance, or intoxicating compound in the
23 person's breath, blood, or urine resulting from the unlawful
24 use or consumption of cannabis listed in the Cannabis Control
25 Act, a controlled substance listed in the Illinois Controlled
26 Substances Act, an intoxicating compound listed in the Use of

1 Intoxicating Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act, the law
3 enforcement officer shall immediately submit a sworn report to
4 the circuit court of venue and the Secretary of State,
5 certifying that the test or tests was or were requested under
6 paragraph (a) and the person refused to submit to a test, or
7 tests, or submitted to testing that disclosed an alcohol
8 concentration of 0.08 or more.

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

15 If the person is a first offender as defined in Section
16 11-500 of this Code, and is not convicted of a violation of
17 Section 11-501 of this Code or a similar provision of a local
18 ordinance, then reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 Statutory Summary Suspension is in effect, be privileged
21 information and for use only by the courts, police officers,
22 prosecuting authorities or the Secretary of State, unless the
23 person is a CDL holder, is operating a commercial motor vehicle
24 or vehicle required to be placarded as hazardous materials, in
25 which case the suspension shall not be privileged. ~~However,~~
26 ~~beginning January 1, 2008, if the person is a CDL holder, the~~

1 ~~statutory summary suspension shall also be made available to~~
2 ~~the driver licensing administrator of any other state, the U.S.~~
3 ~~Department of Transportation, and the affected driver or motor~~
4 ~~carrier or prospective motor carrier upon request.~~ Reports
5 received by the Secretary of State under this Section shall
6 also be made available to the parent or guardian of a person
7 under the age of 18 years that holds an instruction permit or a
8 graduated driver's license, regardless of whether the
9 statutory summary suspension is in effect.

10 (f) The law enforcement officer submitting the sworn report
11 under paragraph (d) shall serve immediate notice of the
12 statutory summary suspension on the person and the suspension
13 and disqualification shall be effective as provided in
14 paragraph (g). In cases where the blood alcohol concentration
15 of 0.08 or greater or any amount of a drug, substance, or
16 compound resulting from the unlawful use or consumption of
17 cannabis as covered by the Cannabis Control Act, a controlled
18 substance listed in the Illinois Controlled Substances Act, an
19 intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act is
22 established by a subsequent analysis of blood or urine
23 collected at the time of arrest, the arresting officer or
24 arresting agency shall give notice as provided in this Section
25 or by deposit in the United States mail of the notice in an
26 envelope with postage prepaid and addressed to the person at

1 his address as shown on the Uniform Traffic Ticket and the
2 statutory summary suspension and disqualification shall begin
3 as provided in paragraph (g). The officer shall confiscate any
4 Illinois driver's license or permit on the person at the time
5 of arrest. If the person has a valid driver's license or
6 permit, the officer shall issue the person a receipt, in a form
7 prescribed by the Secretary of State, that will allow that
8 person to drive during the periods provided for in paragraph
9 (g). The officer shall immediately forward the driver's license
10 or permit to the circuit court of venue along with the sworn
11 report provided for in paragraph (d).

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

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

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

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

5 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,
6 eff. 8-23-07; 95-876, eff. 8-21-08.)

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

1 been administered.

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

7 (i) Chemical analysis of the person's blood, urine,
8 breath, or other bodily substance, to be considered valid
9 under the provisions of this Section, shall have been
10 performed according to standards promulgated by the
11 Department of State Police by an individual possessing a
12 valid permit issued by that Department for this purpose.
13 The Director of State Police is authorized to approve
14 satisfactory techniques or methods, to ascertain the
15 qualifications and competence of individuals to conduct
16 analyses, to issue permits that shall be subject to
17 termination or revocation at the direction of that
18 Department, and to certify the accuracy of breath testing
19 equipment. The Department of State Police shall prescribe
20 regulations as necessary.

21 (ii) When a person submits to a blood test at the
22 request of a law enforcement officer under the provisions
23 of this Section, only a physician authorized to practice
24 medicine, a registered nurse, or other qualified person
25 trained in venipuncture and acting under the direction of a
26 licensed physician may withdraw blood for the purpose of

1 determining the alcohol content therein. This limitation
2 does not apply to the taking of breath or urine specimens.

3 (iii) The person tested may have a physician, qualified
4 technician, chemist, registered nurse, or other qualified
5 person of his or her own choosing administer a chemical
6 test or tests in addition to any test or tests administered
7 at the direction of a law enforcement officer. The failure
8 or inability to obtain an additional test by a person shall
9 not preclude the consideration of the previously performed
10 chemical test.

11 (iv) Upon a request of the person who submits to a
12 chemical test or tests at the request of a law enforcement
13 officer, full information concerning the test or tests
14 shall be made available to the person or that person's
15 attorney.

16 (v) Alcohol concentration means either grams of
17 alcohol per 100 milliliters of blood or grams of alcohol
18 per 210 liters of breath.

19 (vi) If a driver is receiving medical treatment as a
20 result of a motor vehicle accident, a physician licensed to
21 practice medicine, registered nurse, or other qualified
22 person trained in venipuncture and acting under the
23 direction of a licensed physician shall withdraw blood for
24 testing purposes to ascertain the presence of alcohol upon
25 the specific request of a law enforcement officer. However,
26 that testing shall not be performed until, in the opinion

1 of the medical personnel on scene, the withdrawal can be
2 made without interfering with or endangering the
3 well-being of the patient.

4 (c) A person requested to submit to a test as provided
5 above shall be warned by the law enforcement officer requesting
6 the test that a refusal to submit to the test, or submission to
7 the test resulting in an alcohol concentration of more than
8 0.00, may result in the loss of that person's privilege to
9 operate a motor vehicle and may result in the disqualification
10 of the person's privilege to operate a commercial motor
11 vehicle, as provided in Section 6-514 of this Code, if the
12 person is a CDL holder. The loss of driving privileges shall be
13 imposed in accordance with Section 6-208.2 of this Code.

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

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary of State shall enter the suspension and
2 disqualification on the individual's driving record and the
3 suspension and disqualification shall be effective on the 46th
4 day following the date notice of the suspension was given to
5 the person. If this suspension is the individual's first
6 driver's license suspension under this Section, reports
7 received by the Secretary of State under this Section shall,
8 except during the time the suspension is in effect, be
9 privileged information and for use only by the courts, police
10 officers, prosecuting authorities, the Secretary of State, or
11 the individual personally, unless the person is a CDL holder,
12 is operating a commercial motor vehicle or vehicle required to
13 be placarded as hazardous materials, in which case the
14 suspension shall not be privileged. ~~However, beginning January~~
15 ~~1, 2008, if the person is a CDL holder, the report of~~
16 ~~suspension shall also be made available to the driver licensing~~
17 ~~administrator of any other state, the U.S. Department of~~
18 ~~Transportation, and the affected driver or motor carrier or~~
19 ~~prospective motor carrier upon request.~~ Reports received by the
20 Secretary of State under this Section shall also be made
21 available to the parent or guardian of a person under the age
22 of 18 years that holds an instruction permit or a graduated
23 driver's license, regardless of whether the suspension is in
24 effect.

25 The law enforcement officer submitting the sworn report
26 shall serve immediate notice of this suspension on the person

1 and the suspension and disqualification shall be effective on
2 the 46th day following the date notice was given.

3 In cases where the blood alcohol concentration of more than
4 0.00 is established by a subsequent analysis of blood or urine,
5 the police officer or arresting agency shall give notice as
6 provided in this Section or by deposit in the United States
7 mail of that notice in an envelope with postage prepaid and
8 addressed to that person at his last known address and the loss
9 of driving privileges shall be effective on the 46th day
10 following the date notice was given.

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

21 (e) A driver may contest this suspension and
22 disqualification by requesting an administrative hearing with
23 the Secretary of State in accordance with Section 2-118 of this
24 Code. An individual whose blood alcohol concentration is shown
25 to be more than 0.00 is not subject to this Section if he or she
26 consumed alcohol in the performance of a religious service or

1 ceremony. An individual whose blood alcohol concentration is
2 shown to be more than 0.00 shall not be subject to this Section
3 if the individual's blood alcohol concentration resulted only
4 from ingestion of the prescribed or recommended dosage of
5 medicine that contained alcohol. The petition for that hearing
6 shall not stay or delay the effective date of the impending
7 suspension. The scope of this hearing shall be limited to the
8 issues of:

9 (1) whether the police officer had probable cause to
10 believe that the person was driving or in actual physical
11 control of a motor vehicle upon the public highways of the
12 State and the police officer had reason to believe that the
13 person was in violation of any provision of the Illinois
14 Vehicle Code or a similar provision of a local ordinance;
15 and

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

19 (3) whether the police officer had probable cause to
20 believe that the driver had consumed any amount of an
21 alcoholic beverage based upon the driver's physical
22 actions or other first-hand knowledge of the police
23 officer; and

24 (4) whether the person, after being advised by the
25 officer that the privilege to operate a motor vehicle would
26 be suspended if the person refused to submit to and

1 complete the test or tests, did refuse to submit to or
2 complete the test or tests to determine the person's
3 alcohol concentration; and

4 (5) whether the person, after being advised by the
5 officer that the privileges to operate a motor vehicle
6 would be suspended if the person submits to a chemical test
7 or tests and the test or tests disclose an alcohol
8 concentration of more than 0.00, did submit to and complete
9 the test or tests that determined an alcohol concentration
10 of more than 0.00; and

11 (6) whether the test result of an alcohol concentration
12 of more than 0.00 was based upon the person's consumption
13 of alcohol in the performance of a religious service or
14 ceremony; and

15 (7) whether the test result of an alcohol concentration
16 of more than 0.00 was based upon the person's consumption
17 of alcohol through ingestion of the prescribed or
18 recommended dosage of medicine.

19 At the conclusion of the hearing held under Section 2-118
20 of this Code, the Secretary of State may rescind, continue, or
21 modify the suspension and disqualification. If the Secretary of
22 State does not rescind the suspension and disqualification, a
23 restricted driving permit may be granted by the Secretary of
24 State upon application being made and good cause shown. A
25 restricted driving permit may be granted to relieve undue
26 hardship by allowing driving for employment, educational, and

1 medical purposes as outlined in item (3) of part (c) of Section
2 6-206 of this Code. The provisions of item (3) of part (c) of
3 Section 6-206 of this Code and of subsection (f) of that
4 Section shall apply. The Secretary of State shall promulgate
5 rules providing for participation in an alcohol education and
6 awareness program or activity, a drug education and awareness
7 program or activity, or both as a condition to the issuance of
8 a restricted driving permit for suspensions imposed under this
9 Section.

10 (f) The results of any chemical testing performed in
11 accordance with subsection (a) of this Section are not
12 admissible in any civil or criminal proceeding, except that the
13 results of the testing may be considered at a hearing held
14 under Section 2-118 of this Code. However, the results of the
15 testing may not be used to impose driver's license sanctions
16 under Section 11-501.1 of this Code. A law enforcement officer
17 may, however, pursue a statutory summary suspension of driving
18 privileges under Section 11-501.1 of this Code if other
19 physical evidence or first hand knowledge forms the basis of
20 that suspension.

21 (g) This Section applies only to drivers who are under age
22 21 at the time of the issuance of a Uniform Traffic Ticket for
23 a violation of the Illinois Vehicle Code or a similar provision
24 of a local ordinance, and a chemical test request is made under
25 this Section.

26 (h) The action of the Secretary of State in suspending,

1 revoking, cancelling, or disqualifying any license or permit
2 shall be subject to judicial review in the Circuit Court of
3 Sangamon County or in the Circuit Court of Cook County, and the
4 provisions of the Administrative Review Law and its rules are
5 hereby adopted and shall apply to and govern every action for
6 the judicial review of final acts or decisions of the Secretary
7 of State under this Section.

8 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
9 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-876, eff.
10 8-21-08.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.