



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1307

Introduced 02/09/11, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.2  
625 ILCS 5/11-501.8

from Ch. 95 1/2, par. 11-501.2

Amends the Illinois Vehicle Code. Removes certified paramedics from the list of persons within the State qualified to draw blood for alcohol and drug testing.

LRB097 05237 HEP 45287 b

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 11-501.8 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, ~~certified~~

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

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

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24 withdrawn only by a physician authorized to practice  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

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

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

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

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

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

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

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

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

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

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

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

1 compounds, or any combination thereof was driving or in actual  
2 physical control of a motor vehicle.

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

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

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

25 (Source: P.A. 96-289, eff. 8-11-09.)

1 (625 ILCS 5/11-501.8)

2 (Text of Section before amendment by P.A. 96-1344)

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

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

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

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

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

24          (iii) The person tested may have a physician, qualified  
25          technician, chemist, registered nurse, or other qualified  
26          person of his or her own choosing administer a chemical



1 test or tests in addition to any test or tests administered  
2 at the direction of a law enforcement officer. The failure  
3 or inability to obtain an additional test by a person shall  
4 not preclude the consideration of the previously performed  
5 chemical test.

6 (iv) Upon a request of the person who submits to a  
7 chemical test or tests at the request of a law enforcement  
8 officer, full information concerning the test or tests  
9 shall be made available to the person or that person's  
10 attorney.

11 (v) Alcohol concentration means either grams of  
12 alcohol per 100 milliliters of blood or grams of alcohol  
13 per 210 liters of breath.

14 (vi) If a driver is receiving medical treatment as a  
15 result of a motor vehicle accident, a physician licensed to  
16 practice medicine, registered nurse, or other qualified  
17 person certified ~~trained~~ in venipuncture and acting under  
18 the direction of a licensed physician shall withdraw blood  
19 for testing purposes to ascertain the presence of alcohol  
20 upon the specific request of a law enforcement officer.  
21 However, that testing shall not be performed until, in the  
22 opinion of the medical personnel on scene, the withdrawal  
23 can be made without interfering with or endangering the  
24 well-being of the patient.

25 (c) A person requested to submit to a test as provided  
26 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test, or submission to  
2 the test resulting in an alcohol concentration of more than  
3 0.00, may result in the loss of that person's privilege to  
4 operate a motor vehicle and may result in the disqualification  
5 of the person's privilege to operate a commercial motor  
6 vehicle, as provided in Section 6-514 of this Code, if the  
7 person is a CDL holder. The loss of driving privileges shall be  
8 imposed in accordance with Section 6-208.2 of this Code.

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

21 Upon receipt of the sworn report of a law enforcement  
22 officer, the Secretary of State shall enter the suspension and  
23 disqualification on the individual's driving record and the  
24 suspension and disqualification shall be effective on the 46th  
25 day following the date notice of the suspension was given to  
26 the person. If this suspension is the individual's first

1 driver's license suspension under this Section, reports  
2 received by the Secretary of State under this Section shall,  
3 except during the time the suspension is in effect, be  
4 privileged information and for use only by the courts, police  
5 officers, prosecuting authorities, the Secretary of State, or  
6 the individual personally, unless the person is a CDL holder,  
7 is operating a commercial motor vehicle or vehicle required to  
8 be placarded for hazardous materials, in which case the  
9 suspension shall not be privileged. Reports received by the  
10 Secretary of State under this Section shall also be made  
11 available to the parent or guardian of a person under the age  
12 of 18 years that holds an instruction permit or a graduated  
13 driver's license, regardless of whether the suspension is in  
14 effect.

15 The law enforcement officer submitting the sworn report  
16 shall serve immediate notice of this suspension on the person  
17 and the suspension and disqualification shall be effective on  
18 the 46th day following the date notice was given.

19 In cases where the blood alcohol concentration of more than  
20 0.00 is established by a subsequent analysis of blood or urine,  
21 the police officer or arresting agency shall give notice as  
22 provided in this Section or by deposit in the United States  
23 mail of that notice in an envelope with postage prepaid and  
24 addressed to that person at his last known address and the loss  
25 of driving privileges shall be effective on the 46th day  
26 following the date notice was given.

1           Upon receipt of the sworn report of a law enforcement  
2 officer, the Secretary of State shall also give notice of the  
3 suspension and disqualification to the driver by mailing a  
4 notice of the effective date of the suspension and  
5 disqualification to the individual. However, should the sworn  
6 report be defective by not containing sufficient information or  
7 be completed in error, the notice of the suspension and  
8 disqualification shall not be mailed to the person or entered  
9 to the driving record, but rather the sworn report shall be  
10 returned to the issuing law enforcement agency.

11           (e) A driver may contest this suspension and  
12 disqualification by requesting an administrative hearing with  
13 the Secretary of State in accordance with Section 2-118 of this  
14 Code. An individual whose blood alcohol concentration is shown  
15 to be more than 0.00 is not subject to this Section if he or she  
16 consumed alcohol in the performance of a religious service or  
17 ceremony. An individual whose blood alcohol concentration is  
18 shown to be more than 0.00 shall not be subject to this Section  
19 if the individual's blood alcohol concentration resulted only  
20 from ingestion of the prescribed or recommended dosage of  
21 medicine that contained alcohol. The petition for that hearing  
22 shall not stay or delay the effective date of the impending  
23 suspension. The scope of this hearing shall be limited to the  
24 issues of:

25           (1) whether the police officer had probable cause to  
26 believe that the person was driving or in actual physical

1 control of a motor vehicle upon the public highways of the  
2 State and the police officer had reason to believe that the  
3 person was in violation of any provision of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance;  
5 and

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

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

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

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

1           (6) whether the test result of an alcohol concentration  
2           of more than 0.00 was based upon the person's consumption  
3           of alcohol in the performance of a religious service or  
4           ceremony; and

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

9           At the conclusion of the hearing held under Section 2-118  
10          of this Code, the Secretary of State may rescind, continue, or  
11          modify the suspension and disqualification. If the Secretary of  
12          State does not rescind the suspension and disqualification, a  
13          restricted driving permit may be granted by the Secretary of  
14          State upon application being made and good cause shown. A  
15          restricted driving permit may be granted to relieve undue  
16          hardship by allowing driving for employment, educational, and  
17          medical purposes as outlined in item (3) of part (c) of Section  
18          6-206 of this Code. The provisions of item (3) of part (c) of  
19          Section 6-206 of this Code and of subsection (f) of that  
20          Section shall apply. The Secretary of State shall promulgate  
21          rules providing for participation in an alcohol education and  
22          awareness program or activity, a drug education and awareness  
23          program or activity, or both as a condition to the issuance of  
24          a restricted driving permit for suspensions imposed under this  
25          Section.

26          (f) The results of any chemical testing performed in

1 accordance with subsection (a) of this Section are not  
2 admissible in any civil or criminal proceeding, except that the  
3 results of the testing may be considered at a hearing held  
4 under Section 2-118 of this Code. However, the results of the  
5 testing may not be used to impose driver's license sanctions  
6 under Section 11-501.1 of this Code. A law enforcement officer  
7 may, however, pursue a statutory summary suspension of driving  
8 privileges under Section 11-501.1 of this Code if other  
9 physical evidence or first hand knowledge forms the basis of  
10 that suspension.

11 (g) This Section applies only to drivers who are under age  
12 21 at the time of the issuance of a Uniform Traffic Ticket for  
13 a violation of the Illinois Vehicle Code or a similar provision  
14 of a local ordinance, and a chemical test request is made under  
15 this Section.

16 (h) The action of the Secretary of State in suspending,  
17 revoking, cancelling, or disqualifying any license or permit  
18 shall be subject to judicial review in the Circuit Court of  
19 Sangamon County or in the Circuit Court of Cook County, and the  
20 provisions of the Administrative Review Law and its rules are  
21 hereby adopted and shall apply to and govern every action for  
22 the judicial review of final acts or decisions of the Secretary  
23 of State under this Section.

24 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;  
25 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.  
26 7-16-10.)

1 (Text of Section after amendment by P.A. 96-1344)

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

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

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



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

15          (ii) When a person submits to a blood test at the  
16          request of a law enforcement officer under the provisions  
17          of this Section, only a physician authorized to practice  
18          medicine, a registered nurse, or other qualified person  
19          certified ~~trained~~ in venipuncture and acting under the  
20          direction of a licensed physician may withdraw blood for  
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1 test or tests in addition to any test or tests administered  
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3 or inability to obtain an additional test by a person shall  
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11 (v) Alcohol concentration means either grams of  
12 alcohol per 100 milliliters of blood or grams of alcohol  
13 per 210 liters of breath.

14 (vi) If a driver is receiving medical treatment as a  
15 result of a motor vehicle accident, a physician licensed to  
16 practice medicine, registered nurse, or other qualified  
17 person certified ~~trained~~ in venipuncture and acting under  
18 the direction of a licensed physician shall withdraw blood  
19 for testing purposes to ascertain the presence of alcohol  
20 upon the specific request of a law enforcement officer.  
21 However, that testing shall not be performed until, in the  
22 opinion of the medical personnel on scene, the withdrawal  
23 can be made without interfering with or endangering the  
24 well-being of the patient.

25 (c) A person requested to submit to a test as provided  
26 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test, or submission to  
2 the test resulting in an alcohol concentration of more than  
3 0.00, may result in the loss of that person's privilege to  
4 operate a motor vehicle and may result in the disqualification  
5 of the person's privilege to operate a commercial motor  
6 vehicle, as provided in Section 6-514 of this Code, if the  
7 person is a CDL holder. The loss of driving privileges shall be  
8 imposed in accordance with Section 6-208.2 of this Code.

9 (d) If the person refuses testing or submits to a test that  
10 discloses an alcohol concentration of more than 0.00, the law  
11 enforcement officer shall immediately submit a sworn report to  
12 the Secretary of State on a form prescribed by the Secretary of  
13 State, certifying that the test or tests were requested under  
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8 be placarded for hazardous materials, in which case the  
9 suspension shall not be privileged. Reports received by the  
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11 available to the parent or guardian of a person under the age  
12 of 18 years that holds an instruction permit or a graduated  
13 driver's license, regardless of whether the suspension is in  
14 effect.

15 The law enforcement officer submitting the sworn report  
16 shall serve immediate notice of this suspension on the person  
17 and the suspension and disqualification shall be effective on  
18 the 46th day following the date notice was given.

19 In cases where the blood alcohol concentration of more than  
20 0.00 is established by a subsequent analysis of blood or urine,  
21 the police officer or arresting agency shall give notice as  
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11           (e) A driver may contest this suspension and  
12 disqualification by requesting an administrative hearing with  
13 the Secretary of State in accordance with Section 2-118 of this  
14 Code. An individual whose blood alcohol concentration is shown  
15 to be more than 0.00 is not subject to this Section if he or she  
16 consumed alcohol in the performance of a religious service or  
17 ceremony. An individual whose blood alcohol concentration is  
18 shown to be more than 0.00 shall not be subject to this Section  
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24 issues of:

25           (1) whether the police officer had probable cause to  
26 believe that the person was driving or in actual physical

1 control of a motor vehicle upon the public highways of the  
2 State and the police officer had reason to believe that the  
3 person was in violation of any provision of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance;  
5 and

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

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

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

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

1           (6) whether the test result of an alcohol concentration  
2           of more than 0.00 was based upon the person's consumption  
3           of alcohol in the performance of a religious service or  
4           ceremony; and

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

9           At the conclusion of the hearing held under Section 2-118  
10          of this Code, the Secretary of State may rescind, continue, or  
11          modify the suspension and disqualification. If the Secretary of  
12          State does not rescind the suspension and disqualification, a  
13          restricted driving permit may be granted by the Secretary of  
14          State upon application being made and good cause shown. A  
15          restricted driving permit may be granted to relieve undue  
16          hardship by allowing driving for employment, educational, and  
17          medical purposes as outlined in item (3) of part (c) of Section  
18          6-206 of this Code. The provisions of item (3) of part (c) of  
19          Section 6-206 of this Code and of subsection (f) of that  
20          Section shall apply. The Secretary of State shall promulgate  
21          rules providing for participation in an alcohol education and  
22          awareness program or activity, a drug education and awareness  
23          program or activity, or both as a condition to the issuance of  
24          a restricted driving permit for suspensions imposed under this  
25          Section.

26          (f) The results of any chemical testing performed in

1 accordance with subsection (a) of this Section are not  
2 admissible in any civil or criminal proceeding, except that the  
3 results of the testing may be considered at a hearing held  
4 under Section 2-118 of this Code. However, the results of the  
5 testing may not be used to impose driver's license sanctions  
6 under Section 11-501.1 of this Code. A law enforcement officer  
7 may, however, pursue a statutory summary suspension or  
8 revocation of driving privileges under Section 11-501.1 of this  
9 Code if other physical evidence or first hand knowledge forms  
10 the basis of that suspension or revocation.

11 (g) This Section applies only to drivers who are under age  
12 21 at the time of the issuance of a Uniform Traffic Ticket for  
13 a violation of the Illinois Vehicle Code or a similar provision  
14 of a local ordinance, and a chemical test request is made under  
15 this Section.

16 (h) The action of the Secretary of State in suspending,  
17 revoking, cancelling, or disqualifying any license or permit  
18 shall be subject to judicial review in the Circuit Court of  
19 Sangamon County or in the Circuit Court of Cook County, and the  
20 provisions of the Administrative Review Law and its rules are  
21 hereby adopted and shall apply to and govern every action for  
22 the judicial review of final acts or decisions of the Secretary  
23 of State under this Section.

24 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;  
25 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.  
26 7-16-10; 96-1344, eff. 7-1-11; revised 9-2-10.)



1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.