

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
7 consent to a chemical test or tests of blood, breath, or urine
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
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 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.