

# HB0043



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0043

Introduced 1/9/2013, by Rep. Jack D. Franks

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning statutory summary suspensions.

LRB098 02892 MLW 32903 b

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 Section 11-501.1 as follows:

6 (625 ILCS 5/11-501.1)

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

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

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

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

7 (c) A person requested to submit to a test as provided  
8 above shall be warned by the law enforcement officer requesting  
9 the test that a refusal to submit to the test will result in  
10 the statutory summary suspension of the person's privilege to  
11 operate a motor vehicle, as provided in Section 6-208.1 of this  
12 Code, and will also result in the disqualification of the  
13 person's privilege to operate a commercial motor vehicle, as  
14 provided in Section 6-514 of this Code, if the person is a CDL  
15 holder. The person shall also be warned that a refusal to  
16 submit to the test, when the person was involved in a motor  
17 vehicle accident that caused personal injury or death to  
18 another, will result in the statutory summary revocation of the  
19 person's privilege to operate a motor vehicle, as provided in  
20 Section 6-208.1, and will also result in the disqualification  
21 of the person's privilege to operate a commercial motor  
22 vehicle, as provided in Section 6-514 of this Code, if the  
23 person is a CDL holder. The person shall also be warned by the  
24 law enforcement officer that if the person submits to the test  
25 or tests provided in paragraph (a) of this Section and the  
26 alcohol concentration in the person's blood or breath is 0.08

1 or greater, or any amount of a drug, substance, or compound  
2 resulting from the unlawful use or consumption of cannabis as  
3 covered by the Cannabis Control Act, a controlled substance  
4 listed in the Illinois Controlled Substances Act, an  
5 intoxicating compound listed in the Use of Intoxicating  
6 Compounds Act, or methamphetamine as listed in the  
7 Methamphetamine Control and Community Protection Act is  
8 detected in the person's blood or urine, a statutory summary  
9 suspension of the person's privilege to operate a motor  
10 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
11 Code, and a disqualification of the person's privilege to  
12 operate a commercial motor vehicle, as provided in Section  
13 6-514 of this Code, if the person is a CDL holder, will be  
14 imposed.

15 A person who is under the age of 21 at the time the person  
16 is requested to submit to a test as provided above shall, in  
17 addition to the warnings provided for in this Section, be  
18 further warned by the law enforcement officer requesting the  
19 test that if the person submits to the test or tests provided  
20 in paragraph (a) of this Section and the alcohol concentration  
21 in the person's blood or breath is greater than 0.00 and less  
22 than 0.08, a suspension of the person's privilege to operate a  
23 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
24 of this Code, will be imposed. The results of this test shall  
25 be admissible in a civil or criminal action or proceeding  
26 arising from an arrest for an offense as defined in Section

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

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

22 (e) Upon receipt of the sworn report of a law enforcement  
23 officer submitted under paragraph (d), the Secretary of State  
24 shall enter the statutory summary suspension or revocation and  
25 disqualification for the periods specified in Sections 6-208.1  
26 and 6-514, respectively, and effective as provided in paragraph

1 (g).

2 If the person is a first offender as defined in Section  
3 11-500 of this Code, and is not convicted of a violation of  
4 Section 11-501 of this Code or a similar provision of a local  
5 ordinance, then reports received by the Secretary of State  
6 under this Section shall, except during the actual time the  
7 Statutory Summary Suspension is in effect, be privileged  
8 information and for use only by the courts, police officers,  
9 prosecuting authorities or the Secretary of State, unless the  
10 person is a CDL holder, is operating a commercial motor vehicle  
11 or vehicle required to be placarded for hazardous materials, in  
12 which case the suspension shall not be privileged. Reports  
13 received by the Secretary of State under this Section shall  
14 also be made available to the parent or guardian of a person  
15 under the age of 18 years that holds an instruction permit or a  
16 graduated driver's license, regardless of whether the  
17 statutory summary suspension is in effect. A statutory summary  
18 revocation shall not be privileged information.

19 (f) The law enforcement officer submitting the sworn report  
20 under paragraph (d) shall serve immediate notice of the  
21 statutory summary suspension or revocation on the person and  
22 the suspension or revocation and disqualification shall be  
23 effective as provided in paragraph (g). In cases where the  
24 blood alcohol concentration of 0.08 or greater or any amount of  
25 a drug, substance, or compound resulting from the unlawful use  
26 or consumption of cannabis as covered by the Cannabis Control

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

21 (g) The statutory summary suspension or revocation and  
22 disqualification referred to in this Section shall take effect  
23 on the 46th day following the date the notice of the statutory  
24 summary suspension or revocation was given to the person.

25 (h) The following procedure shall apply whenever a person  
26 is arrested for any offense as defined in Section 11-501 or a



1 similar provision of a local ordinance:

2       Upon receipt of the sworn report from the law enforcement  
3 officer, the Secretary of State shall confirm the statutory  
4 summary suspension or revocation by mailing a notice of the  
5 effective date of the suspension or revocation to the person  
6 and the court of venue. The Secretary of State shall also mail  
7 notice of the effective date of the disqualification to the  
8 person. However, should the sworn report be defective by not  
9 containing sufficient information or be completed in error, the  
10 confirmation of the statutory summary suspension or revocation  
11 shall not be mailed to the person or entered to the record;  
12 instead, the sworn report shall be forwarded to the court of  
13 venue with a copy returned to the issuing agency identifying  
14 any defect.

15       (i) As used in this Section, "personal injury" includes any  
16 Type A injury as indicated on the traffic accident report  
17 completed by a law enforcement officer that requires immediate  
18 professional attention in either a doctor's office or a medical  
19 facility. A Type A injury includes severely bleeding wounds,  
20 distorted extremities, and injuries that require the injured  
21 party to be carried from the scene.

22       (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;  
23 97-333, eff. 8-12-11; 97-471, eff. 8-22-11.)