



Sen. Julie A. Morrison

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LRB098 10147 MLW 44571 a

1 AMENDMENT TO SENATE BILL 1479

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1479 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-206 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke  
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of  
2 vehicles committed within any 12 month period. No  
3 revocation or suspension shall be entered more than 6  
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor  
6 vehicle collisions or has been repeatedly convicted of  
7 offenses against laws and ordinances regulating the  
8 movement of traffic, to a degree that indicates lack of  
9 ability to exercise ordinary and reasonable care in the  
10 safe operation of a motor vehicle or disrespect for the  
11 traffic laws and the safety of other persons upon the  
12 highway;

13 4. Has by the unlawful operation of a motor vehicle  
14 caused or contributed to an accident resulting in injury  
15 requiring immediate professional treatment in a medical  
16 facility or doctor's office to any person, except that any  
17 suspension or revocation imposed by the Secretary of State  
18 under the provisions of this subsection shall start no  
19 later than 6 months after being convicted of violating a  
20 law or ordinance regulating the movement of traffic, which  
21 violation is related to the accident, or shall start not  
22 more than one year after the date of the accident,  
23 whichever date occurs later;

24 5. Has permitted an unlawful or fraudulent use of a  
25 driver's license, identification card, or permit;

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization  
2 contained in Section 6-203.1, which if committed within  
3 this State would be grounds for suspension or revocation;

4 7. Has refused or failed to submit to an examination  
5 provided for by Section 6-207 or has failed to pass the  
6 examination;

7 8. Is ineligible for a driver's license or permit under  
8 the provisions of Section 6-103;

9 9. Has made a false statement or knowingly concealed a  
10 material fact or has used false information or  
11 identification in any application for a license,  
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to  
14 fraudulently use any license, identification card, or  
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this  
17 State when the person's driving privilege or privilege to  
18 obtain a driver's license or permit was revoked or  
19 suspended unless the operation was authorized by a  
20 monitoring device driving permit, judicial driving permit  
21 issued prior to January 1, 2009, probationary license to  
22 drive, or a restricted driving permit issued under this  
23 Code;

24 12. Has submitted to any portion of the application  
25 process for another person or has obtained the services of  
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,  
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this  
4 State when the person's driver's license or permit was  
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,  
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 relating  
11 to criminal trespass to vehicles in which case, the  
12 suspension shall be for one year;

13 16. Has been convicted of violating Section 11-204 of  
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as  
16 required under Section 11-501.1 of this Code and the person  
17 has not sought a hearing as provided for in Section  
18 11-501.1;

19 18. Has, since issuance of a driver's license or  
20 permit, been adjudged to be afflicted with or suffering  
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)  
23 of Section 6-101 relating to driving without a driver's  
24 license;

25 20. Has been convicted of violating Section 6-104  
26 relating to classification of driver's license;

1           21. Has been convicted of violating Section 11-402 of  
2 this Code relating to leaving the scene of an accident  
3 resulting in damage to a vehicle in excess of \$1,000, in  
4 which case the suspension shall be for one year;

5           22. Has used a motor vehicle in violating paragraph  
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to unlawful use of weapons, in which case the  
9 suspension shall be for one year;

10          23. Has, as a driver, been convicted of committing a  
11 violation of paragraph (a) of Section 11-502 of this Code  
12 for a second or subsequent time within one year of a  
13 similar violation;

14          24. Has been convicted by a court-martial or punished  
15 by non-judicial punishment by military authorities of the  
16 United States at a military installation in Illinois of or  
17 for a traffic related offense that is the same as or  
18 similar to an offense specified under Section 6-205 or  
19 6-206 of this Code;

20          25. Has permitted any form of identification to be used  
21 by another in the application process in order to obtain or  
22 attempt to obtain a license, identification card, or  
23 permit;

24          26. Has altered or attempted to alter a license or has  
25 possessed an altered license, identification card, or  
26 permit;

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

3           28. Has been convicted for a first time of the illegal  
4 possession, while operating or in actual physical control,  
5 as a driver, of a motor vehicle, of any controlled  
6 substance prohibited under the Illinois Controlled  
7 Substances Act, any cannabis prohibited under the Cannabis  
8 Control Act, or any methamphetamine prohibited under the  
9 Methamphetamine Control and Community Protection Act, in  
10 which case the person's driving privileges shall be  
11 suspended for one year. Any defendant found guilty of this  
12 offense while operating a motor vehicle, shall have an  
13 entry made in the court record by the presiding judge that  
14 this offense did occur while the defendant was operating a  
15 motor vehicle and order the clerk of the court to report  
16 the violation to the Secretary of State;

17           29. Has been convicted of the following offenses that  
18 were committed while the person was operating or in actual  
19 physical control, as a driver, of a motor vehicle: criminal  
20 sexual assault, predatory criminal sexual assault of a  
21 child, aggravated criminal sexual assault, criminal sexual  
22 abuse, aggravated criminal sexual abuse, juvenile pimping,  
23 soliciting for a juvenile prostitute, promoting juvenile  
24 prostitution as described in subdivision (a) (1), (a) (2),  
25 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961  
26 or the Criminal Code of 2012, and the manufacture, sale or

1 delivery of controlled substances or instruments used for  
2 illegal drug use or abuse in which case the driver's  
3 driving privileges shall be suspended for one year;

4 30. Has been convicted a second or subsequent time for  
5 any combination of the offenses named in paragraph 29 of  
6 this subsection, in which case the person's driving  
7 privileges shall be suspended for 5 years;

8 31. Has refused to submit to a test as required by  
9 Section 11-501.6 of this Code or Section 5-16c of the Boat  
10 Registration and Safety Act or has submitted to a test  
11 resulting in an alcohol concentration of 0.08 or more or  
12 any amount of a drug, substance, or compound resulting from  
13 the unlawful use or consumption of cannabis as listed in  
14 the Cannabis Control Act, a controlled substance as listed  
15 in the Illinois Controlled Substances Act, an intoxicating  
16 compound as listed in the Use of Intoxicating Compounds  
17 Act, or methamphetamine as listed in the Methamphetamine  
18 Control and Community Protection Act, in which case the  
19 penalty shall be as prescribed in Section 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 relating  
22 to the aggravated discharge of a firearm if the offender  
23 was located in a motor vehicle at the time the firearm was  
24 discharged, in which case the suspension shall be for 3  
25 years;

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of  
2 a violation of paragraph (a) of Section 11-502 of this Code  
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of  
5 this Code or a similar provision of a local ordinance;

6 35. Has committed a violation of Section 11-1301.6 of  
7 this Code or a similar provision of a local ordinance;

8 36. Is under the age of 21 years at the time of arrest  
9 and has been convicted of not less than 2 offenses against  
10 traffic regulations governing the movement of vehicles  
11 committed within any 24 month period. No revocation or  
12 suspension shall be entered more than 6 months after the  
13 date of last conviction;

14 37. Has committed a violation of subsection (c) of  
15 Section 11-907 of this Code that resulted in damage to the  
16 property of another or the death or injury of another;

17 38. Has been convicted of a violation of Section 6-20  
18 of the Liquor Control Act of 1934 or a similar provision of  
19 a local ordinance;

20 39. Has committed a second or subsequent violation of  
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of  
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of  
25 Section 11-605.1 of this Code, a similar provision of a  
26 local ordinance, or a similar violation in any other state



1 within 2 years of the date of the previous violation, in  
2 which case the suspension shall be for 90 days;

3 42. Has committed a violation of subsection (a-1) of  
4 Section 11-1301.3 of this Code or a similar provision of a  
5 local ordinance;

6 43. Has received a disposition of court supervision for  
7 a violation of subsection (a), (d), or (e) of Section 6-20  
8 of the Liquor Control Act of 1934 or a similar provision of  
9 a local ordinance, in which case the suspension shall be  
10 for a period of 3 months;

11 44. Is under the age of 21 years at the time of arrest  
12 and has been convicted of an offense against traffic  
13 regulations governing the movement of vehicles after  
14 having previously had his or her driving privileges  
15 suspended or revoked pursuant to subparagraph 36 of this  
16 Section;

17 45. Has, in connection with or during the course of a  
18 formal hearing conducted under Section 2-118 of this Code:  
19 (i) committed perjury; (ii) submitted fraudulent or  
20 falsified documents; (iii) submitted documents that have  
21 been materially altered; or (iv) submitted, as his or her  
22 own, documents that were in fact prepared or composed for  
23 another person; or

24 46. Has committed a violation of subsection (j) of  
25 Section 3-413 of this Code.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,  
2 any traffic ticket issued when the person's driver's license is  
3 deposited in lieu of bail, a suspension notice issued by the  
4 Secretary of State, a duplicate or corrected driver's license,  
5 a probationary driver's license or a temporary driver's  
6 license.

7 (b) If any conviction forming the basis of a suspension or  
8 revocation authorized under this Section is appealed, the  
9 Secretary of State may rescind or withhold the entry of the  
10 order of suspension or revocation, as the case may be, provided  
11 that a certified copy of a stay order of a court is filed with  
12 the Secretary of State. If the conviction is affirmed on  
13 appeal, the date of the conviction shall relate back to the  
14 time the original judgment of conviction was entered and the 6  
15 month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or  
17 permit of any person as authorized in this Section, the  
18 Secretary of State shall immediately notify the person in  
19 writing of the revocation or suspension. The notice to be  
20 deposited in the United States mail, postage prepaid, to the  
21 last known address of the person.

22 2. If the Secretary of State suspends the driver's  
23 license of a person under subsection 2 of paragraph (a) of  
24 this Section, a person's privilege to operate a vehicle as  
25 an occupation shall not be suspended, provided an affidavit  
26 is properly completed, the appropriate fee received, and a

1 permit issued prior to the effective date of the  
2 suspension, unless 5 offenses were committed, at least 2 of  
3 which occurred while operating a commercial vehicle in  
4 connection with the driver's regular occupation. All other  
5 driving privileges shall be suspended by the Secretary of  
6 State. Any driver prior to operating a vehicle for  
7 occupational purposes only must submit the affidavit on  
8 forms to be provided by the Secretary of State setting  
9 forth the facts of the person's occupation. The affidavit  
10 shall also state the number of offenses committed while  
11 operating a vehicle in connection with the driver's regular  
12 occupation. The affidavit shall be accompanied by the  
13 driver's license. Upon receipt of a properly completed  
14 affidavit, the Secretary of State shall issue the driver a  
15 permit to operate a vehicle in connection with the driver's  
16 regular occupation only. Unless the permit is issued by the  
17 Secretary of State prior to the date of suspension, the  
18 privilege to drive any motor vehicle shall be suspended as  
19 set forth in the notice that was mailed under this Section.  
20 If an affidavit is received subsequent to the effective  
21 date of this suspension, a permit may be issued for the  
22 remainder of the suspension period.

23 The provisions of this subparagraph shall not apply to  
24 any driver required to possess a CDL for the purpose of  
25 operating a commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section  
2 6-302 and upon conviction thereof shall have all driving  
3 privileges revoked without further rights.

4 3. At the conclusion of a hearing under Section 2-118  
5 of this Code, the Secretary of State shall either rescind  
6 or continue an order of revocation or shall substitute an  
7 order of suspension; or, good cause appearing therefor,  
8 rescind, continue, change, or extend the order of  
9 suspension. If the Secretary of State does not rescind the  
10 order, the Secretary may upon application, to relieve undue  
11 hardship (as defined by the rules of the Secretary of  
12 State), issue a restricted driving permit granting the  
13 privilege of driving a motor vehicle between the  
14 petitioner's residence and petitioner's place of  
15 employment or within the scope of the petitioner's  
16 employment related duties, or to allow the petitioner to  
17 transport himself or herself, or a family member of the  
18 petitioner's household to a medical facility, to receive  
19 necessary medical care, to allow the petitioner to  
20 transport himself or herself to and from alcohol or drug  
21 remedial or rehabilitative activity recommended by a  
22 licensed service provider, or to allow the petitioner to  
23 transport himself or herself or a family member of the  
24 petitioner's household to classes, as a student, at an  
25 accredited educational institution, or to allow the  
26 petitioner to transport children, elderly persons, or

1 disabled persons who do not hold driving privileges and are  
2 living in the petitioner's household to and from daycare.  
3 The petitioner must demonstrate that no alternative means  
4 of transportation is reasonably available and that the  
5 petitioner will not endanger the public safety or welfare.  
6 Those multiple offenders identified in subdivision (b)4 of  
7 Section 6-208 of this Code, however, shall not be eligible  
8 for the issuance of a restricted driving permit.

9 (A) If a person's license or permit is revoked or  
10 suspended due to 2 or more convictions of violating  
11 Section 11-501 of this Code or a similar provision of a  
12 local ordinance or a similar out-of-state offense, or  
13 Section 9-3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, where the use of alcohol or  
15 other drugs is recited as an element of the offense, or  
16 a similar out-of-state offense, or a combination of  
17 these offenses, arising out of separate occurrences,  
18 that person, if issued a restricted driving permit, may  
19 not operate a vehicle unless it has been equipped with  
20 an ignition interlock device as defined in Section  
21 1-129.1.

22 (B) If a person's license or permit is revoked or  
23 suspended 2 or more times within a 10 year period due  
24 to any combination of:

25 (i) a single conviction of violating Section  
26 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense  
2 or Section 9-3 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012, where the use of alcohol or  
4 other drugs is recited as an element of the  
5 offense, or a similar out-of-state offense; or

6 (ii) a statutory summary suspension or  
7 revocation under Section 11-501.1; or

8 (iii) a suspension under Section 6-203.1;  
9 arising out of separate occurrences; that person, if  
10 issued a restricted driving permit, may not operate a  
11 vehicle unless it has been equipped with an ignition  
12 interlock device as defined in Section 1-129.1.

13 (C) The person issued a permit conditioned upon the  
14 use of an ignition interlock device must pay to the  
15 Secretary of State DUI Administration Fund an amount  
16 not to exceed \$30 per month. The Secretary shall  
17 establish by rule the amount and the procedures, terms,  
18 and conditions relating to these fees.

19 (D) If the restricted driving permit is issued for  
20 employment purposes, then the prohibition against  
21 operating a motor vehicle that is not equipped with an  
22 ignition interlock device does not apply to the  
23 operation of an occupational vehicle owned or leased by  
24 that person's employer when used solely for employment  
25 purposes.

26 (E) In each case the Secretary may issue a

1 restricted driving permit for a period deemed  
2 appropriate, except that all permits shall expire  
3 within one year from the date of issuance. The  
4 Secretary may not, however, issue a restricted driving  
5 permit to any person whose current revocation is the  
6 result of a second or subsequent conviction for a  
7 violation of Section 11-501 of this Code or a similar  
8 provision of a local ordinance or any similar  
9 out-of-state offense, or Section 9-3 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012, where the  
11 use of alcohol or other drugs is recited as an element  
12 of the offense, or any similar out-of-state offense, or  
13 any combination of those offenses, until the  
14 expiration of at least one year from the date of the  
15 revocation. A restricted driving permit issued under  
16 this Section shall be subject to cancellation,  
17 revocation, and suspension by the Secretary of State in  
18 like manner and for like cause as a driver's license  
19 issued under this Code may be cancelled, revoked, or  
20 suspended; except that a conviction upon one or more  
21 offenses against laws or ordinances regulating the  
22 movement of traffic shall be deemed sufficient cause  
23 for the revocation, suspension, or cancellation of a  
24 restricted driving permit. The Secretary of State may,  
25 as a condition to the issuance of a restricted driving  
26 permit, require the applicant to participate in a

1 designated driver remedial or rehabilitative program.  
2 The Secretary of State is authorized to cancel a  
3 restricted driving permit if the permit holder does not  
4 successfully complete the program.

5 (c-3) In the case of a suspension under paragraph 43 of  
6 subsection (a), reports received by the Secretary of State  
7 under this Section shall, except during the actual time the  
8 suspension is in effect, be privileged information and for use  
9 only by the courts, police officers, prosecuting authorities,  
10 the driver licensing administrator of any other state, the  
11 Secretary of State, or the parent or legal guardian of a driver  
12 under the age of 18. However, beginning January 1, 2008, if the  
13 person is a CDL holder, the suspension shall also be made  
14 available to the driver licensing administrator of any other  
15 state, the U.S. Department of Transportation, and the affected  
16 driver or motor carrier or prospective motor carrier upon  
17 request.

18 (c-4) In the case of a suspension under paragraph 43 of  
19 subsection (a), the Secretary of State shall notify the person  
20 by mail that his or her driving privileges and driver's license  
21 will be suspended one month after the date of the mailing of  
22 the notice.

23 (c-5) The Secretary of State may, as a condition of the  
24 reissuance of a driver's license or permit to an applicant  
25 whose driver's license or permit has been suspended before he  
26 or she reached the age of 21 years pursuant to any of the



1 provisions of this Section, require the applicant to  
2 participate in a driver remedial education course and be  
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the  
5 Drivers License Compact.

6 (e) The Secretary of State shall not issue a restricted  
7 driving permit to a person under the age of 16 years whose  
8 driving privileges have been suspended or revoked under any  
9 provisions of this Code.

10 (f) In accordance with 49 C.F.R. 384, the Secretary of  
11 State may not issue a restricted driving permit for the  
12 operation of a commercial motor vehicle to a person holding a  
13 CDL whose driving privileges have been suspended, revoked,  
14 cancelled, or disqualified under any provisions of this Code.

15 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
16 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
17 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
18 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,  
19 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 10. The Boat Registration and Safety Act is amended  
21 by adding Section 5-16c as follows:

22 (625 ILCS 45/5-16c new)

23 Sec. 5-16c. Operator involvement in personal injury or  
24 fatal boating accident; chemical tests.

1       (a) Any person who operates or is in actual physical  
2 control of a watercraft within this State and who has been  
3 involved in a personal injury or fatal boating accident, shall  
4 be deemed to have given consent to a breath test using a  
5 portable device as approved by the Department of State Police  
6 or to a chemical test or tests of blood, breath, or urine for  
7 the purpose of determining the content of alcohol, other drug  
8 or drugs, or intoxicating compound or compounds of the person's  
9 blood if arrested as evidenced by the issuance of a uniform  
10 citation for a violation of the Boat Registration and Safety  
11 Act or a similar provision of a local ordinance, with the  
12 exception of equipment violations contained in Article IV of  
13 this Act, or similar provisions of local ordinances. The test  
14 or tests shall be administered at the direction of the  
15 arresting officer. The law enforcement agency employing the  
16 officer shall designate which of the aforesaid tests shall be  
17 administered. A urine test may be administered even after a  
18 blood or breath test or both has been administered. Compliance  
19 with this Section does not relieve the person from the  
20 requirements of any other Section of this Act.

21       (b) Any person who is dead, unconscious, or who is  
22 otherwise in a condition rendering that person incapable of  
23 refusal shall be deemed not to have withdrawn the consent  
24 provided by subsection (a) of this Section. In addition, if an  
25 operator of a watercraft is receiving medical treatment as a  
26 result of a boating accident, any physician licensed to

1 practice medicine, licensed physician assistant, licensed  
2 advanced practice nurse, registered nurse, or a phlebotomist  
3 acting under the direction of a licensed physician shall  
4 withdraw blood for testing purposes to ascertain the presence  
5 of alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, upon the specific request of a law enforcement  
7 officer. However, this testing shall not be performed until, in  
8 the opinion of the medical personnel on scene, the withdrawal  
9 can be made without interfering with or endangering the  
10 well-being of the patient.

11 (c) A person requested to submit to a test under subsection  
12 (a) of this Section shall be warned by the law enforcement  
13 officer requesting the test that a refusal to submit to the  
14 test, or submission to the test resulting in an alcohol  
15 concentration of 0.08 or more, or any amount of a drug,  
16 substance, or intoxicating compound resulting from the  
17 unlawful use or consumption of cannabis, as covered by the  
18 Cannabis Control Act, a controlled substance listed in the  
19 Illinois Controlled Substances Act, an intoxicating compound  
20 listed in the Use of Intoxicating Compounds Act, or  
21 methamphetamine as listed in the Methamphetamine Control and  
22 Community Protection Act as detected in the person's blood or  
23 urine, may result in the suspension of the person's privilege  
24 to operate a motor vehicle and may result in the  
25 disqualification of the person's privilege to operate a  
26 commercial motor vehicle, as provided in Section 6-514 of the

1 Illinois Vehicle Code, if the person is a CDL holder. The  
2 length of the suspension shall be the same as outlined in  
3 Section 6-208.1 of the Illinois Vehicle Code regarding  
4 statutory summary suspensions.

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

1       Upon receipt of the sworn report of a law enforcement  
2 officer, the Secretary of State shall enter the suspension and  
3 disqualification to the person's driving record and the  
4 suspension and disqualification shall be effective on the 46th  
5 day following the date notice of the suspension was given to  
6 the person.

7       The law enforcement officer submitting the sworn report  
8 shall serve immediate notice of this suspension on the person  
9 and this suspension and disqualification shall be effective on  
10 the 46th day following the date notice was given.

11       In cases where the blood alcohol concentration of 0.08 or  
12 more, or any amount of a drug, substance, or intoxicating  
13 compound resulting from the unlawful use or consumption of  
14 cannabis as listed in the Cannabis Control Act, a controlled  
15 substance listed in the Illinois Controlled Substances Act, an  
16 intoxicating compound listed in the Use of Intoxicating  
17 Compounds Act, or methamphetamine as listed in the  
18 Methamphetamine Control and Community Protection Act, is  
19 established by a subsequent analysis of blood or urine  
20 collected at the time of arrest, the arresting officer shall  
21 give notice as provided in this Section or by deposit in the  
22 United States mail of this notice in an envelope with postage  
23 prepaid and addressed to the person at his or her address as  
24 shown on the uniform citation and the suspension and  
25 disqualification shall be effective on the 46th day following  
26 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 person by mailing a  
4 notice of the effective date of the suspension and  
5 disqualification to the person. 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 person may contest this suspension of his or her  
12 driving privileges and disqualification of his or her CDL  
13 privileges by requesting an administrative hearing with the  
14 Secretary of State in accordance with Section 2-118 of the  
15 Illinois Vehicle Code. At the conclusion of a hearing held  
16 under Section 2-118 of the Illinois Vehicle Code, the Secretary  
17 of State may rescind, continue, or modify the orders of  
18 suspension and disqualification. If the Secretary of State does  
19 not rescind the orders of suspension and disqualification, a  
20 restricted driving permit may be granted by the Secretary of  
21 State upon application being made and good cause shown. A  
22 restricted driving permit may be granted to relieve undue  
23 hardship to allow driving for employment, educational, and  
24 medical purposes as outlined in Section 6-206 of the Illinois  
25 Vehicle Code. The provisions of Section 6-206 of the Illinois  
26 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the

1 Secretary of State may not issue a restricted driving permit  
2 for the operation of a commercial motor vehicle to a person  
3 holding a CDL whose driving privileges have been suspended,  
4 revoked, cancelled, or disqualified.

5 (f) For the purposes of this Section, a personal injury  
6 shall include any type A injury as indicated on the accident  
7 report completed by a law enforcement officer that requires  
8 immediate professional attention in a doctor's office or a  
9 medical facility. A type A injury shall include severely  
10 bleeding wounds, distorted extremities, and injuries that  
11 require the injured party to be carried from the scene."