



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 2762

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2762 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Aeronautics Act is amended by  
5 changing Sections 43d and 43e as follows:

6 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)  
7 Sec. 43d. Intoxicated persons in or about aircraft.

8 (a) No person shall:

9 (1) Operate or attempt to operate any aircraft in this  
10 State while under the influence of intoxicating liquor or  
11 any narcotic drug or other controlled substance.

12 (2) Knowingly permit any individual who is under the  
13 influence of intoxicating liquor or any narcotic drug or  
14 other controlled substance to operate any aircraft owned by  
15 the person or in his custody or control.

16 (3) Perform any act in connection with the maintenance

1 or operation of any aircraft when under the influence of  
2 intoxicating liquor or any narcotic drug or other  
3 controlled substance, except medication prescribed by a  
4 physician which will not render the person incapable of  
5 performing his duties safely.

6 (4) (i) Consume alcoholic liquor within 8 hours prior to  
7 operating or acting as a crew member of any aircraft within  
8 this State.

9 (ii) Act as a crew member of any aircraft within this  
10 State while under the influence of alcohol or when the  
11 alcohol concentration in the person's blood, saliva, or  
12 breath is 0.04 or more based on the definition of blood, saliva,  
13 saliva, and breath units contained in Section 11-501.2 of  
14 the Illinois Vehicle Code.

15 (iii) Operate any aircraft within this State when the  
16 alcohol concentration in the person's blood, saliva, or  
17 breath is 0.04 or more based on the definition of blood, saliva,  
18 saliva, and breath units contained in Section 11-501.2 of  
19 the Illinois Vehicle Code.

20 (iv) Operate or act as a crew member of any aircraft  
21 within this State when there is any amount of a drug,  
22 substance, or compound in the person's blood, saliva, or  
23 urine resulting from the unlawful use or consumption of  
24 cannabis as listed in the Cannabis Control Act or a  
25 controlled substance as listed in the Illinois Controlled  
26 Substances Act.

1           (5) Knowingly consume while a crew member of any  
2           aircraft any intoxicating liquor, narcotic drug, or other  
3           controlled substance while the aircraft is in operation.

4           (b) Any person who violates clause (4)(i) of subsection (a)  
5           of this Section is guilty of a Class A misdemeanor. A person  
6           who violates paragraph (2), (3), or (5) or clause (4)(ii) of  
7           subsection (a) of this Section is guilty of a Class 4 felony. A  
8           person who violates paragraph (1) or clause (4)(iii) or (4)(iv)  
9           of subsection (a) of this Section is guilty of a Class 3  
10          felony.

11          (Source: P.A. 98-756, eff. 7-16-14.)

12           (620 ILCS 5/43e) (from Ch. 15 1/2, par. 22.43e)

13          Sec. 43e. (a) Any person who operates, is in actual  
14          physical control or who acts as a crew member of any aircraft  
15          in this State shall be deemed to have given consent, subject to  
16          the provisions of Section 11-501.2 of the Illinois Vehicle  
17          Code, to a chemical test or tests of blood, breath, saliva, or  
18          urine for the purpose of determining the alcohol, other drug,  
19          or combination thereof content of the person's blood if  
20          arrested or upon request by any law enforcement officer where  
21          the officer has probable cause to believe the person is in  
22          violation of Section 43d of this Act. The test or tests shall  
23          be administered at the direction of the arresting law  
24          enforcement officer and the agency employing the officer shall  
25          designate which of the tests specified in this Section shall be

1 administered.

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

8 (c) If the person refuses testing or submits to a test  
9 which discloses an alcohol concentration of 0.04 or more or  
10 discloses the presence of any illegal drug the law enforcement  
11 officer shall immediately submit a sworn report containing that  
12 information to the Federal Aviation Administration, Civil  
13 Aeronautics Board or any other federal agency responsible for  
14 the licensing of pilots and crew members. The test results  
15 shall, in addition, be made available to any agency responsible  
16 for relicensing or recertifying any pilot or crew member.

17 (Source: P.A. 87-458.)

18 Section 10. The Illinois Vehicle Code is amended by  
19 changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 11-401,  
20 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2, 11-501.4,  
21 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as follows:

22 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

23 Sec. 2-118. Hearings.

24 (a) Upon the suspension, revocation or denial of the

1 issuance of a license, permit, registration or certificate of  
2 title under this Code of any person the Secretary of State  
3 shall immediately notify such person in writing and upon his  
4 written request shall, within 20 days after receipt thereof,  
5 set a date for a hearing to commence within 90 calendar days  
6 from the date of the written request for all requests related  
7 to a suspension, revocation, or the denial of the issuance of a  
8 license, permit, registration, or certificate of title  
9 occurring after July 1, 2002, in the County of Sangamon, the  
10 County of Jefferson, or the County of Cook, as such person may  
11 specify, unless both parties agree that such hearing may be  
12 held in some other county. The Secretary may require the  
13 payment of a fee of not more than \$50 for the filing of any  
14 petition, motion, or request for hearing conducted pursuant to  
15 this Section. These fees must be deposited into the Secretary  
16 of State DUI Administration Fund, a special fund created in the  
17 State treasury, and, subject to appropriation and as directed  
18 by the Secretary of State, shall be used for operation of the  
19 Department of Administrative Hearings of the Office of the  
20 Secretary of State and for no other purpose. The Secretary  
21 shall establish by rule the amount and the procedures, terms,  
22 and conditions relating to these fees.

23 (b) At any time after the suspension, revocation or denial  
24 of a license, permit, registration or certificate of title of  
25 any person as hereinbefore referred to, the Secretary of State,  
26 in his or her discretion and without the necessity of a request

1 by such person, may hold such a hearing, upon not less than 10  
2 days' notice in writing, in the Counties of Sangamon,  
3 Jefferson, or Cook or in any other county agreed to by the  
4 parties.

5 (c) Upon any such hearing, the Secretary of State, or his  
6 authorized agent may administer oaths and issue subpoenas for  
7 the attendance of witnesses and the production of relevant  
8 books and records and may require an examination of such  
9 person. Upon any such hearing, the Secretary of State shall  
10 either rescind or, good cause appearing therefor, continue,  
11 change or extend the Order of Revocation or Suspension, or upon  
12 petition therefore and subject to the provisions of this Code,  
13 issue a restricted driving permit or reinstate the license or  
14 permit of such person.

15 (d) All hearings and hearing procedures shall comply with  
16 requirements of the Constitution, so that no person is deprived  
17 of due process of law nor denied equal protection of the laws.  
18 All hearings shall be held before the Secretary of State or  
19 before such persons as may be designated by the Secretary of  
20 State and appropriate records of such hearings shall be kept.  
21 Where a transcript of the hearing is taken, the person  
22 requesting the hearing shall have the opportunity to order a  
23 copy thereof at his own expense. The Secretary of State shall  
24 enter an order upon any hearing conducted under this Section,  
25 related to a suspension, revocation, or the denial of the  
26 issuance of a license, permit, registration, or certificate of

1 title occurring after July 1, 2002, within 90 days of its  
2 conclusion and shall immediately notify the person in writing  
3 of his or her action.

4 (d-5) Any hearing over which the Secretary of State has  
5 jurisdiction because of a person's implied consent to testing  
6 of the person's blood, breath, saliva, or urine for the  
7 presence of alcohol, drugs, or intoxicating compounds may be  
8 conducted upon a review of the official police reports. Either  
9 party, however, may subpoena the arresting officer and any  
10 other law enforcement officer who was involved in the  
11 petitioner's arrest or processing after arrest, as well as any  
12 other person whose testimony may be probative to the issues at  
13 the hearing. The failure of a law enforcement officer to answer  
14 the subpoena shall be considered grounds for a continuance if,  
15 in the hearing officer's discretion, the continuance is  
16 appropriate. The failure of the arresting officer to answer a  
17 subpoena shall not, in and of itself, be considered grounds for  
18 the rescission of an implied consent suspension. Rather, the  
19 hearing shall proceed on the basis of the other evidence  
20 available, and the hearing officer shall assign this evidence  
21 whatever probative value is deemed appropriate. The decision  
22 whether to rescind shall be based upon the totality of the  
23 evidence.

24 (e) The action of the Secretary of State in suspending,  
25 revoking or denying any license, permit, registration, or  
26 certificate of title shall be subject to judicial review in the

1 Circuit Court of Sangamon County, in the Circuit Court of  
2 Jefferson County, or in the Circuit Court of Cook County, and  
3 the provisions of the Administrative Review Law, and all  
4 amendments and modifications thereto, and the rules adopted  
5 pursuant thereto, are hereby adopted and shall apply to and  
6 govern every action for the judicial review of final acts or  
7 decisions of the Secretary of State hereunder.

8 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

9 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

10 Sec. 2-118.1. Opportunity for hearing; statutory summary  
11 alcohol or other drug related suspension or revocation pursuant  
12 to Section 11-501.1.

13 (a) A statutory summary suspension or revocation of driving  
14 privileges under Section 11-501.1 shall not become effective  
15 until the person is notified in writing of the impending  
16 suspension or revocation and informed that he may request a  
17 hearing in the circuit court of venue under paragraph (b) of  
18 this Section and the statutory summary suspension or revocation  
19 shall become effective as provided in Section 11-501.1.

20 (b) Within 90 days after the notice of statutory summary  
21 suspension or revocation served under Section 11-501.1, the  
22 person may make a written request for a judicial hearing in the  
23 circuit court of venue. The request to the circuit court shall  
24 state the grounds upon which the person seeks to have the  
25 statutory summary suspension or revocation rescinded. Within



1 30 days after receipt of the written request or the first  
2 appearance date on the Uniform Traffic Ticket issued pursuant  
3 to a violation of Section 11-501, or a similar provision of a  
4 local ordinance, the hearing shall be conducted by the circuit  
5 court having jurisdiction. This judicial hearing, request, or  
6 process shall not stay or delay the statutory summary  
7 suspension or revocation. The hearings shall proceed in the  
8 court in the same manner as in other civil proceedings.

9 The hearing may be conducted upon a review of the law  
10 enforcement officer's own official reports; provided however,  
11 that the person may subpoena the officer. Failure of the  
12 officer to answer the subpoena shall be considered grounds for  
13 a continuance if in the court's discretion the continuance is  
14 appropriate.

15 The scope of the hearing shall be limited to the issues of:

16 1. Whether the person was placed under arrest for an  
17 offense as defined in Section 11-501, or a similar  
18 provision of a local ordinance, as evidenced by the  
19 issuance of a Uniform Traffic Ticket, or issued a Uniform  
20 Traffic Ticket out of state as provided in subsection (a)  
21 of Section 11-501.1; and

22 2. Whether the officer had reasonable grounds to  
23 believe that the person was driving or in actual physical  
24 control of a motor vehicle upon a highway while under the  
25 influence of alcohol, other drug, or combination of both;  
26 and

1           3. Whether the person, after being advised by the  
2 officer that the privilege to operate a motor vehicle would  
3 be suspended or revoked if the person refused to submit to  
4 and complete the test or tests, did refuse to submit to or  
5 complete the test or tests to determine the person's blood  
6 alcohol or drug concentration; or

7           4. Whether the person, after being advised by the  
8 officer that the privilege to operate a motor vehicle would  
9 be suspended if the person submits to a chemical test, or  
10 tests, and the test discloses an alcohol concentration of  
11 0.08 or more, or any amount of a drug, substance, or  
12 compound in the person's blood, saliva, or urine resulting  
13 from the unlawful use or consumption of cannabis listed in  
14 the Cannabis Control Act, a controlled substance listed in  
15 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, and the person did  
19 submit to and complete the test or tests that determined an  
20 alcohol concentration of 0.08 or more.

21           4.2. (Blank).

22           4.5. (Blank).

23           5. If the person's driving privileges were revoked,  
24 whether the person was involved in a motor vehicle accident  
25 that caused Type A injury or death to another.

26           Upon the conclusion of the judicial hearing, the circuit

1 court shall sustain or rescind the statutory summary suspension  
2 or revocation and immediately notify the Secretary of State.  
3 Reports received by the Secretary of State under this Section  
4 shall be privileged information and for use only by the courts,  
5 police officers, and Secretary of State.

6 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

7 (625 ILCS 5/6-106.1a)

8 Sec. 6-106.1a. Cancellation of school bus driver permit;  
9 trace of alcohol.

10 (a) A person who has been issued a school bus driver permit  
11 by the Secretary of State in accordance with Section 6-106.1 of  
12 this Code and who drives or is in actual physical control of a  
13 school bus or any other vehicle owned or operated by or for a  
14 public or private school, or a school operated by a religious  
15 institution, when the vehicle is being used over a regularly  
16 scheduled route for the transportation of persons enrolled as  
17 students in grade 12 or below, in connection with any activity  
18 of the entities listed, upon the public highways of this State  
19 shall be deemed to have given consent to a chemical test or  
20 tests of blood, breath, saliva, or urine for the purpose of  
21 determining the alcohol content of the person's blood if  
22 arrested, as evidenced by the issuance of a Uniform Traffic  
23 Ticket for any violation of this Code or a similar provision of  
24 a local ordinance, if a police officer has probable cause to  
25 believe that the driver has consumed any amount of an alcoholic

1 beverage based upon evidence of the driver's physical condition  
2 or other first hand knowledge of the police officer. The test  
3 or tests shall be administered at the direction of the  
4 arresting officer. The law enforcement agency employing the  
5 officer shall designate which of the aforesaid tests shall be  
6 administered. A saliva or urine test may be administered even  
7 after a blood or breath test or both has been administered.

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

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

1           (2) When a person submits to a blood test at the  
2 request of a law enforcement officer under the provisions  
3 of this Section, only a physician authorized to practice  
4 medicine, a licensed physician assistant, a licensed  
5 advanced practice nurse, a registered nurse, or other  
6 qualified person trained in venipuncture and acting under  
7 the direction of a licensed physician may withdraw blood  
8 for the purpose of determining the alcohol content. This  
9 limitation does not apply to the taking of breath, saliva,  
10 or urine specimens.

11           (3) The person tested may have a physician, qualified  
12 technician, chemist, registered nurse, or other qualified  
13 person of his or her own choosing administer a chemical  
14 test or tests in addition to any test or tests administered  
15 at the direction of a law enforcement officer. The test  
16 administered at the request of the person may be admissible  
17 into evidence at a hearing conducted in accordance with  
18 Section 2-118 of this Code. The failure or inability to  
19 obtain an additional test by a person shall not preclude  
20 the consideration of the previously performed chemical  
21 test.

22           (4) Upon a request of the person who submits to a  
23 chemical test or tests at the request of a law enforcement  
24 officer, full information concerning the test or tests  
25 shall be made available to the person or that person's  
26 attorney by the requesting law enforcement agency within 72

1 hours of receipt of the test result.

2 (5) Alcohol concentration means either grams of  
3 alcohol per 100 milliliters of blood or grams of alcohol  
4 per 210 liters of breath.

5 (6) If a driver is receiving medical treatment as a  
6 result of a motor vehicle accident, a physician licensed to  
7 practice medicine, licensed physician assistant, licensed  
8 advanced practice nurse, registered nurse, or other  
9 qualified person trained in venipuncture and acting under  
10 the direction of a licensed physician shall withdraw blood  
11 for testing purposes to ascertain the presence of alcohol  
12 upon the specific request of a law enforcement officer.  
13 However, that testing shall not be performed until, in the  
14 opinion of the medical personnel on scene, the withdrawal  
15 can be made without interfering with or endangering the  
16 well-being of the patient.

17 (c) A person requested to submit to a test as provided in  
18 this Section shall be warned by the law enforcement officer  
19 requesting the test that a refusal to submit to the test, or  
20 submission to the test resulting in an alcohol concentration of  
21 more than 0.00, may result in the loss of that person's  
22 privilege to possess a school bus driver permit. The loss of  
23 the individual's privilege to possess a school bus driver  
24 permit shall be imposed in accordance with Section 6-106.1b of  
25 this Code.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law  
2 enforcement officer shall immediately submit a sworn report to  
3 the Secretary of State on a form prescribed by the Secretary of  
4 State certifying that the test or tests were requested under  
5 subsection (a) and the person refused to submit to a test or  
6 tests or submitted to testing which disclosed an alcohol  
7 concentration of more than 0.00. The law enforcement officer  
8 shall submit the same sworn report when a person who has been  
9 issued a school bus driver permit and who was operating a  
10 school bus or any other vehicle owned or operated by or for a  
11 public or private school, or a school operated by a religious  
12 institution, when the vehicle is being used over a regularly  
13 scheduled route for the transportation of persons enrolled as  
14 students in grade 12 or below, in connection with any activity  
15 of the entities listed, submits to testing under Section  
16 11-501.1 of this Code and the testing discloses an alcohol  
17 concentration of more than 0.00 and less than the alcohol  
18 concentration at which driving or being in actual physical  
19 control of a motor vehicle is prohibited under paragraph (1) of  
20 subsection (a) of Section 11-501.

21 Upon receipt of the sworn report of a law enforcement  
22 officer, the Secretary of State shall enter the school bus  
23 driver permit sanction on the individual's driving record and  
24 the sanction shall be effective on the 46th day following the  
25 date notice of the sanction was given to the person.

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this school bus driver permit  
2 sanction on the person and the sanction shall be effective on  
3 the 46th day following the date notice was given.

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

12 Upon receipt of the sworn report of a law enforcement  
13 officer, the Secretary of State shall also give notice of the  
14 school bus driver permit sanction to the driver and the  
15 driver's current employer by mailing a notice of the effective  
16 date of the sanction to the individual. However, shall the  
17 sworn report be defective by not containing sufficient  
18 information or be completed in error, the notice of the school  
19 bus driver permit sanction may not be mailed to the person or  
20 his current employer or entered to the driving record, but  
21 rather the sworn report shall be returned to the issuing law  
22 enforcement agency.

23 (e) A driver may contest this school bus driver permit  
24 sanction by requesting an administrative hearing with the  
25 Secretary of State in accordance with Section 2-118 of this  
26 Code. An individual whose blood alcohol concentration is shown



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

11 (1) whether the police officer had probable cause to  
12 believe that the person was driving or in actual physical  
13 control of a school bus or any other vehicle owned or  
14 operated by or for a public or private school, or a school  
15 operated by a religious institution, when the vehicle is  
16 being used over a regularly scheduled route for the  
17 transportation of persons enrolled as students in grade 12  
18 or below, in connection with any activity of the entities  
19 listed, upon the public highways of the State and the  
20 police officer had reason to believe that the person was in  
21 violation of any provision of this Code or a similar  
22 provision of a local ordinance; and

23 (2) whether the person was issued a Uniform Traffic  
24 Ticket for any violation of this Code or a similar  
25 provision of a local ordinance; and

26 (3) whether the police officer had probable cause to

1 believe that the driver had consumed any amount of an  
2 alcoholic beverage based upon the driver's physical  
3 actions or other first-hand knowledge of the police  
4 officer; and

5 (4) whether the person, after being advised by the  
6 officer that the privilege to possess a school bus driver  
7 permit would be canceled if the person refused to submit to  
8 and complete the test or tests, did refuse to submit to or  
9 complete the test or tests to determine the person's  
10 alcohol concentration; and

11 (5) whether the person, after being advised by the  
12 officer that the privileges to possess a school bus driver  
13 permit would be canceled if the person submits to a  
14 chemical test or tests and the test or tests disclose an  
15 alcohol concentration of more than 0.00 and the person did  
16 submit to and complete the test or tests that determined an  
17 alcohol concentration of more than 0.00; and

18 (6) whether the test result of an alcohol concentration  
19 of more than 0.00 was based upon the person's consumption  
20 of alcohol in the performance of a religious service or  
21 ceremony; and

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

26 The Secretary of State may adopt administrative rules

1 setting forth circumstances under which the holder of a school  
2 bus driver permit is not required to appear in person at the  
3 hearing.

4        Provided that the petitioner may subpoena the officer, the  
5 hearing may be conducted upon a review of the law enforcement  
6 officer's own official reports. Failure of the officer to  
7 answer the subpoena shall be grounds for a continuance if, in  
8 the hearing officer's discretion, the continuance is  
9 appropriate. At the conclusion of the hearing held under  
10 Section 2-118 of this Code, the Secretary of State may rescind,  
11 continue, or modify the school bus driver permit sanction.

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

23        (g) This Section applies only to drivers who have been  
24 issued a school bus driver permit in accordance with Section  
25 6-106.1 of this Code at the time of the issuance of the Uniform  
26 Traffic Ticket for a violation of this Code or a similar

1 provision of a local ordinance, and a chemical test request is  
2 made under this Section.

3 (h) The action of the Secretary of State in suspending,  
4 revoking, canceling, or denying any license, permit,  
5 registration, or certificate of title shall be subject to  
6 judicial review in the Circuit Court of Sangamon County or in  
7 the Circuit Court of Cook County, and the provisions of the  
8 Administrative Review Law and its rules are hereby adopted and  
9 shall apply to and govern every action for the judicial review  
10 of final acts or decisions of the Secretary of State under this  
11 Section.

12 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11.)

13 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

14 Sec. 6-208.1. Period of statutory summary alcohol, other  
15 drug, or intoxicating compound related suspension or  
16 revocation.

17 (a) Unless the statutory summary suspension has been  
18 rescinded, any person whose privilege to drive a motor vehicle  
19 on the public highways has been summarily suspended, pursuant  
20 to Section 11-501.1, shall not be eligible for restoration of  
21 the privilege until the expiration of:

22 1. twelve months from the effective date of the  
23 statutory summary suspension for a refusal or failure to  
24 complete a test or tests to determine the alcohol, other  
25 drug, or intoxicating compound concentration under Section

1 11-501.1, if the person was not involved in a motor vehicle  
2 accident that caused personal injury or death to another;  
3 or

4 2. six months from the effective date of the statutory  
5 summary suspension imposed following the person's  
6 submission to a chemical test which disclosed an alcohol  
7 concentration of 0.08 or more, or any amount of a drug,  
8 substance, or intoxicating compound in such person's  
9 breath, blood, saliva, or urine resulting from the unlawful  
10 use or consumption of cannabis listed in the Cannabis  
11 Control Act, a controlled substance listed in the Illinois  
12 Controlled Substances Act, an intoxicating compound listed  
13 in the Use of Intoxicating Compounds Act, or  
14 methamphetamine as listed in the Methamphetamine Control  
15 and Community Protection Act, pursuant to Section  
16 11-501.1; or

17 3. three years from the effective date of the statutory  
18 summary suspension for any person other than a first  
19 offender who refuses or fails to complete a test or tests  
20 to determine the alcohol, drug, or intoxicating compound  
21 concentration pursuant to Section 11-501.1; or

22 4. one year from the effective date of the summary  
23 suspension imposed for any person other than a first  
24 offender following submission to a chemical test which  
25 disclosed an alcohol concentration of 0.08 or more pursuant  
26 to Section 11-501.1 or any amount of a drug, substance or

1 compound in such person's blood, saliva, or urine resulting  
2 from the unlawful use or consumption of cannabis listed in  
3 the Cannabis Control Act, a controlled substance listed in  
4 the Illinois Controlled Substances Act, an intoxicating  
5 compound listed in the Use of Intoxicating Compounds Act,  
6 or methamphetamine as listed in the Methamphetamine  
7 Control and Community Protection Act; or

8 5. (Blank).

9 (b) Following a statutory summary suspension of the  
10 privilege to drive a motor vehicle under Section 11-501.1,  
11 driving privileges shall be restored unless the person is  
12 otherwise suspended, revoked, or cancelled by this Code. If the  
13 court has reason to believe that the person's driving privilege  
14 should not be restored, the court shall notify the Secretary of  
15 State prior to the expiration of the statutory summary  
16 suspension so appropriate action may be taken pursuant to this  
17 Code.

18 (c) Driving privileges may not be restored until all  
19 applicable reinstatement fees, as provided by this Code, have  
20 been paid to the Secretary of State and the appropriate entry  
21 made to the driver's record.

22 (d) Where a driving privilege has been summarily suspended  
23 or revoked under Section 11-501.1 and the person is  
24 subsequently convicted of violating Section 11-501, or a  
25 similar provision of a local ordinance, for the same incident,  
26 any period served on statutory summary suspension or revocation

1 shall be credited toward the minimum period of revocation of  
2 driving privileges imposed pursuant to Section 6-205.

3 (e) A first offender who refused chemical testing and whose  
4 driving privileges were summarily revoked pursuant to Section  
5 11-501.1 shall not be eligible for a monitoring device driving  
6 permit, but may make application for reinstatement or for a  
7 restricted driving permit after a period of one year has  
8 elapsed from the effective date of the revocation.

9 (f) (Blank).

10 (g) Following a statutory summary suspension of driving  
11 privileges pursuant to Section 11-501.1 where the person was  
12 not a first offender, as defined in Section 11-500, the  
13 Secretary of State may not issue a restricted driving permit.

14 (h) (Blank).

15 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;  
16 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

17 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

18 Sec. 11-401. Motor vehicle accidents involving death or  
19 personal injuries.

20 (a) The driver of any vehicle involved in a motor vehicle  
21 accident resulting in personal injury to or death of any person  
22 shall immediately stop such vehicle at the scene of such  
23 accident, or as close thereto as possible and shall then  
24 forthwith return to, and in every event shall remain at the  
25 scene of the accident until the requirements of Section 11-403

1 have been fulfilled. Every such stop shall be made without  
2 obstructing traffic more than is necessary.

3 (b) Any person who has failed to stop or to comply with the  
4 requirements of paragraph (a) shall, as soon as possible but in  
5 no case later than one-half hour after such motor vehicle  
6 accident, or, if hospitalized and incapacitated from reporting  
7 at any time during such period, as soon as possible but in no  
8 case later than one-half hour after being discharged from the  
9 hospital, report the place of the accident, the date, the  
10 approximate time, the driver's name and address, the  
11 registration number of the vehicle driven, and the names of all  
12 other occupants of such vehicle, at a police station or  
13 sheriff's office near the place where such accident occurred.  
14 No report made as required under this paragraph shall be used,  
15 directly or indirectly, as a basis for the prosecution of any  
16 violation of paragraph (a).

17 (b-1) Any person arrested for violating this Section is  
18 subject to chemical testing of his or her blood, breath,  
19 saliva, or urine for the presence of alcohol, other drug or  
20 drugs, intoxicating compound or compounds, or any combination  
21 thereof, as provided in Section 11-501.1, if the testing occurs  
22 within 12 hours of the time of the occurrence of the accident  
23 that led to his or her arrest. The person's driving privileges  
24 are subject to statutory summary suspension under Section  
25 11-501.1 if he or she fails testing or statutory summary  
26 revocation under Section 11-501.1 if he or she refuses to



1 undergo the testing.

2 For purposes of this Section, personal injury shall mean  
3 any injury requiring immediate professional treatment in a  
4 medical facility or doctor's office.

5 (c) Any person failing to comply with paragraph (a) shall  
6 be guilty of a Class 4 felony.

7 (d) Any person failing to comply with paragraph (b) is  
8 guilty of a Class 2 felony if the motor vehicle accident does  
9 not result in the death of any person. Any person failing to  
10 comply with paragraph (b) when the accident results in the  
11 death of any person is guilty of a Class 1 felony.

12 (e) The Secretary of State shall revoke the driving  
13 privilege of any person convicted of a violation of this  
14 Section.

15 (Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)

16 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

17 Sec. 11-500. Definitions. For the purposes of interpreting  
18 Sections 6-206.1 and 6-208.1 of this Code, "first offender"  
19 shall mean any person who has not had a previous conviction or  
20 court assigned supervision for violating Section 11-501, or a  
21 similar provision of a local ordinance, or a conviction in any  
22 other state for a violation of driving while under the  
23 influence or a similar offense where the cause of action is the  
24 same or substantially similar to this Code or similar offenses  
25 committed on a military installation, or any person who has not

1 had a driver's license suspension pursuant to paragraph 6 of  
2 subsection (a) of Section 6-206 as the result of refusal of  
3 chemical testing in another state, or any person who has not  
4 had a driver's license suspension or revocation for violating  
5 Section 11-501.1 within 5 years prior to the date of the  
6 current offense, except in cases where the driver submitted to  
7 chemical testing resulting in an alcohol concentration of 0.08  
8 or more, or any amount of a drug, substance, or compound in  
9 such person's blood, saliva, or urine resulting from the  
10 unlawful use or consumption of cannabis listed in the Cannabis  
11 Control Act, a controlled substance listed in the Illinois  
12 Controlled Substances Act, or an intoxicating compound listed  
13 in the Use of Intoxicating Compounds Act, or methamphetamine as  
14 listed in the Methamphetamine Control and Community Protection  
15 Act and was subsequently found not guilty of violating Section  
16 11-501, or a similar provision of a local ordinance.

17 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;  
18 96-1344, eff. 7-1-11.)

19 (625 ILCS 5/11-500.1)

20 Sec. 11-500.1. Immunity.

21 (a) A person authorized under this Article to withdraw  
22 blood or collect saliva or urine shall not be civilly liable  
23 for damages when the person, in good faith, withdraws blood or  
24 collects saliva or urine for evidentiary purposes under this  
25 Code, upon the request of a law enforcement officer, unless the

1 act is performed in a willful and wanton manner.

2 (b) As used in this Section, "willful and wanton manner"  
3 means a course of action that shows an actual or deliberate  
4 intention to cause harm or which, if not intentional, shows an  
5 utter indifference to or conscious disregard for the health or  
6 safety of another.

7 (Source: P.A. 89-689, eff. 12-31-96.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

9 Sec. 11-501. Driving while under the influence of alcohol,  
10 other drug or drugs, intoxicating compound or compounds or any  
11 combination thereof.

12 (a) A person shall not drive or be in actual physical  
13 control of any vehicle within this State while:

14 (1) the alcohol concentration in the person's blood,  
15 saliva, or breath is 0.08 or more based on the definition  
16 of blood and breath units in Section 11-501.2;

17 (2) under the influence of alcohol;

18 (3) under the influence of any intoxicating compound or  
19 combination of intoxicating compounds to a degree that  
20 renders the person incapable of driving safely;

21 (4) under the influence of any other drug or  
22 combination of drugs to a degree that renders the person  
23 incapable of safely driving;

24 (5) under the combined influence of alcohol, other drug  
25 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving; or

2 (6) there is any amount of a drug, substance, or  
3 compound in the person's breath, blood, saliva, or urine  
4 resulting from the unlawful use or consumption of cannabis  
5 listed in the Cannabis Control Act, a controlled substance  
6 listed in the Illinois Controlled Substances Act, an  
7 intoxicating compound listed in the Use of Intoxicating  
8 Compounds Act, or methamphetamine as listed in the  
9 Methamphetamine Control and Community Protection Act.  
10 Subject to all other requirements and provisions under this  
11 Section, this paragraph (6) does not apply to the lawful  
12 consumption of cannabis by a qualifying patient licensed  
13 under the Compassionate Use of Medical Cannabis Pilot  
14 Program Act who is in possession of a valid registry card  
15 issued under that Act, unless that person is impaired by  
16 the use of cannabis.

17 (b) The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol,  
19 cannabis under the Compassionate Use of Medical Cannabis Pilot  
20 Program Act, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof, shall not constitute a  
22 defense against any charge of violating this Section.

23 (c) Penalties.

24 (1) Except as otherwise provided in this Section, any  
25 person convicted of violating subsection (a) of this  
26 Section is guilty of a Class A misdemeanor.

1           (2) A person who violates subsection (a) or a similar  
2 provision a second time shall be sentenced to a mandatory  
3 minimum term of either 5 days of imprisonment or 240 hours  
4 of community service in addition to any other criminal or  
5 administrative sanction.

6           (3) A person who violates subsection (a) is subject to  
7 6 months of imprisonment, an additional mandatory minimum  
8 fine of \$1,000, and 25 days of community service in a  
9 program benefiting children if the person was transporting  
10 a person under the age of 16 at the time of the violation.

11           (4) A person who violates subsection (a) a first time,  
12 if the alcohol concentration in his or her blood, breath,  
13 saliva, or urine was 0.16 or more based on the definition  
14 of blood, breath, saliva, or urine units in Section  
15 11-501.2, shall be subject, in addition to any other  
16 penalty that may be imposed, to a mandatory minimum of 100  
17 hours of community service and a mandatory minimum fine of  
18 \$500.

19           (5) A person who violates subsection (a) a second time,  
20 if at the time of the second violation the alcohol  
21 concentration in his or her blood, breath, saliva, or urine  
22 was 0.16 or more based on the definition of blood, breath,  
23 saliva, or urine units in Section 11-501.2, shall be  
24 subject, in addition to any other penalty that may be  
25 imposed, to a mandatory minimum of 2 days of imprisonment  
26 and a mandatory minimum fine of \$1,250.

1 (d) Aggravated driving under the influence of alcohol,  
2 other drug or drugs, or intoxicating compound or compounds, or  
3 any combination thereof.

4 (1) Every person convicted of committing a violation of  
5 this Section shall be guilty of aggravated driving under  
6 the influence of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof if:

9 (A) the person committed a violation of subsection  
10 (a) or a similar provision for the third or subsequent  
11 time;

12 (B) the person committed a violation of subsection  
13 (a) while driving a school bus with one or more  
14 passengers on board;

15 (C) the person in committing a violation of  
16 subsection (a) was involved in a motor vehicle accident  
17 that resulted in great bodily harm or permanent  
18 disability or disfigurement to another, when the  
19 violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection  
21 (a) and has been previously convicted of violating  
22 Section 9-3 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 or a similar provision of a law  
24 of another state relating to reckless homicide in which  
25 the person was determined to have been under the  
26 influence of alcohol, other drug or drugs, or

1           intoxicating compound or compounds as an element of the  
2           offense or the person has previously been convicted  
3           under subparagraph (C) or subparagraph (F) of this  
4           paragraph (1);

5           (E) the person, in committing a violation of  
6           subsection (a) while driving at any speed in a school  
7           speed zone at a time when a speed limit of 20 miles per  
8           hour was in effect under subsection (a) of Section  
9           11-605 of this Code, was involved in a motor vehicle  
10          accident that resulted in bodily harm, other than great  
11          bodily harm or permanent disability or disfigurement,  
12          to another person, when the violation of subsection (a)  
13          was a proximate cause of the bodily harm;

14          (F) the person, in committing a violation of  
15          subsection (a), was involved in a motor vehicle,  
16          snowmobile, all-terrain vehicle, or watercraft  
17          accident that resulted in the death of another person,  
18          when the violation of subsection (a) was a proximate  
19          cause of the death;

20          (G) the person committed a violation of subsection  
21          (a) during a period in which the defendant's driving  
22          privileges are revoked or suspended, where the  
23          revocation or suspension was for a violation of  
24          subsection (a) or a similar provision, Section  
25          11-501.1, paragraph (b) of Section 11-401, or for  
26          reckless homicide as defined in Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (H) the person committed the violation while he or  
3 she did not possess a driver's license or permit or a  
4 restricted driving permit or a judicial driving permit  
5 or a monitoring device driving permit;

6 (I) the person committed the violation while he or  
7 she knew or should have known that the vehicle he or  
8 she was driving was not covered by a liability  
9 insurance policy;

10 (J) the person in committing a violation of  
11 subsection (a) was involved in a motor vehicle accident  
12 that resulted in bodily harm, but not great bodily  
13 harm, to the child under the age of 16 being  
14 transported by the person, if the violation was the  
15 proximate cause of the injury;

16 (K) the person in committing a second violation of  
17 subsection (a) or a similar provision was transporting  
18 a person under the age of 16; or

19 (L) the person committed a violation of subsection  
20 (a) of this Section while transporting one or more  
21 passengers in a vehicle for-hire.

22 (2) (A) Except as provided otherwise, a person  
23 convicted of aggravated driving under the influence of  
24 alcohol, other drug or drugs, or intoxicating compound or  
25 compounds, or any combination thereof is guilty of a Class  
26 4 felony.



1 (B) A third violation of this Section or a similar  
2 provision is a Class 2 felony. If at the time of the third  
3 violation the alcohol concentration in his or her blood,  
4 breath, saliva, or urine was 0.16 or more based on the  
5 definition of blood, breath, saliva, or urine units in  
6 Section 11-501.2, a mandatory minimum of 90 days of  
7 imprisonment and a mandatory minimum fine of \$2,500 shall  
8 be imposed in addition to any other criminal or  
9 administrative sanction. If at the time of the third  
10 violation, the defendant was transporting a person under  
11 the age of 16, a mandatory fine of \$25,000 and 25 days of  
12 community service in a program benefiting children shall be  
13 imposed in addition to any other criminal or administrative  
14 sanction.

15 (C) A fourth violation of this Section or a similar  
16 provision is a Class 2 felony, for which a sentence of  
17 probation or conditional discharge may not be imposed. If  
18 at the time of the violation, the alcohol concentration in  
19 the defendant's blood, breath, saliva, or urine was 0.16 or  
20 more based on the definition of blood, breath, saliva, or  
21 urine units in Section 11-501.2, a mandatory minimum fine  
22 of \$5,000 shall be imposed in addition to any other  
23 criminal or administrative sanction. If at the time of the  
24 fourth violation, the defendant was transporting a person  
25 under the age of 16 a mandatory fine of \$25,000 and 25 days  
26 of community service in a program benefiting children shall

1 be imposed in addition to any other criminal or  
2 administrative sanction.

3 (D) A fifth violation of this Section or a similar  
4 provision is a Class 1 felony, for which a sentence of  
5 probation or conditional discharge may not be imposed. If  
6 at the time of the violation, the alcohol concentration in  
7 the defendant's blood, breath, saliva, or urine was 0.16 or  
8 more based on the definition of blood, breath, saliva, or  
9 urine units in Section 11-501.2, a mandatory minimum fine  
10 of \$5,000 shall be imposed in addition to any other  
11 criminal or administrative sanction. If at the time of the  
12 fifth violation, the defendant was transporting a person  
13 under the age of 16, a mandatory fine of \$25,000, and 25  
14 days of community service in a program benefiting children  
15 shall be imposed in addition to any other criminal or  
16 administrative sanction.

17 (E) A sixth or subsequent violation of this Section or  
18 similar provision is a Class X felony. If at the time of  
19 the violation, the alcohol concentration in the  
20 defendant's blood, breath, saliva, or urine was 0.16 or  
21 more based on the definition of blood, breath, saliva, or  
22 urine units in Section 11-501.2, a mandatory minimum fine  
23 of \$5,000 shall be imposed in addition to any other  
24 criminal or administrative sanction. If at the time of the  
25 violation, the defendant was transporting a person under  
26 the age of 16, a mandatory fine of \$25,000 and 25 days of

1 community service in a program benefiting children shall be  
2 imposed in addition to any other criminal or administrative  
3 sanction.

4 (F) For a violation of subparagraph (C) of paragraph  
5 (1) of this subsection (d), the defendant, if sentenced to  
6 a term of imprisonment, shall be sentenced to not less than  
7 one year nor more than 12 years.

8 (G) A violation of subparagraph (F) of paragraph (1) of  
9 this subsection (d) is a Class 2 felony, for which the  
10 defendant, unless the court determines that extraordinary  
11 circumstances exist and require probation, shall be  
12 sentenced to: (i) a term of imprisonment of not less than 3  
13 years and not more than 14 years if the violation resulted  
14 in the death of one person; or (ii) a term of imprisonment  
15 of not less than 6 years and not more than 28 years if the  
16 violation resulted in the deaths of 2 or more persons.

17 (H) For a violation of subparagraph (J) of paragraph  
18 (1) of this subsection (d), a mandatory fine of \$2,500, and  
19 25 days of community service in a program benefiting  
20 children shall be imposed in addition to any other criminal  
21 or administrative sanction.

22 (I) A violation of subparagraph (K) of paragraph (1) of  
23 this subsection (d), is a Class 2 felony and a mandatory  
24 fine of \$2,500, and 25 days of community service in a  
25 program benefiting children shall be imposed in addition to  
26 any other criminal or administrative sanction. If the child

1 being transported suffered bodily harm, but not great  
2 bodily harm, in a motor vehicle accident, and the violation  
3 was the proximate cause of that injury, a mandatory fine of  
4 \$5,000 and 25 days of community service in a program  
5 benefiting children shall be imposed in addition to any  
6 other criminal or administrative sanction.

7 (J) A violation of subparagraph (D) of paragraph (1) of  
8 this subsection (d) is a Class 3 felony, for which a  
9 sentence of probation or conditional discharge may not be  
10 imposed.

11 (3) Any person sentenced under this subsection (d) who  
12 receives a term of probation or conditional discharge must  
13 serve a minimum term of either 480 hours of community  
14 service or 10 days of imprisonment as a condition of the  
15 probation or conditional discharge in addition to any other  
16 criminal or administrative sanction.

17 (e) Any reference to a prior violation of subsection (a) or  
18 a similar provision includes any violation of a provision of a  
19 local ordinance or a provision of a law of another state or an  
20 offense committed on a military installation that is similar to  
21 a violation of subsection (a) of this Section.

22 (f) The imposition of a mandatory term of imprisonment or  
23 assignment of community service for a violation of this Section  
24 shall not be suspended or reduced by the court.

25 (g) Any penalty imposed for driving with a license that has  
26 been revoked for a previous violation of subsection (a) of this

1 Section shall be in addition to the penalty imposed for any  
2 subsequent violation of subsection (a).

3 (h) For any prosecution under this Section, a certified  
4 copy of the driving abstract of the defendant shall be admitted  
5 as proof of any prior conviction.

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;  
7 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

8 (625 ILCS 5/11-501.1)

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

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

1 compounds, or any combination thereof, the law enforcement  
2 officer shall request a chemical test or tests which shall be  
3 administered at the direction of the arresting officer. The law  
4 enforcement agency employing the officer shall designate which  
5 of the aforesaid tests shall be administered. A saliva or urine  
6 test may be administered even after a blood or breath test or  
7 both has been administered. For purposes of this Section, an  
8 Illinois law enforcement officer of this State who is  
9 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 (a-5) (Blank).

2 (b) Any person who is dead, unconscious, or who is  
3 otherwise in a condition rendering the person incapable of  
4 refusal, shall be deemed not to have withdrawn the consent  
5 provided by paragraph (a) of this Section and the test or tests  
6 may be administered, subject to the provisions of Section  
7 11-501.2.

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

1 alcohol concentration in the person's blood, saliva, or breath  
2 is 0.08 or greater, or any amount of a drug, substance, or  
3 compound resulting from the unlawful use or consumption of  
4 cannabis as covered by the Cannabis Control Act, a controlled  
5 substance listed in the Illinois Controlled Substances Act, an  
6 intoxicating compound listed in the Use of Intoxicating  
7 Compounds Act, or methamphetamine as listed in the  
8 Methamphetamine Control and Community Protection Act is  
9 detected in the person's blood, saliva, or urine, a statutory  
10 summary suspension of the person's privilege to operate a motor  
11 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
12 Code, and a disqualification of the person's privilege to  
13 operate a commercial motor vehicle, as provided in Section  
14 6-514 of this Code, if the person is a CDL holder, will be  
15 imposed.

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



1 proceeding arising from an arrest for an offense as defined in  
2 Section 11-501 of this Code or a similar provision of a local  
3 ordinance or pursuant to Section 11-501.4 in prosecutions for  
4 reckless homicide brought under the Criminal Code of 1961 or  
5 the Criminal Code of 2012. These test results, however, shall  
6 be admissible only in actions or proceedings directly related  
7 to the incident upon which the test request was made.

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

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

1 and 6-514, respectively, and effective as provided in paragraph  
2 (g).

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

20 (f) The law enforcement officer submitting the sworn report  
21 under paragraph (d) shall serve immediate notice of the  
22 statutory summary suspension or revocation on the person and  
23 the suspension or revocation and disqualification shall be  
24 effective as provided in paragraph (g).

25 (1) In cases where the blood alcohol concentration of  
26 0.08 or greater or any amount of a drug, substance, or

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

24 (2) (Blank).

25 (g) The statutory summary suspension or revocation and  
26 disqualification referred to in this Section shall take effect

1 on the 46th day following the date the notice of the statutory  
2 summary suspension or revocation was given to the person.

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

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

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

26 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;

1 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.  
2 1-12-15.)

3 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

4 Sec. 11-501.2. Chemical and other tests.

5 (a) Upon the trial of any civil or criminal action or  
6 proceeding arising out of an arrest for an offense as defined  
7 in Section 11-501 or a similar local ordinance or proceedings  
8 pursuant to Section 2-118.1, evidence of the concentration of  
9 alcohol, other drug or drugs, or intoxicating compound or  
10 compounds, or any combination thereof in a person's blood or  
11 breath at the time alleged, as determined by analysis of the  
12 person's blood, urine, breath, saliva, or other bodily  
13 substance, shall be admissible. Where such test is made the  
14 following provisions shall apply:

15 1. Chemical analyses of the person's blood, urine,  
16 breath, saliva, or other bodily substance to be considered  
17 valid under the provisions of this Section shall have been  
18 performed according to standards promulgated by the  
19 Department of State Police by a licensed physician,  
20 registered nurse, trained phlebotomist, licensed  
21 paramedic, or other individual possessing a valid permit  
22 issued by that Department for this purpose. The Director of  
23 State Police is authorized to approve satisfactory  
24 techniques or methods, to ascertain the qualifications and  
25 competence of individuals to conduct such analyses, to

1 issue permits which shall be subject to termination or  
2 revocation at the discretion of that Department and to  
3 certify the accuracy of breath testing equipment. The  
4 Department of State Police shall prescribe regulations as  
5 necessary to implement this Section.

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

17 When a blood test of a person who has been taken to an  
18 adjoining state for medical treatment is requested by an  
19 Illinois law enforcement officer, the blood may be  
20 withdrawn only by a physician authorized to practice  
21 medicine in the adjoining state, a licensed physician  
22 assistant, a licensed advanced practice nurse, a  
23 registered nurse, a trained phlebotomist acting under the  
24 direction of the physician, or licensed paramedic. The law  
25 enforcement officer requesting the test shall take custody  
26 of the blood sample, and the blood sample shall be analyzed

1 by a laboratory certified by the Department of State Police  
2 for that purpose.

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

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

17 5. Alcohol concentration shall mean either grams of  
18 alcohol per 100 milliliters of blood or grams of alcohol  
19 per 210 liters of breath.

20 (a-5) Law enforcement officials may use standardized field  
21 sobriety tests approved by the National Highway Traffic Safety  
22 Administration when conducting investigations of a violation  
23 of Section 11-501 or similar local ordinance by drivers  
24 suspected of driving under the influence of cannabis. The  
25 General Assembly finds that standardized field sobriety tests  
26 approved by the National Highway Traffic Safety Administration

1 are divided attention tasks that are intended to determine if a  
2 person is under the influence of cannabis. The purpose of these  
3 tests is to determine the effect of the use of cannabis on a  
4 person's capacity to think and act with ordinary care and  
5 therefore operate a motor vehicle safely. Therefore, the  
6 results of these standardized field sobriety tests,  
7 appropriately administered, shall be admissible in the trial of  
8 any civil or criminal action or proceeding arising out of an  
9 arrest for a cannabis-related offense as defined in Section  
10 11-501 or a similar local ordinance or proceedings under  
11 Section 2-118.1 or 2-118.2. Where a test is made the following  
12 provisions shall apply:

13 1. The person tested may have a physician, or a  
14 qualified technician, chemist, registered nurse, or other  
15 qualified person of their own choosing administer a  
16 chemical test or tests in addition to the standardized  
17 field sobriety test or tests administered at the direction  
18 of a law enforcement officer. The failure or inability to  
19 obtain an additional test by a person does not preclude the  
20 admission of evidence relating to the test or tests taken  
21 at the direction of a law enforcement officer.

22 2. Upon the request of the person who shall submit to a  
23 standardized field sobriety test or tests at the request of  
24 a law enforcement officer, full information concerning the  
25 test or tests shall be made available to the person or the  
26 person's attorney.



1           3. At the trial of any civil or criminal action or  
2 proceeding arising out of an arrest for an offense as  
3 defined in Section 11-501 or a similar local ordinance or  
4 proceedings under Section 2-118.1 or 2-118.2 in which the  
5 results of these standardized field sobriety tests are  
6 admitted, the cardholder may present and the trier of fact  
7 may consider evidence that the card holder lacked the  
8 physical capacity to perform the standardized field  
9 sobriety tests.

10          (b) Upon the trial of any civil or criminal action or  
11 proceeding arising out of acts alleged to have been committed  
12 by any person while driving or in actual physical control of a  
13 vehicle while under the influence of alcohol, the concentration  
14 of alcohol in the person's blood or breath at the time alleged  
15 as shown by analysis of the person's blood, urine, breath,  
16 saliva, or other bodily substance shall give rise to the  
17 following presumptions:

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

21           2. If there was at that time an alcohol concentration  
22 in excess of 0.05 but less than 0.08, such facts shall not  
23 give rise to any presumption that the person was or was not  
24 under the influence of alcohol, but such fact may be  
25 considered with other competent evidence in determining  
26 whether the person was under the influence of alcohol.

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

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

8           (c) 1. If a person under arrest refuses to submit to a  
9 chemical test under the provisions of Section 11-501.1,  
10 evidence of refusal shall be admissible in any civil or  
11 criminal action or proceeding arising out of acts alleged to  
12 have been committed while the person under the influence of  
13 alcohol, other drug or drugs, or intoxicating compound or  
14 compounds, or any combination thereof was driving or in actual  
15 physical control of a motor vehicle.

16           2. Notwithstanding any ability to refuse under this Code to  
17 submit to these tests or any ability to revoke the implied  
18 consent to these tests, if a law enforcement officer has  
19 probable cause to believe that a motor vehicle driven by or in  
20 actual physical control of a person under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof has caused the death or  
23 personal injury to another, the law enforcement officer shall  
24 request, and that person shall submit, upon the request of a  
25 law enforcement officer, to a chemical test or tests of his or  
26 her blood, breath, saliva, or urine for the purpose of

1 determining the alcohol content thereof or the presence of any  
2 other drug or combination of both.

3 This provision does not affect the applicability of or  
4 imposition of driver's license sanctions under Section  
5 11-501.1 of this Code.

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

13 (d) If a person refuses standardized field sobriety tests  
14 under Section 11-501.9 of this Code, evidence of refusal shall  
15 be admissible in any civil or criminal action or proceeding  
16 arising out of acts committed while the person was driving or  
17 in actual physical control of a vehicle and alleged to have  
18 been impaired by the use of cannabis.

19 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;  
20 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.  
21 8-15-14; 98-1172, eff. 1-12-15.)

22 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

23 Sec. 11-501.4. Admissibility of chemical tests of blood,  
24 saliva, or urine conducted in the regular course of providing  
25 emergency medical treatment.

1 (a) Notwithstanding any other provision of law, the results  
2 of blood, saliva, or urine tests performed for the purpose of  
3 determining the content of alcohol, other drug or drugs, or  
4 intoxicating compound or compounds, or any combination  
5 thereof, of an individual's blood, saliva, or urine conducted  
6 upon persons receiving medical treatment in a hospital  
7 emergency room are admissible in evidence as a business record  
8 exception to the hearsay rule only in prosecutions for any  
9 violation of Section 11-501 of this Code or a similar provision  
10 of a local ordinance, or in prosecutions for reckless homicide  
11 brought under the Criminal Code of 1961 or the Criminal Code of  
12 2012, when each of the following criteria are met:

13 (1) the chemical tests performed upon an individual's  
14 blood, saliva, or urine were ordered in the regular course  
15 of providing emergency medical treatment and not at the  
16 request of law enforcement authorities;

17 (2) the chemical tests performed upon an individual's  
18 blood, saliva, or urine were performed by the laboratory  
19 routinely used by the hospital; and

20 (3) results of chemical tests performed upon an  
21 individual's blood, saliva, or urine are admissible into  
22 evidence regardless of the time that the records were  
23 prepared.

24 (b) The confidentiality provisions of law pertaining to  
25 medical records and medical treatment shall not be applicable  
26 with regard to chemical tests performed upon an individual's

1 blood, saliva, or urine under the provisions of this Section in  
2 prosecutions as specified in subsection (a) of this Section. No  
3 person shall be liable for civil damages as a result of the  
4 evidentiary use of chemical testing of an individual's blood, saliva,  
5 or urine test results under this Section, or as a  
6 result of that person's testimony made available under this  
7 Section.

8 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

9 (625 ILCS 5/11-501.4-1)

10 Sec. 11-501.4-1. Reporting of test results of blood, saliva,  
11 or urine conducted in the regular course of providing  
12 emergency medical treatment.

13 (a) Notwithstanding any other provision of law, the results  
14 of blood, saliva, or urine tests performed for the purpose of  
15 determining the content of alcohol, other drug or drugs, or  
16 intoxicating compound or compounds, or any combination  
17 thereof, in an individual's blood, saliva, or urine conducted  
18 upon persons receiving medical treatment in a hospital  
19 emergency room for injuries resulting from a motor vehicle  
20 accident shall be disclosed to the Department of State Police  
21 or local law enforcement agencies of jurisdiction, upon  
22 request. Such blood, saliva, or urine tests are admissible in  
23 evidence as a business record exception to the hearsay rule  
24 only in prosecutions for any violation of Section 11-501 of  
25 this Code or a similar provision of a local ordinance, or in

1 prosecutions for reckless homicide brought under the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3 (b) The confidentiality provisions of law pertaining to  
4 medical records and medical treatment shall not be applicable  
5 with regard to tests performed upon an individual's blood,  
6 saliva, or urine under the provisions of subsection (a) of this  
7 Section. No person shall be liable for civil damages or  
8 professional discipline as a result of the disclosure or  
9 reporting of the tests or the evidentiary use of an  
10 individual's blood, saliva, or urine test results under this  
11 Section or Section 11-501.4 or as a result of that person's  
12 testimony made available under this Section or Section  
13 11-501.4, except for willful or wanton misconduct.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

16 Sec. 11-501.6. Driver involvement in personal injury or  
17 fatal motor vehicle accident; chemical test.

18 (a) Any person who drives or is in actual control of a  
19 motor vehicle upon the public highways of this State and who  
20 has been involved in a personal injury or fatal motor vehicle  
21 accident, shall be deemed to have given consent to a breath  
22 test using a portable device as approved by the Department of  
23 State Police or to a chemical test or tests of blood, breath,  
24 saliva, or urine for the purpose of determining the content of  
25 alcohol, other drug or drugs, or intoxicating compound or

1 compounds of such person's blood if arrested as evidenced by  
2 the issuance of a Uniform Traffic Ticket for any violation of  
3 the Illinois Vehicle Code or a similar provision of a local  
4 ordinance, with the exception of equipment violations  
5 contained in Chapter 12 of this Code, or similar provisions of  
6 local ordinances. The test or tests shall be administered at  
7 the direction of the arresting officer. The law enforcement  
8 agency employing the officer shall designate which of the  
9 aforesaid tests shall be administered. A saliva or urine test  
10 may be administered even after a blood or breath test or both  
11 has been administered. Compliance with this Section does not  
12 relieve such person from the requirements of Section 11-501.1  
13 of this Code.

14 (b) Any person who is dead, unconscious or who is otherwise  
15 in a condition rendering such person incapable of refusal shall  
16 be deemed not to have withdrawn the consent provided by  
17 subsection (a) of this Section. In addition, if a driver of a  
18 vehicle is receiving medical treatment as a result of a motor  
19 vehicle accident, any physician licensed to practice medicine,  
20 licensed physician assistant, licensed advanced practice  
21 nurse, registered nurse or a phlebotomist acting under the  
22 direction of a licensed physician shall withdraw blood for  
23 testing purposes to ascertain the presence of alcohol, other  
24 drug or drugs, or intoxicating compound or compounds, upon the  
25 specific request of a law enforcement officer. However, no such  
26 testing shall be performed until, in the opinion of the medical

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

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

22 (d) If the person refuses testing or submits to a test  
23 which discloses an alcohol concentration of 0.08 or more, or  
24 any amount of a drug, substance, or intoxicating compound in  
25 such person's blood, saliva, or urine resulting from the  
26 unlawful use or consumption of cannabis listed in the Cannabis



1 Control Act, a controlled substance listed in the Illinois  
2 Controlled Substances Act, an intoxicating compound listed in  
3 the Use of Intoxicating Compounds Act, or methamphetamine as  
4 listed in the Methamphetamine Control and Community Protection  
5 Act, the law enforcement officer shall immediately submit a  
6 sworn report to the Secretary of State on a form prescribed by  
7 the Secretary, certifying that the test or tests were requested  
8 pursuant to subsection (a) and the person refused to submit to  
9 a test or tests or submitted to testing which disclosed an  
10 alcohol concentration of 0.08 or more, or any amount of a drug,  
11 substance, or intoxicating compound in such person's blood,  
12 saliva, or urine, resulting from the unlawful use or  
13 consumption of cannabis listed in the Cannabis Control Act, a  
14 controlled substance listed in the Illinois Controlled  
15 Substances Act, an intoxicating compound listed in the Use of  
16 Intoxicating Compounds Act, or methamphetamine as listed in the  
17 Methamphetamine Control and Community Protection Act.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary shall enter the suspension and  
20 disqualification to the individual's driving record and the  
21 suspension and disqualification shall be effective on the 46th  
22 day following the date notice of the suspension was given to  
23 the person.

24 The law enforcement officer submitting the sworn report  
25 shall serve immediate notice of this suspension on the person  
26 and such suspension and disqualification shall be effective on

1 the 46th day following the date notice was given.

2 In cases where the blood alcohol concentration of 0.08 or  
3 more, or any amount of a drug, substance, or intoxicating  
4 compound resulting from the unlawful use or consumption of  
5 cannabis as listed in the Cannabis Control Act, a controlled  
6 substance listed in the Illinois Controlled Substances Act, an  
7 intoxicating compound listed in the Use of Intoxicating  
8 Compounds Act, or methamphetamine as listed in the  
9 Methamphetamine Control and Community Protection Act, is  
10 established by a subsequent analysis of blood, saliva, or urine  
11 collected at the time of arrest, the arresting officer shall  
12 give notice as provided in this Section or by deposit in the  
13 United States mail of such notice in an envelope with postage  
14 prepaid and addressed to such person at his address as shown on  
15 the Uniform Traffic Ticket and the suspension and  
16 disqualification shall be effective on the 46th day following  
17 the date notice was given.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary shall also give notice of the suspension  
20 and disqualification to the driver by mailing a notice of the  
21 effective date of the suspension and disqualification to the  
22 individual. However, should the sworn report be defective by  
23 not containing sufficient information or be completed in error,  
24 the notice of the suspension and disqualification shall not be  
25 mailed to the person or entered to the driving record, but  
26 rather the sworn report shall be returned to the issuing law

1 enforcement agency.

2 (e) A driver may contest this suspension of his or her  
3 driving privileges and disqualification of his or her CDL  
4 privileges by requesting an administrative hearing with the  
5 Secretary in accordance with Section 2-118 of this Code. At the  
6 conclusion of a hearing held under Section 2-118 of this Code,  
7 the Secretary may rescind, continue, or modify the orders of  
8 suspension and disqualification. If the Secretary does not  
9 rescind the orders of suspension and disqualification, a  
10 restricted driving permit may be granted by the Secretary upon  
11 application being made and good cause shown. A restricted  
12 driving permit may be granted to relieve undue hardship to  
13 allow driving for employment, educational, and medical  
14 purposes as outlined in Section 6-206 of this Code. The  
15 provisions of Section 6-206 of this Code shall apply. In  
16 accordance with 49 C.F.R. 384, the Secretary of State may not  
17 issue a restricted driving permit for the operation of a  
18 commercial motor vehicle to a person holding a CDL whose  
19 driving privileges have been suspended, revoked, cancelled, or  
20 disqualified.

21 (f) (Blank).

22 (g) For the purposes of this Section, a personal injury  
23 shall include any type A injury as indicated on the traffic  
24 accident report completed by a law enforcement officer that  
25 requires immediate professional attention in either a doctor's  
26 office or a medical facility. A type A injury shall include

1 severely bleeding wounds, distorted extremities, and injuries  
2 that require the injured party to be carried from the scene.

3 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;  
4 97-835, eff. 7-20-12.)

5 (625 ILCS 5/11-501.8)

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

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

25 (b) A person who is dead, unconscious, or who is otherwise

1 in a condition rendering that person incapable of refusal,  
2 shall be deemed not to have withdrawn the consent provided by  
3 paragraph (a) of this Section and the test or tests may be  
4 administered subject to the following provisions:

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

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

1 This limitation does not apply to the taking of breath,  
2 saliva, or urine specimens.

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

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

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

19 (vi) If a driver is receiving medical treatment as a  
20 result of a motor vehicle accident, a physician licensed to  
21 practice medicine, licensed physician assistant, licensed  
22 advanced practice nurse, registered nurse, or other  
23 qualified person trained in venipuncture and acting under  
24 the direction of a licensed physician shall withdraw blood  
25 for testing purposes to ascertain the presence of alcohol  
26 upon the specific request of a law enforcement officer.

1           However, that testing shall not be performed until, in the  
2           opinion of the medical personnel on scene, the withdrawal  
3           can be made without interfering with or endangering the  
4           well-being of the patient.

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

15          (d) If the person refuses testing or submits to a test that  
16          discloses an alcohol concentration of more than 0.00, the law  
17          enforcement officer shall immediately submit a sworn report to  
18          the Secretary of State on a form prescribed by the Secretary of  
19          State, certifying that the test or tests were requested under  
20          subsection (a) and the person refused to submit to a test or  
21          tests or submitted to testing which disclosed an alcohol  
22          concentration of more than 0.00. The law enforcement officer  
23          shall submit the same sworn report when a person under the age  
24          of 21 submits to testing under Section 11-501.1 of this Code  
25          and the testing discloses an alcohol concentration of more than  
26          0.00 and less than 0.08.

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

21           The law enforcement officer submitting the sworn report  
22 shall serve immediate notice of this suspension on the person  
23 and the suspension and disqualification shall be effective on  
24 the 46th day following the date notice was given.

25           In cases where the blood alcohol concentration of more than  
26 0.00 is established by a subsequent analysis of blood, saliva,



1 or urine, the police officer or arresting agency shall give  
2 notice as provided in this Section or by deposit in the United  
3 States mail of that notice in an envelope with postage prepaid  
4 and addressed to that person at his last known address and the  
5 loss of driving privileges shall be effective on the 46th day  
6 following the date notice was given.

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

17 (e) A driver may contest this suspension and  
18 disqualification by requesting an administrative hearing with  
19 the Secretary of State in accordance with Section 2-118 of this  
20 Code. An individual whose blood alcohol concentration is shown  
21 to be more than 0.00 is not subject to this Section if he or she  
22 consumed alcohol in the performance of a religious service or  
23 ceremony. An individual whose blood alcohol concentration is  
24 shown to be more than 0.00 shall not be subject to this Section  
25 if the individual's blood alcohol concentration resulted only  
26 from ingestion of the prescribed or recommended dosage of

1 medicine that contained alcohol. The petition for that hearing  
2 shall not stay or delay the effective date of the impending  
3 suspension. The scope of this hearing shall be limited to the  
4 issues of:

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

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

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

20 (4) whether the person, after being advised by the  
21 officer that the privilege to operate a motor vehicle would  
22 be suspended if the person refused to submit to and  
23 complete the test or tests, did refuse to submit to or  
24 complete the test or tests to determine the person's  
25 alcohol concentration; and

26 (5) whether the person, after being advised by the

1 officer that the privileges to operate a motor vehicle  
2 would be suspended if the person submits to a chemical test  
3 or tests and the test or tests disclose an alcohol  
4 concentration of more than 0.00, did submit to and complete  
5 the test or tests that determined an alcohol concentration  
6 of more than 0.00; and

7 (6) whether the test result of an alcohol concentration  
8 of more than 0.00 was based upon the person's consumption  
9 of alcohol in the performance of a religious service or  
10 ceremony; and

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

15 At the conclusion of the hearing held under Section 2-118  
16 of this Code, the Secretary of State may rescind, continue, or  
17 modify the suspension and disqualification. If the Secretary of  
18 State does not rescind the suspension and disqualification, a  
19 restricted driving permit may be granted by the Secretary of  
20 State upon application being made and good cause shown. A  
21 restricted driving permit may be granted to relieve undue  
22 hardship by allowing driving for employment, educational, and  
23 medical purposes as outlined in item (3) of part (c) of Section  
24 6-206 of this Code. The provisions of item (3) of part (c) of  
25 Section 6-206 of this Code and of subsection (f) of that  
26 Section shall apply. The Secretary of State shall promulgate

1 rules providing for participation in an alcohol education and  
2 awareness program or activity, a drug education and awareness  
3 program or activity, or both as a condition to the issuance of  
4 a restricted driving permit for suspensions imposed under this  
5 Section.

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

17 (g) This Section applies only to drivers who are under age  
18 21 at the time of the issuance of a Uniform Traffic Ticket for  
19 a violation of the Illinois Vehicle Code or a similar provision  
20 of a local ordinance, and a chemical test request is made under  
21 this Section.

22 (h) The action of the Secretary of State in suspending,  
23 revoking, cancelling, or disqualifying any license or permit  
24 shall be subject to judicial review in the Circuit Court of  
25 Sangamon County or in the Circuit Court of Cook County, and the  
26 provisions of the Administrative Review Law and its rules are

1 hereby adopted and shall apply to and govern every action for  
2 the judicial review of final acts or decisions of the Secretary  
3 of State under this Section.

4 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;  
5 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

6 (625 ILCS 5/11-507)

7 Sec. 11-507. Supervising a minor driver while under the  
8 influence of alcohol, other drug or drugs, intoxicating  
9 compound or compounds or any combination thereof.

10 (a) A person shall not accompany or provide instruction,  
11 pursuant to subsection (a) of Section 6-107.1 of this Code, to  
12 a driver who is a minor and driving a motor vehicle pursuant to  
13 an instruction permit under Section 6-107.1 of this Code,  
14 while:

15 (1) the alcohol concentration in the person's blood,  
16 saliva, or breath is 0.08 or more based on the definition  
17 of blood and breath units in Section 11-501.2 of this Code;

18 (2) under the influence of alcohol;

19 (3) under the influence of any intoxicating compound or  
20 combination of intoxicating compounds to a degree that  
21 renders the person incapable of properly supervising or  
22 providing instruction to the minor driver;

23 (4) under the influence of any other drug or  
24 combination of drugs to a degree that renders the person  
25 incapable of properly supervising or providing instruction

1 to the minor driver;

2 (5) under the combined influence of alcohol, other drug  
3 or drugs, or intoxicating compound or compounds to a degree  
4 that renders the person incapable of properly supervising  
5 or providing instruction to the minor driver; or

6 (6) there is any amount of a drug, substance, or  
7 compound in the person's breath, blood, saliva, or urine  
8 resulting from the unlawful use or consumption of cannabis  
9 listed in the Cannabis Control Act, a controlled substance  
10 listed in the Illinois Controlled Substances Act, an  
11 intoxicating compound listed in the Use of Intoxicating  
12 Compounds Act, or methamphetamine as listed in the  
13 Methamphetamine Control and Community Protection Act.

14 (b) A person found guilty of violating this Section is  
15 guilty of an offense against the regulations governing the  
16 movement of vehicles.

17 (Source: P.A. 96-1237, eff. 1-1-11.)

18 Section 15. The Snowmobile Registration and Safety Act is  
19 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and  
20 5-7.6 as follows:

21 (625 ILCS 40/5-7)

22 Sec. 5-7. Operating a snowmobile while under the influence  
23 of alcohol or other drug or drugs, intoxicating compound or  
24 compounds, or a combination of them; criminal penalties;

1 suspension of operating privileges.

2 (a) A person may not operate or be in actual physical  
3 control of a snowmobile within this State while:

4 1. The alcohol concentration in that person's blood,  
5 saliva, or breath is a concentration at which driving a  
6 motor vehicle is prohibited under subdivision (1) of  
7 subsection (a) of Section 11-501 of the Illinois Vehicle  
8 Code;

9 2. The person is under the influence of alcohol;

10 3. The person is under the influence of any other drug  
11 or combination of drugs to a degree that renders that  
12 person incapable of safely operating a snowmobile;

13 3.1. The person is under the influence of any  
14 intoxicating compound or combination of intoxicating  
15 compounds to a degree that renders the person incapable of  
16 safely operating a snowmobile;

17 4. The person is under the combined influence of  
18 alcohol and any other drug or drugs or intoxicating  
19 compound or compounds to a degree that renders that person  
20 incapable of safely operating a snowmobile; or

21 5. There is any amount of a drug, substance, or  
22 compound in that person's breath, blood, saliva, or urine  
23 resulting from the unlawful use or consumption of cannabis  
24 listed in the Cannabis Control Act, controlled substance  
25 listed in the Illinois Controlled Substances Act, or  
26 intoxicating compound listed in the use of Intoxicating

1           Compounds Act.

2           (b) The fact that a person charged with violating this  
3 Section is or has been legally entitled to use alcohol, other  
4 drug or drugs, any intoxicating compound or compounds, or any  
5 combination of them does not constitute a defense against a  
6 charge of violating this Section.

7           (c) Every person convicted of violating this Section or a  
8 similar provision of a local ordinance is guilty of a Class A  
9 misdemeanor, except as otherwise provided in this Section.

10           (c-1) As used in this Section, "first time offender" means  
11 any person who has not had a previous conviction or been  
12 assigned supervision for violating this Section or a similar  
13 provision of a local ordinance, or any person who has not had a  
14 suspension imposed under subsection (e) of Section 5-7.1.

15           (c-2) For purposes of this Section, the following are  
16 equivalent to a conviction:

17           (1) a forfeiture of bail or collateral deposited to  
18 secure a defendant's appearance in court when forfeiture  
19 has not been vacated; or

20           (2) the failure of a defendant to appear for trial.

21           (d) Every person convicted of violating this Section is  
22 guilty of a Class 4 felony if:

23           1. The person has a previous conviction under this  
24 Section;

25           2. The offense results in personal injury where a  
26 person other than the operator suffers great bodily harm or



1 permanent disability or disfigurement, when the violation  
2 was a proximate cause of the injuries. A person guilty of a  
3 Class 4 felony under this paragraph 2, if sentenced to a  
4 term of imprisonment, shall be sentenced to not less than  
5 one year nor more than 12 years; or

6 3. The offense occurred during a period in which the  
7 person's privileges to operate a snowmobile are revoked or  
8 suspended, and the revocation or suspension was for a  
9 violation of this Section or was imposed under Section  
10 5-7.1.

11 (e) Every person convicted of violating this Section is  
12 guilty of a Class 2 felony if the offense results in the death  
13 of a person. A person guilty of a Class 2 felony under this  
14 subsection (e), if sentenced to a term of imprisonment, shall  
15 be sentenced to a term of not less than 3 years and not more  
16 than 14 years.

17 (e-1) Every person convicted of violating this Section or a  
18 similar provision of a local ordinance who had a child under  
19 the age of 16 on board the snowmobile at the time of offense  
20 shall be subject to a mandatory minimum fine of \$500 and shall  
21 be subject to a mandatory minimum of 5 days of community  
22 service in a program benefiting children. The assignment under  
23 this subsection shall not be subject to suspension nor shall  
24 the person be eligible for probation in order to reduce the  
25 assignment.

26 (e-2) Every person found guilty of violating this Section,

1 whose operation of a snowmobile while in violation of this  
2 Section proximately caused any incident resulting in an  
3 appropriate emergency response, shall be liable for the expense  
4 of an emergency response as provided in subsection (i) of  
5 Section 11-501.01 of the Illinois Vehicle Code.

6 (e-3) In addition to any other penalties and liabilities, a  
7 person who is found guilty of violating this Section, including  
8 any person placed on court supervision, shall be fined \$100,  
9 payable to the circuit clerk, who shall distribute the money to  
10 the law enforcement agency that made the arrest. In the event  
11 that more than one agency is responsible for the arrest, the  
12 \$100 shall be shared equally. Any moneys received by a law  
13 enforcement agency under this subsection (e-3) shall be used to  
14 purchase law enforcement equipment or to provide law  
15 enforcement training that will assist in the prevention of  
16 alcohol related criminal violence throughout the State. Law  
17 enforcement equipment shall include, but is not limited to,  
18 in-car video cameras, radar and laser speed detection devices,  
19 and alcohol breath testers.

20 (f) In addition to any criminal penalties imposed, the  
21 Department of Natural Resources shall suspend the snowmobile  
22 operation privileges of a person convicted or found guilty of a  
23 misdemeanor under this Section for a period of one year, except  
24 that first-time offenders are exempt from this mandatory one  
25 year suspension.

26 (g) In addition to any criminal penalties imposed, the

1 Department of Natural Resources shall suspend for a period of 5  
2 years the snowmobile operation privileges of any person  
3 convicted or found guilty of a felony under this Section.

4 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

5 (625 ILCS 40/5-7.1)

6 Sec. 5-7.1. Implied consent.

7 (a) A person who operates or is in actual physical control  
8 of a snowmobile in this State is deemed to have given consent  
9 to a chemical test or tests of blood, breath, saliva, or urine  
10 for the purpose of determining the content of alcohol, other  
11 drug or drugs, intoxicating compound or compounds, or a  
12 combination of them in that person's blood if arrested for a  
13 violation of Section 5-7. The chemical test or tests shall be  
14 administered at the direction of the arresting officer. The law  
15 enforcement agency employing the officer shall designate which  
16 tests shall be administered. A saliva or urine test may be  
17 administered even after a blood or breath test or both has been  
18 administered.

19 (a-1) For the purposes of this Section, an Illinois law  
20 enforcement officer of this State who is investigating the  
21 person for any offense defined in Section 5-7 may travel into  
22 an adjoining state, where the person has been transported for  
23 medical care to complete an investigation and to request that  
24 the person submit to the test or tests set forth in this  
25 Section. The requirements of this Section that the person be

1 arrested are inapplicable, but the officer shall issue the  
2 person a uniform citation for an offense as defined in Section  
3 5-7 or a similar provision of a local ordinance prior to  
4 requesting that the person submit to the test or tests. The  
5 issuance of the uniform citation shall not constitute an  
6 arrest, but shall be for the purpose of notifying the person  
7 that he or she is subject to the provisions of this Section and  
8 of the officer's belief of the existence of probable cause to  
9 arrest. Upon returning to this State, the officer shall file  
10 the uniform citation with the circuit clerk of the county where  
11 the offense was committed and shall seek the issuance of an  
12 arrest warrant or a summons for the person.

13 (a-2) Notwithstanding any ability to refuse under this Act  
14 to submit to these tests or any ability to revoke the implied  
15 consent to these tests, if a law enforcement officer has  
16 probable cause to believe that a snowmobile operated by or  
17 under actual physical control of a person under the influence  
18 of alcohol, other drug or drugs, intoxicating compound or  
19 compounds, or any combination of them has caused the death or  
20 personal injury to another, that person shall submit, upon the  
21 request of a law enforcement officer, to a chemical test or  
22 tests of his or her blood, breath, saliva, or urine for the  
23 purpose of determining the alcohol content or the presence of  
24 any other drug or combination of both. For the purposes of this  
25 Section, a personal injury includes severe bleeding wounds,  
26 distorted extremities, and injuries that require the injured

1 party to be carried from the scene for immediate professional  
2 attention in either a doctor's office or a medical facility.

3 (b) A person who is dead, unconscious, or who is otherwise  
4 in a condition rendering that person incapable of refusal, is  
5 deemed not to have withdrawn the consent provided in subsection  
6 (a), and the test or tests may be administered.

7 (c) A person requested to submit to a test as provided in  
8 this Section shall be verbally advised by the law enforcement  
9 officer requesting the test that a refusal to submit to the  
10 test will result in suspension of that person's privilege to  
11 operate a snowmobile for a minimum of 2 years.

12 (d) Following this warning, if a person under arrest  
13 refuses upon the request of a law enforcement officer to submit  
14 to a test designated by the officer, no tests may be given, but  
15 the law enforcement officer shall file with the clerk of the  
16 circuit court for the county in which the arrest was made, and  
17 with the Department of Natural Resources, a sworn statement  
18 naming the person refusing to take and complete the chemical  
19 test or tests requested under the provisions of this Section.  
20 The sworn statement shall identify the arrested person, the  
21 person's current residence address and shall specify that a  
22 refusal by that person to take the chemical test or tests was  
23 made. The sworn statement shall include a statement that the  
24 officer had reasonable cause to believe the person was  
25 operating or was in actual physical control of the snowmobile  
26 within this State while under the influence of alcohol, other

1 drug or drugs, an intoxicating compound or compound, or a  
2 combination of them and that a chemical test or tests were  
3 requested as an incident to and following the lawful arrest for  
4 an offense as defined in Section 5-7 or a similar provision of  
5 a local ordinance, and that the person, after being arrested  
6 for an offense arising out of acts alleged to have been  
7 committed while operating a snowmobile, refused to submit to  
8 and complete a chemical test or tests as requested by the law  
9 enforcement officer.

10 (e) The law enforcement officer submitting the sworn  
11 statement shall serve immediate written notice upon the person  
12 refusing the chemical test or tests that the person's privilege  
13 to operate a snowmobile within this State will be suspended for  
14 a period of 2 years unless, within 28 days from the date of the  
15 notice, the person requests in writing a hearing on the  
16 suspension.

17 If the person desires a hearing, the person shall file a  
18 complaint in the circuit court in the county where that person  
19 was arrested within 28 days from the date of the notice. The  
20 hearing shall proceed in the court in the same manner as other  
21 civil proceedings. The hearing shall cover only the following  
22 issues: (1) whether the person was placed under arrest for an  
23 offense as defined in Section 5-7 or a similar provision of a  
24 local ordinance as evidenced by the issuance of a uniform  
25 citation; (2) whether the arresting officer had reasonable  
26 grounds to believe that the person was operating a snowmobile

1 while under the influence of alcohol, other drug or drugs, an  
2 intoxicating compound or compounds, or a combination of them;  
3 and (3) whether that person refused to submit to and complete  
4 the chemical test or tests upon the request of the law  
5 enforcement officer. Whether the person was informed that the  
6 person's privilege to operate a snowmobile would be suspended  
7 if that person refused to submit to the chemical test or tests  
8 may not be an issue in the hearing.

9 If the person fails to request a hearing in writing within  
10 28 days of the date of the notice, or if a hearing is held and  
11 the court finds against the person on the issues before the  
12 court, the clerk shall immediately notify the Department of  
13 Natural Resources, and the Department shall suspend the  
14 snowmobile operation privileges of that person for at least 2  
15 years.

16 (f) (Blank).

17 (f-1) If the person submits to a test that discloses an  
18 alcohol concentration of 0.08 or more, or any amount of a drug,  
19 substance, or intoxicating compound in the person's breath,  
20 blood, saliva, or urine resulting from the unlawful use of  
21 cannabis listed in the Cannabis Control Act, a controlled  
22 substance listed in the Illinois Controlled Substances Act, or  
23 an intoxicating compound listed in the Use of Intoxicating  
24 Compounds Act, the law enforcement officer shall immediately  
25 submit a sworn report to the circuit clerk of venue and the  
26 Department of Natural Resources, certifying that the test or

1 tests was or were requested under subsection (a-1) of this  
2 Section and the person submitted to testing that disclosed an  
3 alcohol concentration of 0.08 or more.

4 In cases where the blood alcohol concentration of 0.08 or  
5 greater or any amount of drug, substance, or compound resulting  
6 from the unlawful use of cannabis, a controlled substance, or  
7 an intoxicating compound is established by a subsequent  
8 analysis of blood, saliva, or urine collected at the time of  
9 arrest, the arresting officer or arresting agency shall  
10 immediately submit a sworn report to the circuit clerk of venue  
11 and the Department of Natural Resources upon receipt of the  
12 test results.

13 (g) A person must submit to each chemical test offered by  
14 the law enforcement officer in order to comply with implied  
15 consent provisions of this Section.

16 (h) The provision of Section 11-501.2 of the Illinois  
17 Vehicle Code concerning the certification and use of chemical  
18 tests applies to the use of those tests under this Section.

19 (Source: P.A. 93-156, eff. 1-1-04.)

20 (625 ILCS 40/5-7.2)

21 Sec. 5-7.2. Chemical and other tests.

22 (a) Upon the trial of a civil or criminal action or  
23 proceeding arising out of acts alleged to have been committed  
24 while under the influence of alcohol, the concentration of  
25 alcohol in the person's blood or breath at the time alleged as



1 shown by analysis of the person's blood, urine, breath, saliva,  
2 or other bodily substance gives rise to the presumptions  
3 specified in subdivisions 1, 2, and 3 of subsection (b) of  
4 Section 11-501.2 of the Illinois Vehicle Code.

5 (b) The provisions of subsection (a) shall not be construed  
6 as limiting the introduction of any other relevant evidence  
7 bearing upon the question whether the person was under the  
8 influence of alcohol.

9 (c) If a person under arrest refuses to submit to a  
10 chemical test under the provisions of Section 5-7.1, evidence  
11 of refusal is admissible in a civil or criminal action or  
12 proceeding arising out of acts alleged to have been committed  
13 while the person under the influence of alcohol, other drug or  
14 drugs, an intoxicating compound or compounds, or a combination  
15 of them was operating a snowmobile.

16 (Source: P.A. 93-156, eff. 1-1-04.)

17 (625 ILCS 40/5-7.4)

18 Sec. 5-7.4. Admissibility of chemical tests of blood,  
19 saliva, or urine conducted in the regular course of providing  
20 emergency medical treatment.

21 (a) Notwithstanding any other provision of law, the results  
22 of blood, saliva, or urine tests performed for the purpose of  
23 determining the content of alcohol, other drug or drugs,  
24 intoxicating compound or compounds, or any combination of them  
25 in an individual's blood, saliva, or urine conducted upon

1 persons receiving medical treatment in a hospital emergency  
2 room, are admissible in evidence as a business record exception  
3 to the hearsay rule only in prosecutions for a violation of  
4 Section 5-7 of this Act or a similar provision of a local  
5 ordinance or in prosecutions for reckless homicide brought  
6 under the Criminal Code of 1961 or the Criminal Code of 2012.

7 The results of the tests are admissible only when each of  
8 the following criteria are met:

9 1. The chemical tests performed upon an individual's  
10 blood, saliva, or urine were ordered in the regular course  
11 of providing emergency treatment and not at the request of  
12 law enforcement authorities; and

13 2. The chemical tests performed upon an individual's  
14 blood, saliva, or urine were performed by the laboratory  
15 routinely used by the hospital.

16 3. (Blank).

17 Results of chemical tests performed upon an individual's  
18 blood, saliva, or urine are admissible into evidence regardless  
19 of the time that the records were prepared.

20 (b) The confidentiality provisions of law pertaining to  
21 medical records and medical treatment are not applicable with  
22 regard to chemical tests performed upon a person's blood, saliva,  
23 saliva, or urine under the provisions of this Section in  
24 prosecutions as specified in subsection (a) of this Section. No  
25 person shall be liable for civil damages as a result of the  
26 evidentiary use of the results of chemical testing of the

1 individual's blood, saliva, or urine under this Section or as a  
2 result of that person's testimony made available under this  
3 Section.

4 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

5 (625 ILCS 40/5-7.6)

6 Sec. 5-7.6. Reporting of test results of blood, saliva, or  
7 urine conducted in the regular course of providing emergency  
8 medical treatment.

9 (a) Notwithstanding any other provision of law, the results  
10 of blood, saliva, or urine tests performed for the purpose of  
11 determining the content of alcohol, other drug or drugs,  
12 intoxicating compound or compounds, or any combination of them  
13 in an individual's blood, saliva, or urine, conducted upon  
14 persons receiving medical treatment in a hospital emergency  
15 room for injuries resulting from a snowmobile accident, shall  
16 be disclosed to the Department of Natural Resources, or local  
17 law enforcement agencies of jurisdiction, upon request. The  
18 blood, saliva, or urine tests are admissible in evidence as a  
19 business record exception to the hearsay rule only in  
20 prosecutions for violations of Section 5-7 of this Code or a  
21 similar provision of a local ordinance, or in prosecutions for  
22 reckless homicide brought under the Criminal Code of 1961 or  
23 the Criminal Code of 2012.

24 (b) The confidentiality provisions of the law pertaining to  
25 medical records and medical treatment shall not be applicable

1 with regard to tests performed upon an individual's blood,  
2 saliva, or urine under the provisions of subsection (a) of this  
3 Section. No person shall be liable for civil damages or  
4 professional discipline as a result of disclosure or reporting  
5 of the tests or the evidentiary use of an individual's blood,  
6 saliva, or urine test results under this Section or Section  
7 5-7.4 or as a result of that person's testimony made available  
8 under this Section or Section 5-7.4, except for willful or  
9 wanton misconduct.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 Section 20. The Boat Registration and Safety Act is amended  
12 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as  
13 follows:

14 (625 ILCS 45/5-16)

15 Sec. 5-16. Operating a watercraft under the influence of  
16 alcohol, other drug or drugs, intoxicating compound or  
17 compounds, or combination thereof.

18 (A) 1. A person shall not operate or be in actual physical  
19 control of any watercraft within this State while:

20 (a) The alcohol concentration in such person's  
21 blood, saliva, or breath is a concentration at which  
22 driving a motor vehicle is prohibited under  
23 subdivision (1) of subsection (a) of Section 11-501 of  
24 the Illinois Vehicle Code;

1 (b) Under the influence of alcohol;

2 (c) Under the influence of any other drug or  
3 combination of drugs to a degree which renders such  
4 person incapable of safely operating any watercraft;

5 (c-1) Under the influence of any intoxicating  
6 compound or combination of intoxicating compounds to a  
7 degree that renders the person incapable of safely  
8 operating any watercraft;

9 (d) Under the combined influence of alcohol and any  
10 other drug or drugs to a degree which renders such  
11 person incapable of safely operating a watercraft; or

12 (e) There is any amount of a drug, substance, or  
13 compound in the person's blood, saliva, or urine  
14 resulting from the unlawful use or consumption of  
15 cannabis listed in the Cannabis Control Act, a  
16 controlled substance listed in the Illinois Controlled  
17 Substances Act, or an intoxicating compound listed in  
18 the Use of Intoxicating Compounds Act.

19 2. The fact that any person charged with violating this  
20 Section is or has been legally entitled to use alcohol,  
21 other drug or drugs, any intoxicating compound or  
22 compounds, or any combination of them, shall not constitute  
23 a defense against any charge of violating this Section.

24 3. Every person convicted of violating this Section  
25 shall be guilty of a Class A misdemeanor, except as  
26 otherwise provided in this Section.

1           4. Every person convicted of violating this Section  
2 shall be guilty of a Class 4 felony if:

3           (a) He has a previous conviction under this  
4 Section;

5           (b) The offense results in personal injury where a  
6 person other than the operator suffers great bodily  
7 harm or permanent disability or disfigurement, when  
8 the violation was a proximate cause of the injuries. A  
9 person guilty of a Class 4 felony under this  
10 subparagraph (b), if sentenced to a term of  
11 imprisonment, shall be sentenced to a term of not less  
12 than one year nor more than 12 years; or

13           (c) The offense occurred during a period in which  
14 his or her privileges to operate a watercraft are  
15 revoked or suspended, and the revocation or suspension  
16 was for a violation of this Section or was imposed  
17 under subsection (B).

18           5. Every person convicted of violating this Section  
19 shall be guilty of a Class 2 felony if the offense results  
20 in the death of a person. A person guilty of a Class 2  
21 felony under this paragraph 5, if sentenced to a term of  
22 imprisonment, shall be sentenced to a term of not less than  
23 3 years and not more than 14 years.

24           5.1. A person convicted of violating this Section or a  
25 similar provision of a local ordinance who had a child  
26 under the age of 16 aboard the watercraft at the time of

1 offense is subject to a mandatory minimum fine of \$500 and  
2 to a mandatory minimum of 5 days of community service in a  
3 program benefiting children. The assignment under this  
4 paragraph 5.1 is not subject to suspension and the person  
5 is not eligible for probation in order to reduce the  
6 assignment.

7 5.2. A person found guilty of violating this Section,  
8 if his or her operation of a watercraft while in violation  
9 of this Section proximately caused any incident resulting  
10 in an appropriate emergency response, is liable for the  
11 expense of an emergency response as provided in subsection  
12 (m) of Section 11-501 of the Illinois Vehicle Code.

13 5.3. In addition to any other penalties and  
14 liabilities, a person who is found guilty of violating this  
15 Section, including any person placed on court supervision,  
16 shall be fined \$100, payable to the circuit clerk, who  
17 shall distribute the money to the law enforcement agency  
18 that made the arrest. In the event that more than one  
19 agency is responsible for the arrest, the \$100 shall be  
20 shared equally. Any moneys received by a law enforcement  
21 agency under this paragraph 5.3 shall be used to purchase  
22 law enforcement equipment or to provide law enforcement  
23 training that will assist in the prevention of alcohol  
24 related criminal violence throughout the State. Law  
25 enforcement equipment shall include, but is not limited to,  
26 in-car video cameras, radar and laser speed detection

1 devices, and alcohol breath testers.

2 6. (a) In addition to any criminal penalties imposed,  
3 the Department of Natural Resources shall suspend the  
4 watercraft operation privileges of any person  
5 convicted or found guilty of a misdemeanor under this  
6 Section, a similar provision of a local ordinance, or  
7 Title 46 of the U.S. Code of Federal Regulations for a  
8 period of one year, except that a first time offender  
9 is exempt from this mandatory one year suspension.

10 As used in this subdivision (A)6(a), "first time  
11 offender" means any person who has not had a previous  
12 conviction or been assigned supervision for violating  
13 this Section, a similar provision of a local ordinance  
14 or, Title 46 of the U.S. Code of Federal Regulations,  
15 or any person who has not had a suspension imposed  
16 under subdivision (B)3.1 of Section 5-16.

17 (b) In addition to any criminal penalties imposed,  
18 the Department of Natural Resources shall suspend the  
19 watercraft operation privileges of any person  
20 convicted of a felony under this Section, a similar  
21 provision of a local ordinance, or Title 46 of the U.S.  
22 Code of Federal Regulations for a period of 3 years.

23 (B) 1. Any person who operates or is in actual physical  
24 control of any watercraft upon the waters of this State  
25 shall be deemed to have given consent to a chemical test or  
26 tests of blood, breath, saliva, or urine for the purpose of



1 determining the content of alcohol, other drug or drugs,  
2 intoxicating compound or compounds, or combination thereof  
3 in the person's blood if arrested for any offense of  
4 subsection (A) above. The chemical test or tests shall be  
5 administered at the direction of the arresting officer. The  
6 law enforcement agency employing the officer shall  
7 designate which of the tests shall be administered. A  
8 saliva or urine test may be administered even after a blood  
9 or breath test or both has been administered.

10 1.1. For the purposes of this Section, an Illinois Law  
11 Enforcement officer of this State who is investigating the  
12 person for any offense defined in Section 5-16 may travel  
13 into an adjoining state, where the person has been  
14 transported for medical care to complete an investigation,  
15 and may request that the person submit to the test or tests  
16 set forth in this Section. The requirements of this Section  
17 that the person be arrested are inapplicable, but the  
18 officer shall issue the person a uniform citation for an  
19 offense as defined in Section 5-16 or a similar provision  
20 of a local ordinance prior to requesting that the person  
21 submit to the test or tests. The issuance of the uniform  
22 citation shall not constitute an arrest, but shall be for  
23 the purpose of notifying the person that he or she is  
24 subject to the provisions of this Section and of the  
25 officer's belief in the existence of probable cause to  
26 arrest. Upon returning to this State, the officer shall

1 file the uniform citation with the circuit clerk of the  
2 county where the offense was committed and shall seek the  
3 issuance of an arrest warrant or a summons for the person.

4 1.2. Notwithstanding any ability to refuse under this  
5 Act to submit to these tests or any ability to revoke the  
6 implied consent to these tests, if a law enforcement  
7 officer has probable cause to believe that a watercraft  
8 operated by or under actual physical control of a person  
9 under the influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds, or any combination of  
11 them has caused the death of or personal injury to another,  
12 that person shall submit, upon the request of a law  
13 enforcement officer, to a chemical test or tests of his or  
14 her blood, breath, saliva, or urine for the purpose of  
15 determining the alcohol content or the presence of any  
16 other drug, intoxicating compound, or combination of them.  
17 For the purposes of this Section, a personal injury  
18 includes severe bleeding wounds, distorted extremities,  
19 and injuries that require the injured party to be carried  
20 from the scene for immediate professional attention in  
21 either a doctor's office or a medical facility.

22 2. Any person who is dead, unconscious or who is  
23 otherwise in a condition rendering such person incapable of  
24 refusal, shall be deemed not to have withdrawn the consent  
25 provided above, and the test may be administered.

26 3. A person requested to submit to a chemical test as

1 provided above shall be verbally advised by the law  
2 enforcement officer requesting the test that a refusal to  
3 submit to the test will result in suspension of such  
4 person's privilege to operate a watercraft for a minimum of  
5 2 years. Following this warning, if a person under arrest  
6 refuses upon the request of a law enforcement officer to  
7 submit to a test designated by the officer, no test shall  
8 be given, but the law enforcement officer shall file with  
9 the clerk of the circuit court for the county in which the  
10 arrest was made, and with the Department of Natural  
11 Resources, a sworn statement naming the person refusing to  
12 take and complete the chemical test or tests requested  
13 under the provisions of this Section. Such sworn statement  
14 shall identify the arrested person, such person's current  
15 residence address and shall specify that a refusal by such  
16 person to take the chemical test or tests was made. Such  
17 sworn statement shall include a statement that the  
18 arresting officer had reasonable cause to believe the  
19 person was operating or was in actual physical control of  
20 the watercraft within this State while under the influence  
21 of alcohol, other drug or drugs, intoxicating compound or  
22 compounds, or combination thereof and that such chemical  
23 test or tests were made as an incident to and following the  
24 lawful arrest for an offense as defined in this Section or  
25 a similar provision of a local ordinance, and that the  
26 person after being arrested for an offense arising out of

1 acts alleged to have been committed while so operating a  
2 watercraft refused to submit to and complete a chemical  
3 test or tests as requested by the law enforcement officer.

4 3.1. The law enforcement officer submitting the sworn  
5 statement as provided in paragraph 3 of this subsection (B)  
6 shall serve immediate written notice upon the person  
7 refusing the chemical test or tests that the person's  
8 privilege to operate a watercraft within this State will be  
9 suspended for a period of 2 years unless, within 28 days  
10 from the date of the notice, the person requests in writing  
11 a hearing on the suspension.

12 If the person desires a hearing, such person shall file  
13 a complaint in the circuit court for and in the county in  
14 which such person was arrested for such hearing. Such  
15 hearing shall proceed in the court in the same manner as  
16 other civil proceedings, shall cover only the issues of  
17 whether the person was placed under arrest for an offense  
18 as defined in this Section or a similar provision of a  
19 local ordinance as evidenced by the issuance of a uniform  
20 citation; whether the arresting officer had reasonable  
21 grounds to believe that such person was operating a  
22 watercraft while under the influence of alcohol, other drug  
23 or drugs, intoxicating compound or compounds, or  
24 combination thereof; and whether such person refused to  
25 submit and complete the chemical test or tests upon the  
26 request of the law enforcement officer. Whether the person

1 was informed that such person's privilege to operate a  
2 watercraft would be suspended if such person refused to  
3 submit to the chemical test or tests shall not be an issue.

4 If the person fails to request in writing a hearing  
5 within 28 days from the date of notice, or if a hearing is  
6 held and the court finds against the person on the issues  
7 before the court, the clerk shall immediately notify the  
8 Department of Natural Resources, and the Department shall  
9 suspend the watercraft operation privileges of the person  
10 for at least 2 years.

11 3.2. If the person submits to a test that discloses an  
12 alcohol concentration of 0.08 or more, or any amount of a  
13 drug, substance or intoxicating compound in the person's  
14 breath, blood, saliva, or urine resulting from the unlawful  
15 use of cannabis listed in the Cannabis Control Act, a  
16 controlled substance listed in the Illinois Controlled  
17 Substances Act, or an intoxicating compound listed in the  
18 Use of Intoxicating Compounds Act, the law enforcement  
19 officer shall immediately submit a sworn report to the  
20 circuit clerk of venue and the Department of Natural  
21 Resources, certifying that the test or tests were requested  
22 under paragraph 1 of this subsection (B) and the person  
23 submitted to testing that disclosed an alcohol  
24 concentration of 0.08 or more.

25 In cases where the blood alcohol concentration of 0.08  
26 or greater or any amount of drug, substance or compound

1           resulting from the unlawful use of cannabis, a controlled  
2           substance or an intoxicating compound is established by a  
3           subsequent analysis of blood, saliva, or urine collected at  
4           the time of arrest, the arresting officer or arresting  
5           agency shall immediately submit a sworn report to the  
6           circuit clerk of venue and the Department of Natural  
7           Resources upon receipt of the test results.

8           4. A person must submit to each chemical test offered  
9           by the law enforcement officer in order to comply with the  
10          implied consent provisions of this Section.

11          5. The provisions of Section 11-501.2 of the Illinois  
12          Vehicle Code, as amended, concerning the certification and  
13          use of chemical tests apply to the use of such tests under  
14          this Section.

15          (C) Upon the trial of any civil or criminal action or  
16          proceeding arising out of acts alleged to have been committed  
17          by any person while operating a watercraft while under the  
18          influence of alcohol, the concentration of alcohol in the  
19          person's blood or breath at the time alleged as shown by  
20          analysis of a person's blood, urine, breath, saliva, or other  
21          bodily substance shall give rise to the presumptions specified  
22          in subdivisions 1, 2, and 3 of subsection (b) of Section  
23          11-501.2 of the Illinois Vehicle Code. The foregoing provisions  
24          of this subsection (C) shall not be construed as limiting the  
25          introduction of any other relevant evidence bearing upon the  
26          question whether the person was under the influence of alcohol.

1           (D) If a person under arrest refuses to submit to a  
2 chemical test under the provisions of this Section, evidence of  
3 refusal shall be admissible in any civil or criminal action or  
4 proceeding arising out of acts alleged to have been committed  
5 while the person under the influence of alcohol, other drug or  
6 drugs, intoxicating compound or compounds, or combination of  
7 them was operating a watercraft.

8           (E) The owner of any watercraft or any person given  
9 supervisory authority over a watercraft, may not knowingly  
10 permit a watercraft to be operated by any person under the  
11 influence of alcohol, other drug or drugs, intoxicating  
12 compound or compounds, or combination thereof.

13           (F) Whenever any person is convicted or found guilty of a  
14 violation of this Section, including any person placed on court  
15 supervision, the court shall notify the Office of Law  
16 Enforcement of the Department of Natural Resources, to provide  
17 the Department with the records essential for the performance  
18 of the Department's duties to monitor and enforce any order of  
19 suspension or revocation concerning the privilege to operate a  
20 watercraft.

21           (G) No person who has been arrested and charged for  
22 violating paragraph 1 of subsection (A) of this Section shall  
23 operate any watercraft within this State for a period of 24  
24 hours after such arrest.

25           (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

1 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

2 Sec. 5-16a. Admissibility of chemical tests of blood,  
3 saliva, or urine conducted in the regular course of providing  
4 emergency medical treatment.

5 (a) Notwithstanding any other provision of law, the written  
6 results of blood, saliva, or urine alcohol tests conducted upon  
7 persons receiving medical treatment in a hospital emergency  
8 room are admissible in evidence as a business record exception  
9 to the hearsay rule only in prosecutions for any violation of  
10 Section 5-16 of this Act or a similar provision of a local  
11 ordinance or in prosecutions for reckless homicide brought  
12 under the Criminal Code of 1961 or the Criminal Code of 2012,  
13 when:

14 (1) the chemical tests performed upon an individual's  
15 blood, saliva, or urine were ordered in the regular course  
16 of providing emergency treatment and not at the request of  
17 law enforcement authorities; and

18 (2) the chemical tests performed upon an individual's  
19 blood, saliva, or urine were performed by the laboratory  
20 routinely used by the hospital.

21 Results of chemical tests performed upon an individual's  
22 blood, saliva, or urine are admissible into evidence regardless  
23 of the time that the records were prepared.

24 (b) The confidentiality provisions of law pertaining to  
25 medical records and medical treatment shall not be applicable  
26 with regard to chemical tests performed upon an individual's



1 blood, saliva, or urine under the provisions of this Section in  
2 prosecutions as specified in subsection (a) of this Section. No  
3 person shall be liable for civil damages as a result of the  
4 evidentiary use of the results of chemical testing of an  
5 individual's blood, saliva, or urine under this Section or as a  
6 result of that person's testimony made available under this  
7 Section.

8 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

9 (625 ILCS 45/5-16a.1)

10 Sec. 5-16a.1. Reporting of test results of blood, saliva,  
11 or urine conducted in the regular course of providing emergency  
12 medical treatment.

13 (a) Notwithstanding any other provision of law, the results  
14 of blood, saliva, or urine tests performed for the purpose of  
15 determining the content of alcohol, other drug or drugs,  
16 intoxicating compound or compounds, or any combination of them  
17 in an individual's blood, saliva, or urine, conducted upon  
18 persons receiving medical treatment in a hospital emergency  
19 room for injuries resulting from a boating accident, shall be  
20 disclosed to the Department of Natural Resources or local law  
21 enforcement agencies of jurisdiction, upon request. The blood, saliva,  
22 saliva, or urine tests are admissible in evidence as a business  
23 record exception to the hearsay rule only in prosecutions for  
24 violations of Section 5-16 of this Code or a similar provision  
25 of a local ordinance, or in prosecutions for reckless homicide

1 brought under the Criminal Code of 1961 or the Criminal Code of  
2 2012.

3 (b) The confidentiality provisions of the law pertaining to  
4 medical records and medical treatment shall not be applicable  
5 with regard to tests performed upon an individual's blood,  
6 saliva, or urine under the provisions of subsection (a) of this  
7 Section. No person is liable for civil damages or professional  
8 discipline as a result of disclosure or reporting of the tests  
9 or the evidentiary use of an individual's blood, saliva, or  
10 urine test results under this Section or Section 5-16a, or as a  
11 result of that person's testimony made available under this  
12 Section or Section 5-16a, except for willful or wanton  
13 misconduct.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (625 ILCS 45/5-16c)

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

18 (a) Any person who operates or is in actual physical  
19 control of a motorboat within this State and who has been  
20 involved in a personal injury or fatal boating accident shall  
21 be deemed to have given consent to a breath test using a  
22 portable device as approved by the Department of State Police  
23 or to a chemical test or tests of blood, breath, saliva, or  
24 urine for the purpose of determining the content of alcohol,  
25 other drug or drugs, or intoxicating compound or compounds of

1 the person's blood if arrested as evidenced by the issuance of  
2 a uniform citation for a violation of the Boat Registration and  
3 Safety Act or a similar provision of a local ordinance, with  
4 the exception of equipment violations contained in Article IV  
5 of this Act or similar provisions of local ordinances. The test  
6 or tests shall be administered at the direction of the  
7 arresting officer. The law enforcement agency employing the  
8 officer shall designate which of the aforesaid tests shall be  
9 administered. A saliva or urine test may be administered even  
10 after a blood or breath test or both has been administered.  
11 Compliance with this Section does not relieve the person from  
12 the requirements of any other Section of this Act.

13 (b) Any person who is dead, unconscious, or who is  
14 otherwise in a condition rendering that person incapable of  
15 refusal shall be deemed not to have withdrawn the consent  
16 provided by subsection (a) of this Section. In addition, if an  
17 operator of a motorboat is receiving medical treatment as a  
18 result of a boating accident, any physician licensed to  
19 practice medicine, licensed physician assistant, licensed  
20 advanced practice nurse, registered nurse, or a phlebotomist  
21 acting under the direction of a licensed physician shall  
22 withdraw blood for testing purposes to ascertain the presence  
23 of alcohol, other drug or drugs, or intoxicating compound or  
24 compounds, upon the specific request of a law enforcement  
25 officer. However, this testing shall not be performed until, in  
26 the opinion of the medical personnel on scene, the withdrawal

1 can be made without interfering with or endangering the  
2 well-being of the patient.

3 (c) A person requested to submit to a test under subsection  
4 (a) of this Section shall be warned by the law enforcement  
5 officer requesting the test that a refusal to submit to the  
6 test, or submission to the test resulting in an alcohol  
7 concentration of 0.08 or more, or any amount of a drug,  
8 substance, or intoxicating compound resulting from the  
9 unlawful use or consumption of cannabis listed in the Cannabis  
10 Control Act, a controlled substance listed in the Illinois  
11 Controlled Substances Act, an intoxicating compound listed in  
12 the Use of Intoxicating Compounds Act, or methamphetamine as  
13 listed in the Methamphetamine Control and Community Protection  
14 Act as detected in the person's blood, saliva, or urine, may  
15 result in the suspension of the person's privilege to operate a  
16 motor vehicle and may result in the disqualification of the  
17 person's privilege to operate a commercial motor vehicle, as  
18 provided in Section 6-514 of the Illinois Vehicle Code, if the  
19 person is a CDL holder. The length of the suspension shall be  
20 the same as outlined in Section 6-208.1 of the Illinois Vehicle  
21 Code regarding statutory summary suspensions.

22 (d) If the person refuses testing or submits to a test  
23 which discloses an alcohol concentration of 0.08 or more, or  
24 any amount of a drug, substance, or intoxicating compound in  
25 the person's blood, saliva, or urine resulting from the  
26 unlawful use or consumption of cannabis listed in the Cannabis

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

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

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

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

3 In cases where the blood alcohol concentration of 0.08 or  
4 more, or any amount of a drug, substance, or intoxicating  
5 compound resulting from the unlawful use or consumption of  
6 cannabis listed in the Cannabis Control Act, a controlled  
7 substance listed in the Illinois Controlled Substances Act, an  
8 intoxicating compound listed in the Use of Intoxicating  
9 Compounds Act, or methamphetamine as listed in the  
10 Methamphetamine Control and Community Protection Act, is  
11 established by a subsequent analysis of blood, saliva, or urine  
12 collected at the time of arrest, the arresting officer shall  
13 give notice as provided in this Section or by deposit in the  
14 United States mail of this notice in an envelope with postage  
15 prepaid and addressed to the person at his or her address as  
16 shown on the uniform citation and the suspension and  
17 disqualification shall be effective on the 46th day following  
18 the date notice was given.

19 Upon receipt of the sworn report of a law enforcement  
20 officer, the Secretary of State shall also give notice of the  
21 suspension and disqualification to the person by mailing a  
22 notice of the effective date of the suspension and  
23 disqualification to the person. However, should the sworn  
24 report be defective by not containing sufficient information or  
25 be completed in error, the notice of the suspension and  
26 disqualification shall not be mailed to the person or entered

1 to the driving record, but rather the sworn report shall be  
2 returned to the issuing law enforcement agency.

3 (e) A person may contest this suspension of his or her  
4 driving privileges and disqualification of his or her CDL  
5 privileges by requesting an administrative hearing with the  
6 Secretary of State in accordance with Section 2-118 of the  
7 Illinois Vehicle Code. At the conclusion of a hearing held  
8 under Section 2-118 of the Illinois Vehicle Code, the Secretary  
9 of State may rescind, continue, or modify the orders of  
10 suspension and disqualification. If the Secretary of State does  
11 not rescind the orders of suspension and disqualification, a  
12 restricted driving permit may be granted by the Secretary of  
13 State upon application being made and good cause shown. A  
14 restricted driving permit may be granted to relieve undue  
15 hardship to allow driving for employment, educational, and  
16 medical purposes as outlined in Section 6-206 of the Illinois  
17 Vehicle Code. The provisions of Section 6-206 of the Illinois  
18 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the  
19 Secretary of State may not issue a restricted driving permit  
20 for the operation of a commercial motor vehicle to a person  
21 holding a CDL whose driving privileges have been suspended,  
22 revoked, cancelled, or disqualified.

23 (f) For the purposes of this Section, a personal injury  
24 shall include any type A injury as indicated on the accident  
25 report completed by a law enforcement officer that requires  
26 immediate professional attention in a doctor's office or a

1 medical facility. A type A injury shall include severely  
2 bleeding wounds, distorted extremities, and injuries that  
3 require the injured party to be carried from the scene.

4 (Source: P.A. 98-103, eff. 1-1-14.)

5 Section 25. The Code of Criminal Procedure of 1963 is  
6 amended by changing Section 115-15 as follows:

7 (725 ILCS 5/115-15)

8 Sec. 115-15. Laboratory reports.

9 (a) In any criminal prosecution for a violation of the  
10 Cannabis Control Act, the Illinois Controlled Substances Act,  
11 or the Methamphetamine Control and Community Protection Act, a  
12 laboratory report from the Department of State Police, Division  
13 of Forensic Services, that is signed and sworn to by the person  
14 performing an analysis and that states (1) that the substance  
15 that is the basis of the alleged violation has been weighed and  
16 analyzed, and (2) the person's findings as to the contents,  
17 weight and identity of the substance, and (3) that it contains  
18 any amount of a controlled substance or cannabis is prima facie  
19 evidence of the contents, identity and weight of the substance.  
20 Attached to the report shall be a copy of a notarized statement  
21 by the signer of the report giving the name of the signer and  
22 stating (i) that he or she is an employee of the Department of  
23 State Police, Division of Forensic Services, (ii) the name and  
24 location of the laboratory where the analysis was performed,



1 (iii) that performing the analysis is a part of his or her  
2 regular duties, and (iv) that the signer is qualified by  
3 education, training and experience to perform the analysis. The  
4 signer shall also allege that scientifically accepted tests  
5 were performed with due caution and that the evidence was  
6 handled in accordance with established and accepted procedures  
7 while in the custody of the laboratory.

8 (a-5) In any criminal prosecution for reckless homicide  
9 under Section 9-3 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, or driving under the influence of alcohol, other  
11 drug, or combination of both, in violation of Section 11-501 of  
12 the Illinois Vehicle Code or in any civil action held under a  
13 statutory summary suspension or revocation hearing under  
14 Section 2-118.1 of the Illinois Vehicle Code, a laboratory  
15 report from the Department of State Police, Division of  
16 Forensic Services, that is signed and sworn to by the person  
17 performing an analysis, and that states that the sample of  
18 blood, saliva, or urine was tested for alcohol or drugs, and  
19 contains the person's findings as to the presence and amount of  
20 alcohol or drugs and type of drug is prima facie evidence of  
21 the presence, content, and amount of the alcohol or drugs  
22 analyzed in the blood, saliva, or urine. Attached to the report  
23 must be a copy of a notarized statement by the signer of the  
24 report giving the name of the signer and stating (1) that he or  
25 she is an employee of the Department of State Police, Division  
26 of Forensic Services, (2) the name and location of the

1 laboratory where the analysis was performed, (3) that  
2 performing the analysis is a part of his or her regular duties,  
3 (4) that the signer is qualified by education, training, and  
4 experience to perform the analysis, and (5) that scientifically  
5 accepted tests were performed with due caution and that the  
6 evidence was handled in accordance with established and  
7 accepted procedures while in the custody of the laboratory.

8 (b) The State's Attorney shall serve a copy of the report  
9 on the attorney of record for the accused, or on the accused if  
10 he or she has no attorney, before any proceeding in which the  
11 report is to be used against the accused other than at a  
12 preliminary hearing or grand jury hearing when the report may  
13 be used without having been previously served upon the accused.

14 (c) The report shall not be prima facie evidence if the  
15 accused or his or her attorney demands the testimony of the  
16 person signing the report by serving the demand upon the  
17 State's Attorney within 7 days from the accused or his or her  
18 attorney's receipt of the report.

19 (Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

20 Section 30. The Unified Code of Corrections is amended by  
21 changing Section 5-9-1.9 as follows:

22 (730 ILCS 5/5-9-1.9)

23 Sec. 5-9-1.9. DUI analysis fee.

24 (a) "Crime laboratory" means a not-for-profit laboratory

1 substantially funded by a single unit or combination of units  
2 of local government or the State of Illinois that regularly  
3 employs at least one person engaged in the DUI analysis of  
4 blood, saliva, and urine for criminal justice agencies in  
5 criminal matters and provides testimony with respect to such  
6 examinations.

7 "DUI analysis" means an analysis of blood, saliva, or urine  
8 for purposes of determining whether a violation of Section  
9 11-501 of the Illinois Vehicle Code has occurred.

10 (b) When a person has been adjudged guilty of an offense in  
11 violation of Section 11-501 of the Illinois Vehicle Code, in  
12 addition to any other disposition, penalty, or fine imposed, a  
13 crime laboratory DUI analysis fee of \$150 for each offense for  
14 which the person was convicted shall be levied by the court for  
15 each case in which a laboratory analysis occurred. Upon  
16 verified petition of the person, the court may suspend payment  
17 of all or part of the fee if it finds that the person does not  
18 have the ability to pay the fee.

19 (c) In addition to any other disposition made under the  
20 provisions of the Juvenile Court Act of 1987, any minor  
21 adjudicated delinquent for an offense which if committed by an  
22 adult would constitute a violation of Section 11-501 of the  
23 Illinois Vehicle Code shall be assessed a crime laboratory DUI  
24 analysis fee of \$150 for each adjudication. Upon verified  
25 petition of the minor, the court may suspend payment of all or  
26 part of the fee if it finds that the minor does not have the

1 ability to pay the fee. The parent, guardian, or legal  
2 custodian of the minor may pay some or all of the fee on the  
3 minor's behalf.

4 (d) All crime laboratory DUI analysis fees provided for by  
5 this Section shall be collected by the clerk of the court and  
6 forwarded to the appropriate crime laboratory DUI fund as  
7 provided in subsection (f).

8 (e) Crime laboratory funds shall be established as follows:

9 (1) A unit of local government that maintains a crime  
10 laboratory may establish a crime laboratory DUI fund within  
11 the office of the county or municipal treasurer.

12 (2) Any combination of units of local government that  
13 maintains a crime laboratory may establish a crime  
14 laboratory DUI fund within the office of the treasurer of  
15 the county where the crime laboratory is situated.

16 (3) The State Police DUI Fund is created as a special  
17 fund in the State Treasury.

18 (f) The analysis fee provided for in subsections (b) and  
19 (c) of this Section shall be forwarded to the office of the  
20 treasurer of the unit of local government that performed the  
21 analysis if that unit of local government has established a  
22 crime laboratory DUI fund, or to the State Treasurer for  
23 deposit into the State Police DUI Fund if the analysis was  
24 performed by a laboratory operated by the Department of State  
25 Police. If the analysis was performed by a crime laboratory  
26 funded by a combination of units of local government, the

1 analysis fee shall be forwarded to the treasurer of the county  
2 where the crime laboratory is situated if a crime laboratory  
3 DUI fund has been established in that county. If the unit of  
4 local government or combination of units of local government  
5 has not established a crime laboratory DUI fund, then the  
6 analysis fee shall be forwarded to the State Treasurer for  
7 deposit into the State Police DUI Fund. The clerk of the  
8 circuit court may retain the amount of \$10 from each collected  
9 analysis fee to offset administrative costs incurred in  
10 carrying out the clerk's responsibilities under this Section.

11 (g) Fees deposited into a crime laboratory DUI fund created  
12 under paragraphs (1) and (2) of subsection (e) of this Section  
13 shall be in addition to any allocations made pursuant to  
14 existing law and shall be designated for the exclusive use of  
15 the crime laboratory. These uses may include, but are not  
16 limited to, the following:

17 (1) Costs incurred in providing analysis for DUI  
18 investigations conducted within this State.

19 (2) Purchase and maintenance of equipment for use in  
20 performing analyses.

21 (3) Continuing education, training, and professional  
22 development of forensic scientists regularly employed by  
23 these laboratories.

24 (h) Fees deposited in the State Police DUI Fund created  
25 under paragraph (3) of subsection (e) of this Section shall be  
26 used by State crime laboratories as designated by the Director

1 of State Police. These funds shall be in addition to any  
2 allocations made according to existing law and shall be  
3 designated for the exclusive use of State crime laboratories.  
4 These uses may include those enumerated in subsection (g) of  
5 this Section.

6 (Source: P.A. 91-822, eff. 6-13-00.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".