



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5980

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.6

from Ch. 95 1/2, par. 11-501.6

Amends the Illinois Vehicle Code. Provides in a serious bodily injury or fatal motor vehicle accident, issuance of a Uniform Traffic Ticket for an Illinois Vehicle Code violation is no longer required for implied consent for breath tests using a portable device and chemical tests of blood, breath, or urine, for the purpose of determining the content of alcohol, drugs, or intoxicating compounds in a person's blood. Retains the requirement for issuance of a ticket for implied consent for a non-serious bodily injury motor vehicle accident.

LRB099 16617 AXK 40955 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.6 as follows:

6 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

7 Sec. 11-501.6. Driver involvement in bodily ~~personal~~
8 injury or fatal motor vehicle accident; chemical test.

9 (a) Any person who drives or is in actual control of a
10 motor vehicle upon the public highways of this State and who
11 has been involved in a serious bodily ~~personal~~ injury or fatal
12 motor vehicle accident, shall be deemed to have given consent
13 to a breath test using a portable device as approved by the
14 Department of State Police or to a chemical test or tests of
15 blood, breath, or urine for the purpose of determining the
16 content of alcohol, other drug or drugs, or intoxicating
17 compound or compounds of such person's blood.

18 (a-5) 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 non-serious bodily injury 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,

1 or urine for the purpose of determining the content of alcohol,
2 other drug or drugs, or intoxicating compound or compounds of
3 such person's blood if arrested as evidenced by the issuance of
4 a Uniform Traffic Ticket for any violation of the Illinois
5 Vehicle Code or a similar provision of a local ordinance, with
6 the exception of equipment violations contained in Chapter 12
7 of this Code, or similar provisions of local ordinances.

8 (a-10) The test or tests under subsections (a) and (a-5) of
9 this Section shall be administered at the direction of the
10 arresting officer. The law enforcement agency employing the
11 officer shall designate which of the aforesaid tests shall be
12 administered. A urine test may be administered even after a
13 blood or breath test or both has been administered. Compliance
14 with this Section does not relieve such person from the
15 requirements of Section 11-501.1 of this Code.

16 (b) Any person who is dead, unconscious or who is otherwise
17 in a condition rendering such person incapable of refusal shall
18 be deemed not to have withdrawn the consent provided by
19 subsection (a) of this Section. In addition, if a driver of a
20 vehicle is receiving medical treatment as a result of a motor
21 vehicle accident, any physician licensed to practice medicine,
22 licensed physician assistant, licensed advanced practice
23 nurse, registered nurse or a phlebotomist acting under the
24 direction of a licensed physician shall withdraw blood for
25 testing purposes to ascertain the presence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds, upon the

1 specific request of a law enforcement officer. However, no such
2 testing shall be performed until, in the opinion of the medical
3 personnel on scene, the withdrawal can be made without
4 interfering with or endangering the 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 0.08 or more,
9 or any amount of a drug, substance, or intoxicating compound
10 resulting from the unlawful use or consumption of cannabis, as
11 covered by the Cannabis Control Act, a controlled substance
12 listed in the Illinois Controlled Substances Act, an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act as
16 detected in such person's blood or urine, may result in the
17 suspension of such person's privilege to operate a motor
18 vehicle and may result in the disqualification of the person's
19 privilege to operate a commercial motor vehicle, as provided in
20 Section 6-514 of this Code, if the person is a CDL holder. The
21 length of the suspension shall be the same as outlined in
22 Section 6-208.1 of this Code regarding statutory summary
23 suspensions.

24 A person requested to submit to a test shall also
25 acknowledge, in writing, receipt of the warning required under
26 this Section. If the person refuses to acknowledge receipt of

1 the warning, the law enforcement officer shall make a written
2 notation on the warning that the person refused to sign the
3 warning. A person's refusal to sign the warning shall not be
4 evidence that the person was not read the warning.

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

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary shall enter the suspension and
3 disqualification to 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.

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

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

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

11 (e) A driver may contest this suspension of his or her
12 driving privileges and disqualification of his or her CDL
13 privileges by requesting an administrative hearing with the
14 Secretary in accordance with Section 2-118 of this Code. At the
15 conclusion of a hearing held under Section 2-118 of this Code,
16 the Secretary may rescind, continue, or modify the orders of
17 suspension and disqualification. If the Secretary does not
18 rescind the orders of suspension and disqualification, a
19 restricted driving permit may be granted by the Secretary upon
20 application being made and good cause shown. A restricted
21 driving permit may be granted to relieve undue hardship to
22 allow driving for employment, educational, and medical
23 purposes as outlined in Section 6-206 of this Code. The
24 provisions of Section 6-206 of this Code shall apply. In
25 accordance with 49 C.F.R. 384, the Secretary of State may not
26 issue a restricted driving permit for the operation of a

1 commercial motor vehicle to a person holding a CDL whose
2 driving privileges have been suspended, revoked, cancelled, or
3 disqualified.

4 (f) (Blank).

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

13 (Source: P.A. 99-467, eff. 1-1-16.)