

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-106.1a, 6-205, 6-206, 6-206.1, 6-208.1, 6-517,
6 11-501.1, 11-501.6, and 11-501.8 as follows:

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, or urine for the purpose of determining
21 the alcohol content of the person's blood if arrested, as
22 evidenced by the issuance of a Uniform Traffic Ticket for any
23 violation of this Code or a similar provision of a local

1 ordinance, if a police officer has probable cause to believe
2 that the driver has consumed any amount of an alcoholic
3 beverage based upon evidence of the driver's physical condition
4 or other first hand knowledge of the police officer. The test
5 or tests shall be administered at the direction of the
6 arresting officer. The law enforcement agency employing the
7 officer shall designate which of the aforesaid tests shall be
8 administered. A urine test may be administered even after a
9 blood or breath test or both has been administered.

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12 shall be deemed not to have withdrawn the consent provided by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

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

1 breath testing equipment. The Department of State Police
2 shall prescribe rules as necessary.

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

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

24 (4) Upon a request of the person who submits to a
25 chemical test or tests at the request of a law enforcement
26 officer, full information concerning the test or tests

1 shall be made available to the person or that person's
2 attorney by the requesting law enforcement agency within 72
3 hours of receipt of the test result.

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

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

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

1 this Code. A person requested to submit to a test under this
2 Section shall also acknowledge, in writing, receipt of the
3 warning required under this subsection (c). If the person
4 refuses to acknowledge receipt of the warning, the law
5 enforcement officer shall make a written notation on the
6 warning that the person refused to sign the warning. A person's
7 refusal to sign the warning shall not be evidence that the
8 person was not read the warning.

9 (d) If the person refuses testing or submits to a test that
10 discloses an alcohol concentration of more than 0.00, the law
11 enforcement officer shall immediately submit a sworn report to
12 the Secretary of State on a form prescribed by the Secretary of
13 State certifying that the test or tests were requested under
14 subsection (a) and the person refused to submit to a test or
15 tests or submitted to testing which disclosed an alcohol
16 concentration of more than 0.00. The law enforcement officer
17 shall submit the same sworn report when a person who has been
18 issued a school bus driver permit and who was operating a
19 school bus or any other vehicle owned or operated by or for a
20 public or private school, or a school operated by a religious
21 institution, when the vehicle is being used over a regularly
22 scheduled route for the transportation of persons enrolled as
23 students in grade 12 or below, in connection with any activity
24 of the entities listed, submits to testing under Section
25 11-501.1 of this Code and the testing discloses an alcohol
26 concentration of more than 0.00 and less than the alcohol

1 concentration at which driving or being in actual physical
2 control of a motor vehicle is prohibited under paragraph (1) of
3 subsection (a) of Section 11-501.

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

9 The law enforcement officer submitting the sworn report
10 shall serve immediate notice of this school bus driver permit
11 sanction on the person and the sanction shall be effective on
12 the 46th day following the date notice was given.

13 In cases where the blood alcohol concentration of more than
14 0.00 is established by a subsequent analysis of blood or urine,
15 the police officer or arresting agency shall give notice as
16 provided in this Section or by deposit in the United States
17 mail of that notice in an envelope with postage prepaid and
18 addressed to that person at his or her last known address and
19 the loss of the school bus driver permit shall be effective on
20 the 46th day following the date notice was given.

21 Upon receipt of the sworn report of a law enforcement
22 officer, the Secretary of State shall also give notice of the
23 school bus driver permit sanction to the driver and the
24 driver's current employer by mailing a notice of the effective
25 date of the sanction to the individual. However, shall the
26 sworn report be defective by not containing sufficient

1 information or be completed in error, the notice of the school
2 bus driver permit sanction may not be mailed to the person or
3 his current employer or entered to the driving record, but
4 rather the sworn report shall be returned to the issuing law
5 enforcement agency.

6 (e) A driver may contest this school bus driver permit
7 sanction by requesting an administrative hearing with the
8 Secretary of State in accordance with Section 2-118 of this
9 Code. An individual whose blood alcohol concentration is shown
10 to be more than 0.00 is not subject to this Section if he or she
11 consumed alcohol in the performance of a religious service or
12 ceremony. An individual whose blood alcohol concentration is
13 shown to be more than 0.00 shall not be subject to this Section
14 if the individual's blood alcohol concentration resulted only
15 from ingestion of the prescribed or recommended dosage of
16 medicine that contained alcohol. The petition for that hearing
17 shall not stay or delay the effective date of the impending
18 suspension. The scope of this hearing shall be limited to the
19 issues of:

20 (1) whether the police officer had probable cause to
21 believe that the person was driving or in actual physical
22 control of a school bus or any other vehicle owned or
23 operated by or for a public or private school, or a school
24 operated by a religious institution, when the vehicle is
25 being used over a regularly scheduled route for the
26 transportation of persons enrolled as students in grade 12

1 or below, in connection with any activity of the entities
2 listed, upon the public highways of the State and the
3 police officer had reason to believe that the person was in
4 violation of any provision of this Code or a similar
5 provision of a local ordinance; and

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

9 (3) whether the police officer had probable cause to
10 believe that the driver had consumed any amount of an
11 alcoholic beverage based upon the driver's physical
12 actions or other first-hand knowledge of the police
13 officer; and

14 (4) whether the person, after being advised by the
15 officer that the privilege to possess a school bus driver
16 permit would be canceled if the person refused to submit to
17 and complete the test or tests, did refuse to submit to or
18 complete the test or tests to determine the person's
19 alcohol concentration; and

20 (5) whether the person, after being advised by the
21 officer that the privileges to possess a school bus driver
22 permit would be canceled if the person submits to a
23 chemical test or tests and the test or tests disclose an
24 alcohol concentration of more than 0.00 and the person did
25 submit to and complete the test or tests that determined an
26 alcohol concentration of more than 0.00; and

1 (6) whether the test result of an alcohol concentration
2 of more than 0.00 was based upon the person's consumption
3 of alcohol in the performance of a religious service or
4 ceremony; and

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

9 The Secretary of State may adopt administrative rules
10 setting forth circumstances under which the holder of a school
11 bus driver permit is not required to appear in person at the
12 hearing.

13 Provided that the petitioner may subpoena the officer, the
14 hearing may be conducted upon a review of the law enforcement
15 officer's own official reports. Failure of the officer to
16 answer the subpoena shall be grounds for a continuance if, in
17 the hearing officer's discretion, the continuance is
18 appropriate. At the conclusion of the hearing held under
19 Section 2-118 of this Code, the Secretary of State may rescind,
20 continue, or modify the school bus driver permit sanction.

21 (f) The results of any chemical testing performed in
22 accordance with subsection (a) of this Section are not
23 admissible in any civil or criminal proceeding, except that the
24 results of the testing may be considered at a hearing held
25 under Section 2-118 of this Code. However, the results of the
26 testing may not be used to impose driver's license sanctions

1 under Section 11-501.1 of this Code. A law enforcement officer
2 may, however, pursue a statutory summary suspension or
3 revocation of driving privileges under Section 11-501.1 of this
4 Code if other physical evidence or first hand knowledge forms
5 the basis of that suspension or revocation.

6 (g) This Section applies only to drivers who have been
7 issued a school bus driver permit in accordance with Section
8 6-106.1 of this Code at the time of the issuance of the Uniform
9 Traffic Ticket for a violation of this Code or a similar
10 provision of a local ordinance, and a chemical test request is
11 made under this Section.

12 (h) The action of the Secretary of State in suspending,
13 revoking, canceling, or denying any license, permit,
14 registration, or certificate of title shall be subject to
15 judicial review in the Circuit Court of Sangamon County or in
16 the Circuit Court of Cook County, and the provisions of the
17 Administrative Review Law and its rules are hereby adopted and
18 shall apply to and govern every action for the judicial review
19 of final acts or decisions of the Secretary of State under this
20 Section.

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

22 (625 ILCS 5/6-205)

23 Sec. 6-205. Mandatory revocation of license or permit;
24 Hardship cases.

25 (a) Except as provided in this Section, the Secretary of

1 State shall immediately revoke the license, permit, or driving
2 privileges of any driver upon receiving a report of the
3 driver's conviction of any of the following offenses:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, other drug or
10 drugs, intoxicating compound or compounds, or any
11 combination thereof;

12 3. Any felony under the laws of any State or the
13 federal government in the commission of which a motor
14 vehicle was used;

15 4. Violation of Section 11-401 of this Code relating to
16 the offense of leaving the scene of a traffic accident
17 involving death or personal injury;

18 5. Perjury or the making of a false affidavit or
19 statement under oath to the Secretary of State under this
20 Code or under any other law relating to the ownership or
21 operation of motor vehicles;

22 6. Conviction upon 3 charges of violation of Section
23 11-503 of this Code relating to the offense of reckless
24 driving committed within a period of 12 months;

25 7. Conviction of any offense defined in Section 4-102
26 of this Code;

1 8. Violation of Section 11-504 of this Code relating to
2 the offense of drag racing;

3 9. Violation of Chapters 8 and 9 of this Code;

4 10. Violation of Section 12-5 of the Criminal Code of
5 1961 or the Criminal Code of 2012 arising from the use of a
6 motor vehicle;

7 11. Violation of Section 11-204.1 of this Code relating
8 to aggravated fleeing or attempting to elude a peace
9 officer;

10 12. Violation of paragraph (1) of subsection (b) of
11 Section 6-507, or a similar law of any other state,
12 relating to the unlawful operation of a commercial motor
13 vehicle;

14 13. Violation of paragraph (a) of Section 11-502 of
15 this Code or a similar provision of a local ordinance if
16 the driver has been previously convicted of a violation of
17 that Section or a similar provision of a local ordinance
18 and the driver was less than 21 years of age at the time of
19 the offense;

20 14. Violation of paragraph (a) of Section 11-506 of
21 this Code or a similar provision of a local ordinance
22 relating to the offense of street racing;

23 15. A second or subsequent conviction of driving while
24 the person's driver's license, permit or privileges was
25 revoked for reckless homicide or a similar out-of-state
26 offense;

1 16. Any offense against any provision in this Code, or
2 any local ordinance, regulating the movement of traffic
3 when that offense was the proximate cause of the death of
4 any person. Any person whose driving privileges have been
5 revoked pursuant to this paragraph may seek to have the
6 revocation terminated or to have the length of revocation
7 reduced by requesting an administrative hearing with the
8 Secretary of State prior to the projected driver's license
9 application eligibility date;

10 17. Violation of subsection (a-2) of Section 11-1301.3
11 of this Code or a similar provision of a local ordinance;

12 18. A second or subsequent conviction of illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act. A
19 defendant found guilty of this offense while operating a
20 motor vehicle shall have an entry made in the court record
21 by the presiding judge that this offense did occur while
22 the defendant was operating a motor vehicle and order the
23 clerk of the court to report the violation to the Secretary
24 of State.

25 (b) The Secretary of State shall also immediately revoke
26 the license or permit of any driver in the following

1 situations:

2 1. Of any minor upon receiving the notice provided for
3 in Section 5-901 of the Juvenile Court Act of 1987 that the
4 minor has been adjudicated under that Act as having
5 committed an offense relating to motor vehicles prescribed
6 in Section 4-103 of this Code;

7 2. Of any person when any other law of this State
8 requires either the revocation or suspension of a license
9 or permit;

10 3. Of any person adjudicated under the Juvenile Court
11 Act of 1987 based on an offense determined to have been
12 committed in furtherance of the criminal activities of an
13 organized gang as provided in Section 5-710 of that Act,
14 and that involved the operation or use of a motor vehicle
15 or the use of a driver's license or permit. The revocation
16 shall remain in effect for the period determined by the
17 court. Upon the direction of the court, the Secretary shall
18 issue the person a judicial driving permit, also known as a
19 JDP. The JDP shall be subject to the same terms as a JDP
20 issued under Section 6-206.1, except that the court may
21 direct that a JDP issued under this subdivision (b)(3) be
22 effective immediately.

23 (c)(1) Whenever a person is convicted of any of the
24 offenses enumerated in this Section, the court may recommend
25 and the Secretary of State in his discretion, without regard to
26 whether the recommendation is made by the court may, upon

1 application, issue to the person a restricted driving permit
2 granting the privilege of driving a motor vehicle between the
3 petitioner's residence and petitioner's place of employment or
4 within the scope of the petitioner's employment related duties,
5 or to allow the petitioner to transport himself or herself or a
6 family member of the petitioner's household to a medical
7 facility for the receipt of necessary medical care or to allow
8 the petitioner to transport himself or herself to and from
9 alcohol or drug remedial or rehabilitative activity
10 recommended by a licensed service provider, or to allow the
11 petitioner to transport himself or herself or a family member
12 of the petitioner's household to classes, as a student, at an
13 accredited educational institution, or to allow the petitioner
14 to transport children, elderly persons, or disabled persons who
15 do not hold driving privileges and are living in the
16 petitioner's household to and from daycare; if the petitioner
17 is able to demonstrate that no alternative means of
18 transportation is reasonably available and that the petitioner
19 will not endanger the public safety or welfare; provided that
20 the Secretary's discretion shall be limited to cases where
21 undue hardship, as defined by the rules of the Secretary of
22 State, would result from a failure to issue the restricted
23 driving permit. Those multiple offenders identified in
24 subdivision (b)4 of Section 6-208 of this Code, however, shall
25 not be eligible for the issuance of a restricted driving
26 permit.

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

13 (3) If:

14 (A) a person's license or permit is revoked or
15 suspended 2 or more times ~~within a 10 year period~~ due
16 to any combination of:

17 (i) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a
19 local ordinance or a similar out-of-state offense,
20 or Section 9-3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, where the use of alcohol or
22 other drugs is recited as an element of the
23 offense, or a similar out-of-state offense; or

24 (ii) a statutory summary suspension or
25 revocation under Section 11-501.1; or

26 (iii) a suspension pursuant to Section

1 6-203.1;

2 arising out of separate occurrences; or

3 (B) a person has been convicted of one violation of
4 subparagraph (C) or (F) of paragraph (1) of subsection
5 (d) of Section 11-501 ~~Section 6-303~~ of this Code,
6 ~~committed while his or her driver's license, permit, or~~
7 ~~privilege was revoked because of a violation of~~ Section
8 9-3 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, relating to the offense of reckless homicide
10 where the use of alcohol or other drugs was recited as
11 an element of the offense, or a similar provision of a
12 law of another state;

13 that person, if issued a restricted driving permit, may not
14 operate a vehicle unless it has been equipped with an
15 ignition interlock device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned on the use
17 of an ignition interlock device must pay to the Secretary
18 of State DUI Administration Fund an amount not to exceed
19 \$30 per month. The Secretary shall establish by rule the
20 amount and the procedures, terms, and conditions relating
21 to these fees.

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

1 employer when used solely for employment purposes.

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

1 driver remedial or rehabilitative program. The Secretary
2 of State is authorized to cancel a restricted driving
3 permit if the permit holder does not successfully complete
4 the program. However, if an individual's driving
5 privileges have been revoked in accordance with paragraph
6 13 of subsection (a) of this Section, no restricted driving
7 permit shall be issued until the individual has served 6
8 months of the revocation period.

9 (c-5) (Blank).

10 (c-6) If a person is convicted of a second violation of
11 operating a motor vehicle while the person's driver's license,
12 permit or privilege was revoked, where the revocation was for a
13 violation of Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 relating to the offense of reckless
15 homicide or a similar out-of-state offense, the person's
16 driving privileges shall be revoked pursuant to subdivision
17 (a)(15) of this Section. The person may not make application
18 for a license or permit until the expiration of five years from
19 the effective date of the revocation or the expiration of five
20 years from the date of release from a term of imprisonment,
21 whichever is later.

22 (c-7) If a person is convicted of a third or subsequent
23 violation of operating a motor vehicle while the person's
24 driver's license, permit or privilege was revoked, where the
25 revocation was for a violation of Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012 relating to the

1 offense of reckless homicide or a similar out-of-state offense,
2 the person may never apply for a license or permit.

3 (d) (1) Whenever a person under the age of 21 is convicted
4 under Section 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense, the
6 Secretary of State shall revoke the driving privileges of that
7 person. One year after the date of revocation, and upon
8 application, the Secretary of State may, if satisfied that the
9 person applying will not endanger the public safety or welfare,
10 issue a restricted driving permit granting the privilege of
11 driving a motor vehicle only between the hours of 5 a.m. and 9
12 p.m. or as otherwise provided by this Section for a period of
13 one year. After this one year period, and upon reapplication
14 for a license as provided in Section 6-106, upon payment of the
15 appropriate reinstatement fee provided under paragraph (b) of
16 Section 6-118, the Secretary of State, in his discretion, may
17 reinstate the petitioner's driver's license and driving
18 privileges, or extend the restricted driving permit as many
19 times as the Secretary of State deems appropriate, by
20 additional periods of not more than 12 months each.

21 (2) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense, or Section 9-3
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 where the use of alcohol or other drugs is recited as an

1 element of the offense, or a similar out-of-state offense,
2 or a combination of these offenses, arising out of separate
3 occurrences, that person, if issued a restricted driving
4 permit, may not operate a vehicle unless it has been
5 equipped with an ignition interlock device as defined in
6 Section 1-129.1.

7 (3) If a person's license or permit is revoked or
8 suspended 2 or more times ~~within a 10 year period~~ due to
9 any combination of:

10 (A) a single conviction of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance or a similar out-of-state offense, or
13 Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, where the use of alcohol or
15 other drugs is recited as an element of the offense, or
16 a similar out-of-state offense; or

17 (B) a statutory summary suspension or revocation
18 under Section 11-501.1; or

19 (C) a suspension pursuant to Section 6-203.1;
20 arising out of separate occurrences, that person, if issued
21 a restricted driving permit, may not operate a vehicle
22 unless it has been equipped with an ignition interlock
23 device as defined in Section 1-129.1.

24 (3.5) If a person's license or permit is revoked or
25 suspended due to a conviction for a violation of
26 subparagraph (C) or (F) of paragraph (1) of subsection (d)

1 of Section 11-501 of this Code, or a similar provision of a
2 local ordinance or similar out-of-state offense, that
3 person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an
5 ignition interlock device as defined in Section 1-129.1.

6 (4) The person issued a permit conditioned upon the use
7 of an interlock device must pay to the Secretary of State
8 DUI Administration Fund an amount not to exceed \$30 per
9 month. The Secretary shall establish by rule the amount and
10 the procedures, terms, and conditions relating to these
11 fees.

12 (5) If the restricted driving permit is issued for
13 employment purposes, then the prohibition against driving
14 a vehicle that is not equipped with an ignition interlock
15 device does not apply to the operation of an occupational
16 vehicle owned or leased by that person's employer when used
17 solely for employment purposes.

18 (6) A restricted driving permit issued under this
19 Section shall be subject to cancellation, revocation, and
20 suspension by the Secretary of State in like manner and for
21 like cause as a driver's license issued under this Code may
22 be cancelled, revoked, or suspended; except that a
23 conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension, or
26 cancellation of a restricted driving permit.

1 (d-5) The revocation of the license, permit, or driving
2 privileges of a person convicted of a third or subsequent
3 violation of Section 6-303 of this Code committed while his or
4 her driver's license, permit, or privilege was revoked because
5 of a violation of Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, relating to the offense of reckless
7 homicide, or a similar provision of a law of another state, is
8 permanent. The Secretary may not, at any time, issue a license
9 or permit to that person.

10 (e) This Section is subject to the provisions of the Driver
11 License Compact.

12 (f) Any revocation imposed upon any person under
13 subsections 2 and 3 of paragraph (b) that is in effect on
14 December 31, 1988 shall be converted to a suspension for a like
15 period of time.

16 (g) The Secretary of State shall not issue a restricted
17 driving permit to a person under the age of 16 years whose
18 driving privileges have been revoked under any provisions of
19 this Code.

20 (h) The Secretary of State shall require the use of
21 ignition interlock devices on all vehicles owned by a person
22 who has been convicted of a second or subsequent offense under
23 Section 11-501 of this Code or a similar provision of a local
24 ordinance. The person must pay to the Secretary of State DUI
25 Administration Fund an amount not to exceed \$30 for each month
26 that he or she uses the device. The Secretary shall establish

1 by rule and regulation the procedures for certification and use
2 of the interlock system, the amount of the fee, and the
3 procedures, terms, and conditions relating to these fees.

4 (i) (Blank).

5 (j) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been revoked, suspended,
9 cancelled, or disqualified under any provisions of this Code.

10 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
11 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
12 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
13 1-1-13; 97-1150, eff. 1-25-13.)

14 (625 ILCS 5/6-206)

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

17 (a) The Secretary of State is authorized to suspend or
18 revoke the driving privileges of any person without preliminary
19 hearing upon a showing of the person's records or other
20 sufficient evidence that the person:

21 1. Has committed an offense for which mandatory
22 revocation of a driver's license or permit is required upon
23 conviction;

24 2. Has been convicted of not less than 3 offenses
25 against traffic regulations governing the movement of

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

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

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

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

25 6. Has been lawfully convicted of an offense or
26 offenses in another state, including the authorization

1 contained in Section 6-203.1, which if committed within
2 this State would be grounds for suspension or revocation;

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

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

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

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

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

23 12. Has submitted to any portion of the application
24 process for another person or has obtained the services of
25 another person to submit to any portion of the application
26 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

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

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

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

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

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

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

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

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

26 21. Has been convicted of violating Section 11-402 of

1 this Code relating to leaving the scene of an accident
2 resulting in damage to a vehicle in excess of \$1,000, in
3 which case the suspension shall be for one year;

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

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

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

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

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

26 27. Has violated Section 6-16 of the Liquor Control Act

1 of 1934;

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

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

1 illegal drug use or abuse in which case the driver's
2 driving privileges shall be suspended for one year;

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

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

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

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this Code
2 or a similar provision of a local ordinance;

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

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

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

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

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

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

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

23 41. Has committed a second or subsequent violation of
24 Section 11-605.1 of this Code, a similar provision of a
25 local ordinance, or a similar violation in any other state
26 within 2 years of the date of the previous violation, in

1 which case the suspension shall be for 90 days;

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

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

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

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

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

25 47. Has committed a violation of Section 11-502.1 of
26 this Code.

1 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
2 and 27 of this subsection, license means any driver's license,
3 any traffic ticket issued when the person's driver's license is
4 deposited in lieu of bail, a suspension notice issued by the
5 Secretary of State, a duplicate or corrected driver's license,
6 a probationary driver's license or a temporary driver's
7 license.

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

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

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

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

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

26 Any person who falsely states any fact in the affidavit

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

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

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

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

19 (B) If a person's license or permit is revoked or
20 suspended 2 or more times ~~within a 10 year period~~ due to
21 any combination of:

22 (i) a single conviction of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar
2 out-of-state offense; or

3 (ii) a statutory summary suspension or revocation
4 under Section 11-501.1; or

5 (iii) a suspension under Section 6-203.1;

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

10 (B-5) If a person's license or permit is revoked or
11 suspended due to a conviction for a violation of
12 subparagraph (C) or (F) of paragraph (1) of subsection (d)
13 of Section 11-501 of this Code, or a similar provision of a
14 local ordinance or similar out-of-state offense, that
15 person, if issued a restricted driving permit, may not
16 operate a vehicle unless it has been equipped with an
17 ignition interlock device as defined in Section 1-129.1.

18 (C) The person issued a permit conditioned upon the use
19 of an ignition interlock device must pay to the Secretary
20 of State DUI Administration Fund an amount not to exceed
21 \$30 per month. The Secretary shall establish by rule the
22 amount and the procedures, terms, and conditions relating
23 to these fees.

24 (D) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against
26 operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the operation
2 of an occupational vehicle owned or leased by that person's
3 employer when used solely for employment purposes.

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

1 condition to the issuance of a restricted driving permit,
2 require the applicant to participate in a designated driver
3 remedial or rehabilitative program. The Secretary of State
4 is authorized to cancel a restricted driving permit if the
5 permit holder does not successfully complete the program.

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

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

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

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

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

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

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

16 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
17 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
19 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
20 7-16-14.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring Device Driving Permit.
23 Declaration of Policy. It is hereby declared a policy of the
24 State of Illinois that the driver who is impaired by alcohol,
25 other drug or drugs, or intoxicating compound or compounds is a

1 threat to the public safety and welfare. Therefore, to provide
2 a deterrent to such practice, a statutory summary driver's
3 license suspension is appropriate. It is also recognized that
4 driving is a privilege and therefore, that the granting of
5 driving privileges, in a manner consistent with public safety,
6 is warranted during the period of suspension in the form of a
7 monitoring device driving permit. A person who drives and fails
8 to comply with the requirements of the monitoring device
9 driving permit commits a violation of Section 6-303 of this
10 Code.

11 The following procedures shall apply whenever a first
12 offender, as defined in Section 11-500 of this Code, is
13 arrested for any offense as defined in Section 11-501 or a
14 similar provision of a local ordinance and is subject to the
15 provisions of Section 11-501.1:

16 (a) Upon mailing of the notice of suspension of driving
17 privileges as provided in subsection (h) of Section 11-501.1 of
18 this Code, the Secretary shall also send written notice
19 informing the person that he or she will be issued a monitoring
20 device driving permit (MDDP). The notice shall include, at
21 minimum, information summarizing the procedure to be followed
22 for issuance of the MDDP, installation of the breath alcohol
23 ignition installation device (BAIID), as provided in this
24 Section, exemption from BAIID installation requirements, and
25 procedures to be followed by those seeking indigent status, as
26 provided in this Section. The notice shall also include

1 information summarizing the procedure to be followed if the
2 person wishes to decline issuance of the MDDP. A copy of the
3 notice shall also be sent to the court of venue together with
4 the notice of suspension of driving privileges, as provided in
5 subsection (h) of Section 11-501. However, a MDDP shall not be
6 issued if the Secretary finds that:

7 (1) the offender's driver's license is otherwise
8 invalid;

9 (2) death or great bodily harm to another resulted from
10 the arrest for Section 11-501;

11 (3) the offender has been previously convicted of
12 reckless homicide or aggravated driving under the
13 influence involving death;

14 (4) the offender is less than 18 years of age; or

15 (5) the offender is a qualifying patient licensed under
16 the Compassionate Use of Medical Cannabis Pilot Program Act
17 who is in possession of a valid registry card issued under
18 that Act and refused to submit to standardized field
19 sobriety tests as required by subsection (a) of Section
20 11-501.9 or did submit to testing which disclosed the
21 person was impaired by the use of cannabis.

22 Any offender participating in the MDDP program must pay the
23 Secretary a MDDP Administration Fee in an amount not to exceed
24 \$30 per month, to be deposited into the Monitoring Device
25 Driving Permit Administration Fee Fund. The Secretary shall
26 establish by rule the amount and the procedures, terms, and

1 conditions relating to these fees. The offender must have an
2 ignition interlock device installed within 14 days of the date
3 the Secretary issues the MDDP. The ignition interlock device
4 provider must notify the Secretary, in a manner and form
5 prescribed by the Secretary, of the installation. If the
6 Secretary does not receive notice of installation, the
7 Secretary shall cancel the MDDP.

8 ~~A MDDP shall not become effective prior to the 31st day of~~
9 ~~the original statutory summary suspension.~~

10 Upon receipt of the notice, as provided in paragraph (a) of
11 this Section, the person may file a petition to decline
12 issuance of the MDDP with the court of venue. The court shall
13 admonish the offender of all consequences of declining issuance
14 of the MDDP including, but not limited to, the enhanced
15 penalties for driving while suspended. After being so
16 admonished, the offender shall be permitted, in writing, to
17 execute a notice declining issuance of the MDDP. This notice
18 shall be filed with the court and forwarded by the clerk of the
19 court to the Secretary. The offender may, at any time
20 thereafter, apply to the Secretary for issuance of a MDDP.

21 (a-1) A person issued a MDDP may drive for any purpose and
22 at any time, subject to the rules adopted by the Secretary
23 under subsection (g). The person must, at his or her own
24 expense, drive only vehicles equipped with an ignition
25 interlock device as defined in Section 1-129.1, but in no event
26 shall such person drive a commercial motor vehicle.

1 (a-2) Persons who are issued a MDDP and must drive
2 employer-owned vehicles in the course of their employment
3 duties may seek permission to drive an employer-owned vehicle
4 that does not have an ignition interlock device. The employer
5 shall provide to the Secretary a form, as prescribed by the
6 Secretary, completed by the employer verifying that the
7 employee must drive an employer-owned vehicle in the course of
8 employment. If approved by the Secretary, the form must be in
9 the driver's possession while operating an employer-owner
10 vehicle not equipped with an ignition interlock device. No
11 person may use this exemption to drive a school bus, school
12 vehicle, or a vehicle designed to transport more than 15
13 passengers. No person may use this exemption to drive an
14 employer-owned motor vehicle that is owned by an entity that is
15 wholly or partially owned by the person holding the MDDP, or by
16 a family member of the person holding the MDDP. No person may
17 use this exemption to drive an employer-owned vehicle that is
18 made available to the employee for personal use. No person may
19 drive the exempted vehicle more than 12 hours per day, 6 days
20 per week.

21 (a-3) Persons who are issued a MDDP and who must drive a
22 farm tractor to and from a farm, within 50 air miles from the
23 originating farm are exempt from installation of a BAIID on the
24 farm tractor, so long as the farm tractor is being used for the
25 exclusive purpose of conducting farm operations.

26 (b) (Blank).

1 (c) (Blank).

2 (c-1) If the holder of the MDDP is convicted of or receives
3 court supervision for a violation of Section 6-206.2, 6-303,
4 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
5 provision of a local ordinance or a similar out-of-state
6 offense or is convicted of or receives court supervision for
7 any offense for which alcohol or drugs is an element of the
8 offense and in which a motor vehicle was involved (for an
9 arrest other than the one for which the MDDP is issued), or
10 de-installs the BAIID without prior authorization from the
11 Secretary, the MDDP shall be cancelled.

12 (c-5) If the Secretary determines that the person seeking
13 the MDDP is indigent, the Secretary shall provide the person
14 with a written document as evidence of that determination, and
15 the person shall provide that written document to an ignition
16 interlock device provider. The provider shall install an
17 ignition interlock device on that person's vehicle without
18 charge to the person, and seek reimbursement from the Indigent
19 BAIID Fund. If the Secretary has deemed an offender indigent,
20 the BAIID provider shall also provide the normal monthly
21 monitoring services and the de-installation without charge to
22 the offender and seek reimbursement from the Indigent BAIID
23 Fund. Any other monetary charges, such as a lockout fee or
24 reset fee, shall be the responsibility of the MDDP holder. A
25 BAIID provider may not seek a security deposit from the
26 Indigent BAIID Fund.

1 (d) MDDP information shall be available only to the courts,
2 police officers, and the Secretary, except during the actual
3 period the MDDP is valid, during which time it shall be a
4 public record.

5 (e) (Blank).

6 (f) (Blank).

7 (g) The Secretary shall adopt rules for implementing this
8 Section. The rules adopted shall address issues including, but
9 not limited to: compliance with the requirements of the MDDP;
10 methods for determining compliance with those requirements;
11 the consequences of noncompliance with those requirements;
12 what constitutes a violation of the MDDP; methods for
13 determining indigency; and the duties of a person or entity
14 that supplies the ignition interlock device.

15 (h) The rules adopted under subsection (g) shall provide,
16 at a minimum, that the person is not in compliance with the
17 requirements of the MDDP if he or she:

18 (1) tampers or attempts to tamper with or circumvent
19 the proper operation of the ignition interlock device;

20 (2) provides valid breath samples that register blood
21 alcohol levels in excess of the number of times allowed
22 under the rules;

23 (3) fails to provide evidence sufficient to satisfy the
24 Secretary that the ignition interlock device has been
25 installed in the designated vehicle or vehicles; or

26 (4) fails to follow any other applicable rules adopted

1 by the Secretary.

2 (i) Any person or entity that supplies an ignition
3 interlock device as provided under this Section shall, in
4 addition to supplying only those devices which fully comply
5 with all the rules adopted under subsection (g), provide the
6 Secretary, within 7 days of inspection, all monitoring reports
7 of each person who has had an ignition interlock device
8 installed. These reports shall be furnished in a manner or form
9 as prescribed by the Secretary.

10 (j) Upon making a determination that a violation of the
11 requirements of the MDDP has occurred, the Secretary shall
12 extend the summary suspension period for an additional 3 months
13 beyond the originally imposed summary suspension period,
14 during which time the person shall only be allowed to drive
15 vehicles equipped with an ignition interlock device; provided
16 further there are no limitations on the total number of times
17 the summary suspension may be extended. The Secretary may,
18 however, limit the number of extensions imposed for violations
19 occurring during any one monitoring period, as set forth by
20 rule. Any person whose summary suspension is extended pursuant
21 to this Section shall have the right to contest the extension
22 through a hearing with the Secretary, pursuant to Section 2-118
23 of this Code. If the summary suspension has already terminated
24 prior to the Secretary receiving the monitoring report that
25 shows a violation, the Secretary shall be authorized to suspend
26 the person's driving privileges for 3 months, provided that the

1 Secretary may, by rule, limit the number of suspensions to be
2 entered pursuant to this paragraph for violations occurring
3 during any one monitoring period. Any person whose license is
4 suspended pursuant to this paragraph, after the summary
5 suspension had already terminated, shall have the right to
6 contest the suspension through a hearing with the Secretary,
7 pursuant to Section 2-118 of this Code. The only permit the
8 person shall be eligible for during this new suspension period
9 is a MDDP.

10 (k) A person who has had his or her summary suspension
11 extended for the third time, or has any combination of 3
12 extensions and new suspensions, entered as a result of a
13 violation that occurred while holding the MDDP, so long as the
14 extensions and new suspensions relate to the same summary
15 suspension, shall have his or her vehicle impounded for a
16 period of 30 days, at the person's own expense. A person who
17 has his or her summary suspension extended for the fourth time,
18 or has any combination of 4 extensions and new suspensions,
19 entered as a result of a violation that occurred while holding
20 the MDDP, so long as the extensions and new suspensions relate
21 to the same summary suspension, shall have his or her vehicle
22 subject to seizure and forfeiture. The Secretary shall notify
23 the prosecuting authority of any third or fourth extensions or
24 new suspension entered as a result of a violation that occurred
25 while the person held a MDDP. Upon receipt of the notification,
26 the prosecuting authority shall impound or forfeit the vehicle.

1 The impoundment or forfeiture of a vehicle shall be conducted
2 pursuant to the procedure specified in Article 36 of the
3 Criminal Code of 2012.

4 (l) A person whose driving privileges have been suspended
5 under Section 11-501.1 of this Code and who had a MDDP that was
6 cancelled, or would have been cancelled had notification of a
7 violation been received prior to expiration of the MDDP,
8 pursuant to subsection (c-1) of this Section, shall not be
9 eligible for reinstatement when the summary suspension is
10 scheduled to terminate. Instead, the person's driving
11 privileges shall be suspended for a period of not less than
12 twice the original summary suspension period, or for the length
13 of any extensions entered under subsection (j), whichever is
14 longer. During the period of suspension, the person shall be
15 eligible only to apply for a restricted driving permit. If a
16 restricted driving permit is granted, the offender may only
17 operate vehicles equipped with a BAIID in accordance with this
18 Section.

19 (m) Any person or entity that supplies an ignition
20 interlock device under this Section shall, for each ignition
21 interlock device installed, pay 5% of the total gross revenue
22 received for the device, including monthly monitoring fees,
23 into the Indigent BAIID Fund. This 5% shall be clearly
24 indicated as a separate surcharge on each invoice that is
25 issued. The Secretary shall conduct an annual review of the
26 fund to determine whether the surcharge is sufficient to

1 provide for indigent users. The Secretary may increase or
2 decrease this surcharge requirement as needed.

3 (n) Any person or entity that supplies an ignition
4 interlock device under this Section that is requested to
5 provide an ignition interlock device to a person who presents
6 written documentation of indigency from the Secretary, as
7 provided in subsection (c-5) of this Section, shall install the
8 device on the person's vehicle without charge to the person and
9 shall seek reimbursement from the Indigent BAIID Fund.

10 (o) The Indigent BAIID Fund is created as a special fund in
11 the State treasury. The Secretary shall, subject to
12 appropriation by the General Assembly, use all money in the
13 Indigent BAIID Fund to reimburse ignition interlock device
14 providers who have installed devices in vehicles of indigent
15 persons. The Secretary shall make payments to such providers
16 every 3 months. If the amount of money in the fund at the time
17 payments are made is not sufficient to pay all requests for
18 reimbursement submitted during that 3 month period, the
19 Secretary shall make payments on a pro-rata basis, and those
20 payments shall be considered payment in full for the requests
21 submitted.

22 (p) The Monitoring Device Driving Permit Administration
23 Fee Fund is created as a special fund in the State treasury.
24 The Secretary shall, subject to appropriation by the General
25 Assembly, use the money paid into this fund to offset its
26 administrative costs for administering MDDPs.

1 (q) The Secretary is authorized to prescribe such forms as
2 it deems necessary to carry out the provisions of this Section.
3 (Source: P.A. 97-229, eff. 7-28-11; 97-813, eff. 7-13-12;
4 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1015, eff.
5 8-22-14; 98-1172, eff. 1-12-15.)

6 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)
7 Sec. 6-208.1. Period of statutory summary alcohol, other
8 drug, or intoxicating compound related suspension or
9 revocation.

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

15 1. twelve months from the effective date of the
16 statutory summary suspension for a refusal or failure to
17 complete a test or tests to determine the alcohol, other
18 drug, or intoxicating compound concentration under Section
19 11-501.1, if the person was not involved in a motor vehicle
20 accident that caused personal injury or death to another;
21 or

22 2. six months from the effective date of the statutory
23 summary suspension imposed following the person's
24 submission to a chemical test which disclosed an alcohol
25 concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in such person's
2 breath, blood, or urine resulting from the unlawful use or
3 consumption of cannabis listed in the Cannabis Control Act,
4 a controlled substance listed in the Illinois Controlled
5 Substances Act, an intoxicating compound listed in the Use
6 of Intoxicating Compounds Act, or methamphetamine as
7 listed in the Methamphetamine Control and Community
8 Protection Act, pursuant to Section 11-501.1; or

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

14 4. one year from the effective date of the summary
15 suspension imposed for any person other than a first
16 offender following submission to a chemical test which
17 disclosed an alcohol concentration of 0.08 or more pursuant
18 to Section 11-501.1 or any amount of a drug, substance or
19 compound in such person's blood or urine resulting from the
20 unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act,
24 or methamphetamine as listed in the Methamphetamine
25 Control and Community Protection Act; or

26 5. (Blank).

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

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

14 (d) Where a driving privilege has been summarily suspended
15 or revoked under Section 11-501.1 and the person is
16 subsequently convicted of violating Section 11-501, or a
17 similar provision of a local ordinance, for the same incident,
18 any period served on statutory summary suspension or revocation
19 shall be credited toward the minimum period of revocation of
20 driving privileges imposed pursuant to Section 6-205.

21 (e) A first offender who refused chemical testing and whose
22 driving privileges were summarily revoked pursuant to Section
23 11-501.1 shall not be eligible for a monitoring device driving
24 permit, but may make application for reinstatement or for a
25 restricted driving permit after a period of one year has
26 elapsed from the effective date of the revocation.

1 (f) (Blank).

2 (g) (Blank). ~~Following a statutory summary suspension of~~
3 ~~driving privileges pursuant to Section 11-501.1 where the~~
4 ~~person was not a first offender, as defined in Section 11-500,~~
5 ~~the Secretary of State may not issue a restricted driving~~
6 ~~permit.~~

7 (h) (Blank).

8 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
9 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

10 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

11 Sec. 6-517. Commercial driver; implied consent warnings.

12 (a) Any person driving a commercial motor vehicle who is
13 requested by a police officer, pursuant to Section 6-516, to
14 submit to a chemical test or tests to determine the alcohol
15 concentration or any amount of a drug, substance, or compound
16 resulting from the unlawful use or consumption of cannabis
17 listed in the Cannabis Control Act, a controlled substance
18 listed in the Illinois Controlled Substances Act, an
19 intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act in such
22 person's system, must be warned by the police officer
23 requesting the test or tests that a refusal to submit to the
24 test or tests will result in that person being immediately
25 placed out-of-service for a period of 24 hours and being

1 disqualified from operating a commercial motor vehicle for a
2 period of not less than 12 months; the person shall also be
3 warned that if such person submits to testing which discloses
4 an alcohol concentration of greater than 0.00 but less than
5 0.04 or any amount of a drug, substance, or compound in such
6 person's blood or urine resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act, a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, such
12 person shall be placed immediately out-of-service for a period
13 of 24 hours; if the person submits to testing which discloses
14 an alcohol concentration of 0.04 or more or any amount of a
15 drug, substance, or compound in such person's blood or urine
16 resulting from the unlawful use or consumption of cannabis
17 listed in the Cannabis Control Act, a controlled substance
18 listed in the Illinois Controlled Substances Act, an
19 intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act, such
22 person shall be placed immediately out-of-service and
23 disqualified from driving a commercial motor vehicle for a
24 period of at least 12 months; also the person shall be warned
25 that if such testing discloses an alcohol concentration of
26 0.08, or more or any amount of a drug, substance, or compound

1 in such person's blood or urine resulting from the unlawful use
2 or consumption of cannabis listed in the Cannabis Control Act,
3 a controlled substance listed in the Illinois Controlled
4 Substances Act, an intoxicating compound listed in the Use of
5 Intoxicating Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, in
7 addition to the person being immediately placed out-of-service
8 and disqualified for 12 months as provided in this UCDLA, the
9 results of such testing shall also be admissible in
10 prosecutions for violations of Section 11-501 of this Code, or
11 similar violations of local ordinances, however, such results
12 shall not be used to impose any driving sanctions pursuant to
13 Section 11-501.1 of this Code.

14 The person shall also be warned that any disqualification
15 imposed pursuant to this Section, shall be for life for any
16 such offense or refusal, or combination thereof; including a
17 conviction for violating Section 11-501 while driving a
18 commercial motor vehicle, or similar provisions of local
19 ordinances, committed a second time involving separate
20 incidents.

21 A person requested to submit to a test shall also
22 acknowledge, in writing, receipt of the warning required under
23 this Section. If the person refuses to acknowledge receipt of
24 the warning, the police officer shall make a written notation
25 on the warning that the person refused to sign the warning. A
26 person's refusal to sign the warning shall not be evidence that

1 the person was not read the warning.

2 (b) If the person refuses or fails to complete testing, or
3 submits to a test which discloses an alcohol concentration of
4 at least 0.04, or any amount of a drug, substance, or compound
5 in such person's blood or urine resulting from the unlawful use
6 or consumption of cannabis listed in the Cannabis Control Act,
7 a controlled substance listed in the Illinois Controlled
8 Substances Act, an intoxicating compound listed in the Use of
9 Intoxicating Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act, the law
11 enforcement officer must submit a Sworn Report to the Secretary
12 of State, in a form prescribed by the Secretary, certifying
13 that the test or tests was requested pursuant to paragraph (a);
14 that the person was warned, as provided in paragraph (a) and
15 that such person refused to submit to or failed to complete
16 testing, or submitted to a test which disclosed an alcohol
17 concentration of 0.04 or more, or any amount of a drug,
18 substance, or compound in such person's blood or urine
19 resulting from the unlawful use or consumption of cannabis
20 listed in the Cannabis Control Act, a controlled substance
21 listed in the Illinois Controlled Substances Act, an
22 intoxicating compound listed in the Use of Intoxicating
23 Compounds Act, or methamphetamine as listed in the
24 Methamphetamine Control and Community Protection Act.

25 (c) The police officer submitting the Sworn Report under
26 this Section shall serve notice of the CDL disqualification on

1 the person and such CDL disqualification shall be effective as
2 provided in paragraph (d). In cases where the blood alcohol
3 concentration of 0.04 or more, or any amount of a drug,
4 substance, or compound in such person's blood or urine
5 resulting from the unlawful use or consumption of cannabis
6 listed in the Cannabis Control Act, a controlled substance
7 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 subsequent analysis of blood or urine collected
12 at the time of the request, the police officer shall give
13 notice as provided in this Section or by deposit in the United
14 States mail of such notice as provided in this Section or by
15 deposit in the United States mail of such notice in an envelope
16 with postage prepaid and addressed to such person's domiciliary
17 address as shown on the Sworn Report and the CDL
18 disqualification shall begin as provided in paragraph (d).

19 (d) The CDL disqualification referred to in this Section
20 shall take effect on the 46th day following the date the Sworn
21 Report was given to the affected person.

22 (e) Upon receipt of the Sworn Report from the police
23 officer, the Secretary of State shall disqualify the person
24 from driving any commercial motor vehicle and shall confirm the
25 CDL disqualification by mailing the notice of the effective
26 date to the person. However, should the Sworn Report be

1 defective by not containing sufficient information or be
2 completed in error, the confirmation of the CDL
3 disqualification shall not be mailed to the affected person or
4 entered into the record, instead the Sworn Report shall be
5 forwarded to the issuing agency identifying any such defect.

6 (Source: P.A. 95-355, eff. 1-1-08.)

7 (625 ILCS 5/11-501.1)

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

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

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

25 (a-5) (Blank).

26 (b) Any person who is dead, unconscious, or who is

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

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

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

14 A person who is under the age of 21 at the time the person
15 is requested to submit to a test as provided above shall, in
16 addition to the warnings provided for in this Section, be
17 further warned by the law enforcement officer requesting the
18 test that if the person submits to the test or tests provided
19 in paragraph (a) of this Section and the alcohol concentration
20 in the person's blood or breath is greater than 0.00 and less
21 than 0.08, a suspension of the person's privilege to operate a
22 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
23 of this Code, will be imposed. The results of this test shall
24 be admissible in a civil or criminal action or proceeding
25 arising from an arrest for an offense as defined in Section
26 11-501 of this Code or a similar provision of a local ordinance

1 or pursuant to Section 11-501.4 in prosecutions for reckless
2 homicide brought under the Criminal Code of 1961 or the
3 Criminal Code of 2012. These test results, however, shall be
4 admissible only in actions or proceedings directly related to
5 the incident upon which the test request was made.

6 A person requested to submit to a test shall also
7 acknowledge, in writing, receipt of the warning required under
8 this Section. If the person refuses to acknowledge receipt of
9 the warning, the law enforcement officer shall make a written
10 notation on the warning that the person refused to sign the
11 warning. A person's refusal to sign the warning shall not be
12 evidence that the person was not read the warning.

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

1 concentration of 0.08 or more.

2 (e) Upon receipt of the sworn report of a law enforcement
3 officer submitted under paragraph (d), the Secretary of State
4 shall enter the statutory summary suspension or revocation and
5 disqualification for the periods specified in Sections 6-208.1
6 and 6-514, respectively, and effective as provided in paragraph
7 (g).

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

25 (f) The law enforcement officer submitting the sworn report
26 under paragraph (d) shall serve immediate notice of the

1 statutory summary suspension or revocation on the person and
2 the suspension or revocation and disqualification shall be
3 effective as provided in paragraph (g).

4 (1) In cases where the blood alcohol concentration of
5 0.08 or greater or any amount of a drug, substance, or
6 compound resulting from the unlawful use or consumption of
7 cannabis as covered by the Cannabis Control Act, a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use
10 of Intoxicating Compounds Act, or methamphetamine as
11 listed in the Methamphetamine Control and Community
12 Protection Act is established by a subsequent analysis of
13 blood or urine collected at the time of arrest, the
14 arresting officer or arresting agency shall give notice as
15 provided in this Section or by deposit in the United States
16 mail of the notice in an envelope with postage prepaid and
17 addressed to the person at his address as shown on the
18 Uniform Traffic Ticket and the statutory summary
19 suspension and disqualification shall begin as provided in
20 paragraph (g). The officer shall confiscate any Illinois
21 driver's license or permit on the person at the time of
22 arrest. If the person has a valid driver's license or
23 permit, the officer shall issue the person a receipt, in a
24 form prescribed by the Secretary of State, that will allow
25 that person to drive during the periods provided for in
26 paragraph (g). The officer shall immediately forward the

1 driver's license or permit to the circuit court of venue
2 along with the sworn report provided for in paragraph (d).

3 (2) (Blank).

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

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

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

24 (i) As used in this Section, "personal injury" includes any
25 Type A injury as indicated on the traffic accident report
26 completed by a law enforcement officer that requires immediate

1 professional attention in either a doctor's office or a medical
2 facility. A Type A injury includes severely bleeding wounds,
3 distorted extremities, and injuries that require the injured
4 party to be carried from the scene.

5 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
6 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.
7 1-12-15.)

8 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

11 (a) Any person who drives or is in actual control of a
12 motor vehicle upon the public highways of this State and who
13 has been involved in a personal injury or fatal motor vehicle
14 accident, shall be deemed to have given consent to a breath
15 test using a portable device as approved by the Department of
16 State Police or to a chemical test or tests of blood, breath,
17 or urine for the purpose of determining the content of alcohol,
18 other drug or drugs, or intoxicating compound or compounds of
19 such person's blood if arrested as evidenced by the issuance of
20 a Uniform Traffic Ticket for any violation of the Illinois
21 Vehicle Code or a similar provision of a local ordinance, with
22 the exception of equipment violations contained in Chapter 12
23 of this Code, or similar provisions of local ordinances. The
24 test or tests shall be administered at the direction of the
25 arresting officer. The law enforcement agency employing the

1 officer shall designate which of the aforesaid tests shall be
2 administered. A urine test may be administered even after a
3 blood or breath test or both has been administered. Compliance
4 with this Section does not relieve such person from the
5 requirements of Section 11-501.1 of this Code.

6 (b) Any person who is dead, unconscious or who is otherwise
7 in a condition rendering such person incapable of refusal shall
8 be deemed not to have withdrawn the consent provided by
9 subsection (a) of this Section. In addition, if a driver of a
10 vehicle is receiving medical treatment as a result of a motor
11 vehicle accident, any physician licensed to practice medicine,
12 licensed physician assistant, licensed advanced practice
13 nurse, registered nurse or a phlebotomist acting under the
14 direction of a licensed physician shall withdraw blood for
15 testing purposes to ascertain the presence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, upon the
17 specific request of a law enforcement officer. However, no such
18 testing shall be performed until, in the opinion of the medical
19 personnel on scene, the withdrawal can be made without
20 interfering with or endangering the well-being of the patient.

21 (c) A person requested to submit to a test as provided
22 above shall be warned by the law enforcement officer requesting
23 the test that a refusal to submit to the test, or submission to
24 the test resulting in an alcohol concentration of 0.08 or more,
25 or any amount of a drug, substance, or intoxicating compound
26 resulting from the unlawful use or consumption of cannabis, as

1 covered by the Cannabis Control Act, a controlled substance
2 listed in the Illinois Controlled Substances Act, an
3 intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act as
6 detected in such person's blood or urine, may result in the
7 suspension of such person's privilege to operate a motor
8 vehicle and may result in the disqualification of the person's
9 privilege to operate a commercial motor vehicle, as provided in
10 Section 6-514 of this Code, if the person is a CDL holder. The
11 length of the suspension shall be the same as outlined in
12 Section 6-208.1 of this Code regarding statutory summary
13 suspensions.

14 A person requested to submit to a test shall also
15 acknowledge, in writing, receipt of the warning required under
16 this Section. If the person refuses to acknowledge receipt of
17 the warning, the law enforcement officer shall make a written
18 notation on the warning that the person refused to sign the
19 warning. A person's refusal to sign the warning shall not be
20 evidence that the person was not read the warning.

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

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

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

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

1 In cases where the blood alcohol concentration of 0.08 or
2 more, or any amount of a drug, substance, or intoxicating
3 compound resulting from the unlawful use or consumption of
4 cannabis as listed in 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 established by a subsequent analysis of blood or urine
10 collected at the time of arrest, the arresting officer shall
11 give notice as provided in this Section or by deposit in the
12 United States mail of such notice in an envelope with postage
13 prepaid and addressed to such person at his address as shown on
14 the Uniform Traffic Ticket and the suspension and
15 disqualification shall be effective on the 46th day following
16 the date notice was given.

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

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

20 (f) (Blank).

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

1 that require the injured party to be carried from the scene.

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

4 (625 ILCS 5/11-501.8)

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

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

24 (b) A person who is dead, unconscious, or who is otherwise
25 in a condition rendering that person incapable of refusal,

1 shall be deemed not to have withdrawn the consent provided by
2 paragraph (a) of this Section and the test or tests may be
3 administered subject to the following provisions:

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

18 (ii) When a person submits to a blood test at the
19 request of a law enforcement officer under the provisions
20 of this Section, only a physician authorized to practice
21 medicine, a licensed physician assistant, a licensed
22 advanced practice nurse, a registered nurse, or other
23 qualified person trained in venipuncture and acting under
24 the direction of a licensed physician may withdraw blood
25 for the purpose of determining the alcohol content therein.
26 This limitation does not apply to the taking of breath or

1 urine specimens.

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

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

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

18 (vi) If a driver is receiving medical treatment as a
19 result of a motor vehicle accident, a physician licensed to
20 practice medicine, licensed physician assistant, licensed
21 advanced practice nurse, registered nurse, or other
22 qualified person trained in venipuncture and acting under
23 the direction of a licensed physician shall withdraw blood
24 for testing purposes to ascertain the presence of alcohol
25 upon the specific request of a law enforcement officer.
26 However, that testing shall not be performed until, in the

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

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

14 A person requested to submit to a test shall also
15 acknowledge, in writing, receipt of the warning required under
16 this Section. If the person refuses to acknowledge receipt of
17 the warning, the law enforcement officer shall make a written
18 notation on the warning that the person refused to sign the
19 warning. A person's refusal to sign the warning shall not be
20 evidence that the person was not read the warning.

21 (d) If the person refuses testing or submits to a test that
22 discloses an alcohol concentration of more than 0.00, the law
23 enforcement officer shall immediately submit a sworn report to
24 the Secretary of State on a form prescribed by the Secretary of
25 State, certifying that the test or tests were requested under
26 subsection (a) and the person refused to submit to a test or

1 tests or submitted to testing which disclosed an alcohol
2 concentration of more than 0.00. The law enforcement officer
3 shall submit the same sworn report when a person under the age
4 of 21 submits to testing under Section 11-501.1 of this Code
5 and the testing discloses an alcohol concentration of more than
6 0.00 and less than 0.08.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary of State shall enter the suspension and
9 disqualification on the individual's driving record and the
10 suspension and disqualification shall be effective on the 46th
11 day following the date notice of the suspension was given to
12 the person. If this suspension is the individual's first
13 driver's license suspension under this Section, reports
14 received by the Secretary of State under this Section shall,
15 except during the time the suspension is in effect, be
16 privileged information and for use only by the courts, police
17 officers, prosecuting authorities, the Secretary of State, or
18 the individual personally, unless the person is a CDL holder,
19 is operating a commercial motor vehicle or vehicle required to
20 be placarded for hazardous materials, in which case the
21 suspension shall not be privileged. Reports received by the
22 Secretary of State under this Section shall also be made
23 available to the parent or guardian of a person under the age
24 of 18 years that holds an instruction permit or a graduated
25 driver's license, regardless of whether the suspension is in
26 effect.

1 The law enforcement officer submitting the sworn report
2 shall serve immediate notice of this suspension on the person
3 and the suspension and disqualification shall be effective on
4 the 46th day following the date notice was given.

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

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

23 (e) A driver may contest this suspension and
24 disqualification by requesting an administrative hearing with
25 the 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 motor vehicle upon the public highways of the
14 State and the police officer had reason to believe that the
15 person was in violation of any provision of the Illinois
16 Vehicle Code or a similar provision of a local ordinance;
17 and

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

21 (3) whether the police officer had probable cause to
22 believe that the driver had consumed any amount of an
23 alcoholic beverage based upon the driver's physical
24 actions or other first-hand knowledge of the police
25 officer; and

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

1 officer that the privilege to operate a motor vehicle would
2 be suspended if the person refused to submit to and
3 complete the test or tests, did refuse to submit to or
4 complete the test or tests to determine the person's
5 alcohol concentration; and

6 (5) whether the person, after being advised by the
7 officer that the privileges to operate a motor vehicle
8 would be suspended if the person submits to a chemical test
9 or tests and the test or tests disclose an alcohol
10 concentration of more than 0.00, did submit to and complete
11 the test or tests that determined an alcohol concentration
12 of more than 0.00; and

13 (6) whether the test result of an alcohol concentration
14 of more than 0.00 was based upon the person's consumption
15 of alcohol in the performance of a religious service or
16 ceremony; and

17 (7) whether the test result of an alcohol concentration
18 of more than 0.00 was based upon the person's consumption
19 of alcohol through ingestion of the prescribed or
20 recommended dosage of medicine.

21 At the conclusion of the hearing held under Section 2-118
22 of this Code, the Secretary of State may rescind, continue, or
23 modify the suspension and disqualification. If the Secretary of
24 State does not rescind the suspension and disqualification, a
25 restricted driving permit may be granted by the Secretary of
26 State upon application being made and good cause shown. A

1 restricted driving permit may be granted to relieve undue
2 hardship by allowing driving for employment, educational, and
3 medical purposes as outlined in item (3) of part (c) of Section
4 6-206 of this Code. The provisions of item (3) of part (c) of
5 Section 6-206 of this Code and of subsection (f) of that
6 Section shall apply. The Secretary of State shall promulgate
7 rules providing for participation in an alcohol education and
8 awareness program or activity, a drug education and awareness
9 program or activity, or both as a condition to the issuance of
10 a restricted driving permit for suspensions imposed under this
11 Section.

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 are under age
24 21 at the time of the issuance of a Uniform Traffic Ticket for
25 a violation of the Illinois Vehicle Code or a similar provision
26 of a local ordinance, and a chemical test request is made under

1 this Section.

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

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