



Rep. John D'Amico

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1 AMENDMENT TO SENATE BILL 627

2 AMENDMENT NO. _____. Amend Senate Bill 627 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-106.1a, 6-205, 6-206, 6-206.1, 6-208.1,
6 6-517, 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

1 students in grade 12 or below, in connection with any activity
2 of the entities listed, upon the public highways of this State
3 shall be deemed to have given consent to a chemical test or
4 tests of blood, breath, or urine for the purpose of determining
5 the alcohol content of the person's blood if arrested, as
6 evidenced by the issuance of a Uniform Traffic Ticket for any
7 violation of this Code or a similar provision of a local
8 ordinance, if a police officer has probable cause to believe
9 that the driver has consumed any amount of an alcoholic
10 beverage based upon evidence of the driver's physical condition
11 or other first hand knowledge of the police officer. The test
12 or tests shall be administered at the direction of the
13 arresting officer. The law enforcement agency employing the
14 officer shall designate which of the aforesaid tests shall be
15 administered. A urine test may be administered even after a
16 blood or breath test or both has been administered.

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19 shall be deemed not to have withdrawn the consent provided by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

22 (1) Chemical analysis of the person's blood, urine,
23 breath, or other substance, to be considered valid under
24 the provisions of this Section, shall have been performed
25 according to standards promulgated by the Department of
26 State Police by an individual possessing a valid permit

1 issued by the Department of State Police for this purpose.
2 The Director of State Police is authorized to approve
3 satisfactory techniques or methods, to ascertain the
4 qualifications and competence of individuals to conduct
5 analyses, to issue permits that shall be subject to
6 termination or revocation at the direction of the
7 Department of State Police, and to certify the accuracy of
8 breath testing equipment. The Department of State Police
9 shall prescribe rules as necessary.

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

20 (3) The person tested may have a physician, qualified
21 technician, chemist, registered nurse, or other qualified
22 person of his or her own choosing administer a chemical
23 test or tests in addition to any test or tests administered
24 at the direction of a law enforcement officer. The test
25 administered at the request of the person may be admissible
26 into evidence at a hearing conducted in accordance with

1 Section 2-118 of this Code. The failure or inability to
2 obtain an additional test by a person shall not preclude
3 the consideration of the previously performed chemical
4 test.

5 (4) Upon a request of the person who submits to a
6 chemical test or tests at the request of a law enforcement
7 officer, full information concerning the test or tests
8 shall be made available to the person or that person's
9 attorney by the requesting law enforcement agency within 72
10 hours of receipt of the test result.

11 (5) Alcohol concentration means either grams of
12 alcohol per 100 milliliters of blood or grams of alcohol
13 per 210 liters of breath.

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

26 (c) A person requested to submit to a test as provided in

1 this Section shall be warned by the law enforcement officer
2 requesting the test that a refusal to submit to the test, or
3 submission to the test resulting in an alcohol concentration of
4 more than 0.00, may result in the loss of that person's
5 privilege to possess a school bus driver permit. The loss of
6 the individual's privilege to possess a school bus driver
7 permit shall be imposed in accordance with Section 6-106.1b of
8 this Code. A person requested to submit to a test under this
9 Section shall also acknowledge, in writing, receipt of the
10 warning required under this subsection (c). If the person
11 refuses to acknowledge receipt of the warning, the law
12 enforcement officer shall make a written notation on the
13 warning that the person refused to sign the warning. A person's
14 refusal to sign the warning shall not be evidence that the
15 person was not read the warning.

16 (d) If the person refuses testing or submits to a test that
17 discloses an alcohol concentration of more than 0.00, the law
18 enforcement officer shall immediately submit a sworn report to
19 the Secretary of State on a form prescribed by the Secretary of
20 State certifying that the test or tests were requested under
21 subsection (a) and the person refused to submit to a test or
22 tests or submitted to testing which disclosed an alcohol
23 concentration of more than 0.00. The law enforcement officer
24 shall submit the same sworn report when a person who has been
25 issued a school bus driver permit and who was operating a
26 school bus or any other vehicle owned or operated by or for a

1 public or private school, or a school operated by a religious
2 institution, when the vehicle is being used over a regularly
3 scheduled route for the transportation of persons enrolled as
4 students in grade 12 or below, in connection with any activity
5 of the entities listed, submits to testing under Section
6 11-501.1 of this Code and the testing discloses an alcohol
7 concentration of more than 0.00 and less than the alcohol
8 concentration at which driving or being in actual physical
9 control of a motor vehicle is prohibited under paragraph (1) of
10 subsection (a) of Section 11-501.

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

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

20 In cases where the blood alcohol concentration of more than
21 0.00 is established by a subsequent analysis of blood or urine,
22 the police officer or arresting agency shall give notice as
23 provided in this Section or by deposit in the United States
24 mail of that notice in an envelope with postage prepaid and
25 addressed to that person at his or her last known address and
26 the loss of the school bus driver permit shall be effective on

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

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall also give notice of the
4 school bus driver permit sanction to the driver and the
5 driver's current employer by mailing a notice of the effective
6 date of the sanction to the individual. However, shall the
7 sworn report be defective by not containing sufficient
8 information or be completed in error, the notice of the school
9 bus driver permit sanction may not be mailed to the person or
10 his current employer or entered to the driving record, but
11 rather the sworn report shall be returned to the issuing law
12 enforcement agency.

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

1 (1) whether the police officer had probable cause to
2 believe that the person was driving or in actual physical
3 control of a school bus or any other vehicle owned or
4 operated by or for a public or private school, or a school
5 operated by a religious institution, when the vehicle is
6 being used over a regularly scheduled route for the
7 transportation of persons enrolled as students in grade 12
8 or below, in connection with any activity of the entities
9 listed, upon the public highways of the State and the
10 police officer had reason to believe that the person was in
11 violation of any provision of this Code or a similar
12 provision of a local ordinance; and

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

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

21 (4) whether the person, after being advised by the
22 officer that the privilege to possess a school bus driver
23 permit would be canceled if the person refused to submit to
24 and complete the test or tests, did refuse to submit to or
25 complete the test or tests to determine the person's
26 alcohol concentration; and

1 (5) whether the person, after being advised by the
2 officer that the privileges to possess a school bus driver
3 permit would be canceled if the person submits to a
4 chemical test or tests and the test or tests disclose an
5 alcohol concentration of more than 0.00 and the person did
6 submit to and complete the test or tests that determined an
7 alcohol concentration of more than 0.00; and

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

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

16 The Secretary of State may adopt administrative rules
17 setting forth circumstances under which the holder of a school
18 bus driver permit is not required to appear in person at the
19 hearing.

20 Provided that the petitioner may subpoena the officer, the
21 hearing may be conducted upon a review of the law enforcement
22 officer's own official reports. Failure of the officer to
23 answer the subpoena shall be grounds for a continuance if, in
24 the hearing officer's discretion, the continuance is
25 appropriate. At the conclusion of the hearing held under
26 Section 2-118 of this Code, the Secretary of State may rescind,

1 continue, or modify the school bus driver permit sanction.

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

13 (g) This Section applies only to drivers who have been
14 issued a school bus driver permit in accordance with Section
15 6-106.1 of this Code at the time of the issuance of the Uniform
16 Traffic Ticket for a violation of this Code or a similar
17 provision of a local ordinance, and a chemical test request is
18 made under this Section.

19 (h) The action of the Secretary of State in suspending,
20 revoking, canceling, or denying any license, permit,
21 registration, or certificate of title shall be subject to
22 judicial review in the Circuit Court of Sangamon County or in
23 the Circuit Court of Cook County, and the provisions of the
24 Administrative Review Law and its rules are hereby adopted and
25 shall apply to and govern every action for the judicial review
26 of final acts or decisions of the Secretary of State under this

1 Section.

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

3 (625 ILCS 5/6-205)

4 Sec. 6-205. Mandatory revocation of license or permit;
5 Hardship cases.

6 (a) Except as provided in this Section, the Secretary of
7 State shall immediately revoke the license, permit, or driving
8 privileges of any driver upon receiving a report of the
9 driver's conviction of any of the following offenses:

10 1. Reckless homicide resulting from the operation of a
11 motor vehicle;

12 2. Violation of Section 11-501 of this Code or a
13 similar provision of a local ordinance relating to the
14 offense of operating or being in physical control of a
15 vehicle while under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or any
17 combination thereof;

18 3. Any felony under the laws of any State or the
19 federal government in the commission of which a motor
20 vehicle was used;

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

24 5. Perjury or the making of a false affidavit or
25 statement under oath to the Secretary of State under this

1 Code or under any other law relating to the ownership or
2 operation of motor vehicles;

3 6. Conviction upon 3 charges of violation of Section
4 11-503 of this Code relating to the offense of reckless
5 driving committed within a period of 12 months;

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

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

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

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

14 11. Violation of Section 11-204.1 of this Code relating
15 to aggravated fleeing or attempting to elude a peace
16 officer;

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

21 13. Violation of paragraph (a) of Section 11-502 of
22 this Code or a similar provision of a local ordinance if
23 the driver has been previously convicted of a violation of
24 that Section or a similar provision of a local ordinance
25 and the driver was less than 21 years of age at the time of
26 the offense;

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

4 15. A second or subsequent conviction of driving while
5 the person's driver's license, permit or privileges was
6 revoked for reckless homicide or a similar out-of-state
7 offense;

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

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

19 18. A second or subsequent conviction of illegal
20 possession, while operating or in actual physical control,
21 as a driver, of a motor vehicle, of any controlled
22 substance prohibited under the Illinois Controlled
23 Substances Act, any cannabis prohibited under the Cannabis
24 Control Act, or any methamphetamine prohibited under the
25 Methamphetamine Control and Community Protection Act. A
26 defendant found guilty of this offense while operating a

1 motor vehicle shall have an entry made in the court record
2 by the presiding judge that this offense did occur while
3 the defendant was operating a motor vehicle and order the
4 clerk of the court to report the violation to the Secretary
5 of State.

6 (b) The Secretary of State shall also immediately revoke
7 the license or permit of any driver in the following
8 situations:

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

14 2. Of any person when any other law of this State
15 requires either the revocation or suspension of a license
16 or permit;

17 3. Of any person adjudicated under the Juvenile Court
18 Act of 1987 based on an offense determined to have been
19 committed in furtherance of the criminal activities of an
20 organized gang as provided in Section 5-710 of that Act,
21 and that involved the operation or use of a motor vehicle
22 or the use of a driver's license or permit. The revocation
23 shall remain in effect for the period determined by the
24 court. Upon the direction of the court, the Secretary shall
25 issue the person a judicial driving permit, also known as a
26 JDP. The JDP shall be subject to the same terms as a JDP

1 issued under Section 6-206.1, except that the court may
2 direct that a JDP issued under this subdivision (b)(3) be
3 effective immediately.

4 (c)(1) Whenever a person is convicted of any of the
5 offenses enumerated in this Section, the court may recommend
6 and the Secretary of State in his discretion, without regard to
7 whether the recommendation is made by the court may, upon
8 application, issue to the person a restricted driving permit
9 granting the privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of employment or
11 within the scope of the petitioner's employment related duties,
12 or to allow the petitioner to transport himself or herself or a
13 family member of the petitioner's household to a medical
14 facility for the receipt of necessary medical care or to allow
15 the petitioner to transport himself or herself to and from
16 alcohol or drug remedial or rehabilitative activity
17 recommended by a licensed service provider, or to allow the
18 petitioner to transport himself or herself or a family member
19 of the petitioner's household to classes, as a student, at an
20 accredited educational institution, or to allow the petitioner
21 to transport children, elderly persons, or disabled persons who
22 do not hold driving privileges and are living in the
23 petitioner's household to and from daycare; if the petitioner
24 is able to demonstrate that no alternative means of
25 transportation is reasonably available and that the petitioner
26 will not endanger the public safety or welfare; provided that

1 the Secretary's discretion shall be limited to cases where
2 undue hardship, as defined by the rules of the Secretary of
3 State, would result from a failure to issue the restricted
4 driving permit. Those multiple offenders identified in
5 subdivision (b)4 of Section 6-208 of this Code, however, shall
6 not be eligible for the issuance of a restricted driving
7 permit.

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

20 (3) If:

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

24 (i) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense,

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

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

7 (iii) a suspension pursuant to Section
8 6-203.1;

9 arising out of separate occurrences; or

10 (B) a person has been convicted of one violation of
11 subparagraph (C) or (F) of paragraph (1) of subsection
12 (d) of Section 11-501 ~~Section 6-303~~ of this Code,
13 ~~committed while his or her driver's license, permit, or~~
14 ~~privilege was revoked because of a violation of~~ Section
15 9-3 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, relating to the offense of reckless homicide
17 where the use of alcohol or other drugs was recited as
18 an element of the offense, or a similar provision of a
19 law of another state;

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

23 (4) The person issued a permit conditioned on the use
24 of an ignition interlock device must pay to the Secretary
25 of State DUI Administration Fund an amount not to exceed
26 \$30 per month. The Secretary shall establish by rule the

1 amount and the procedures, terms, and conditions relating
2 to these fees.

3 (5) If the restricted driving permit is issued for
4 employment purposes, then the prohibition against
5 operating a motor vehicle that is not equipped with an
6 ignition interlock device does not apply to the operation
7 of an occupational vehicle owned or leased by that person's
8 employer when used solely for employment purposes.

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

1 revoked, or suspended; except that a conviction upon one or
2 more offenses against laws or ordinances regulating the
3 movement of traffic shall be deemed sufficient cause for
4 the revocation, suspension, or cancellation of a
5 restricted driving permit. The Secretary of State may, as a
6 condition to the issuance of a restricted driving permit,
7 require the petitioner to participate in a designated
8 driver remedial or rehabilitative program. The Secretary
9 of State is authorized to cancel a restricted driving
10 permit if the permit holder does not successfully complete
11 the program. However, if an individual's driving
12 privileges have been revoked in accordance with paragraph
13 13 of subsection (a) of this Section, no restricted driving
14 permit shall be issued until the individual has served 6
15 months of the revocation period.

16 (c-5) (Blank).

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

1 years from the date of release from a term of imprisonment,
2 whichever is later.

3 (c-7) If a person is convicted of a third or subsequent
4 violation of operating a motor vehicle while the person's
5 driver's license, permit or privilege was revoked, where the
6 revocation was for a violation of Section 9-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 relating to the
8 offense of reckless homicide or a similar out-of-state offense,
9 the person may never apply for a license or permit.

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

1 additional periods of not more than 12 months each.

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

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

17 (A) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense, or
20 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 offense, or
23 a similar out-of-state offense; or

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

26 (C) a suspension pursuant to Section 6-203.1;

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

5 (3.5) If a person's license or permit is revoked or
6 suspended due to a conviction for a violation of
7 subparagraph (C) or (F) of paragraph (1) of subsection (d)
8 of Section 11-501 of this Code, or a similar provision of a
9 local ordinance or similar out-of-state offense, that
10 person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

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

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

25 (6) A restricted driving permit issued under this
26 Section shall be subject to cancellation, revocation, and

1 suspension by the Secretary of State in like manner and for
2 like cause as a driver's license issued under this Code may
3 be cancelled, revoked, or suspended; except that a
4 conviction upon one or more offenses against laws or
5 ordinances regulating the movement of traffic shall be
6 deemed sufficient cause for the revocation, suspension, or
7 cancellation of a restricted driving permit.

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

17 (e) This Section is subject to the provisions of the Driver
18 License Compact.

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

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

1 (h) The Secretary of State shall require the use of
2 ignition interlock devices on all vehicles owned by a person
3 who has been convicted of a second or subsequent offense under
4 Section 11-501 of this Code or a similar provision of a local
5 ordinance. The person must pay to the Secretary of State DUI
6 Administration Fund an amount not to exceed \$30 for each month
7 that he or she uses the device. The Secretary shall establish
8 by rule and regulation the procedures for certification and use
9 of the interlock system, the amount of the fee, and the
10 procedures, terms, and conditions relating to these fees.

11 (i) (Blank).

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

17 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
18 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
19 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
20 1-1-13; 97-1150, eff. 1-25-13.)

21 (625 ILCS 5/6-206)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other
2 sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required upon
5 conviction;

6 2. Has been convicted of not less than 3 offenses
7 against traffic regulations governing the movement of
8 vehicles committed within any 12 month period. No
9 revocation or suspension shall be entered more than 6
10 months after the date of last conviction;

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

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to an accident resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

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

6 6. Has been lawfully convicted of an offense or
7 offenses in another state, including the authorization
8 contained in Section 6-203.1, which if committed within
9 this State would be grounds for suspension or revocation;

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

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

15 9. Has made a false statement or knowingly concealed a
16 material fact or has used false information or
17 identification in any application for a license,
18 identification card, or permit;

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of this
23 State when the person's driving privilege or privilege to
24 obtain a driver's license or permit was revoked or
25 suspended unless the operation was authorized by a
26 monitoring device driving permit, judicial driving permit

1 issued prior to January 1, 2009, probationary license to
2 drive, or a restricted driving permit issued under this
3 Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

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

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

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

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

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

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

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
13 the Criminal Code of 1961 or the Criminal Code of 2012
14 relating to unlawful use of weapons, in which case the
15 suspension shall be for one year;

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

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

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

4 26. Has altered or attempted to alter a license or has
5 possessed an altered license, identification card, or
6 permit;

7 27. Has violated Section 6-16 of the Liquor Control Act
8 of 1934;

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

23 29. Has been convicted of the following offenses that
24 were committed while the person was operating or in actual
25 physical control, as a driver, of a motor vehicle: criminal
26 sexual assault, predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, criminal sexual
2 abuse, aggravated criminal sexual abuse, juvenile pimping,
3 soliciting for a juvenile prostitute, promoting juvenile
4 prostitution as described in subdivision (a)(1), (a)(2),
5 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
6 or the Criminal Code of 2012, and the manufacture, sale or
7 delivery of controlled substances or instruments used for
8 illegal drug use or abuse in which case the driver's
9 driving privileges shall be suspended for one year;

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

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

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to the aggravated discharge of a firearm if the offender
3 was located in a motor vehicle at the time the firearm was
4 discharged, in which case the suspension shall be for 3
5 years;

6 33. Has as a driver, who was less than 21 years of age
7 on the date of the offense, been convicted a first time of
8 a violation of paragraph (a) of Section 11-502 of this Code
9 or a similar provision of a local ordinance;

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

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

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

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

23 38. Has been convicted of a violation of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance;

26 39. Has committed a second or subsequent violation of

1 Section 11-1201 of this Code;

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

4 41. Has committed a second or subsequent violation of
5 Section 11-605.1 of this Code, a similar provision of a
6 local ordinance, or a similar violation in any other state
7 within 2 years of the date of the previous violation, in
8 which case the suspension shall be for 90 days;

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

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

17 44. Is under the age of 21 years at the time of arrest
18 and has been convicted of an offense against traffic
19 regulations governing the movement of vehicles after
20 having previously had his or her driving privileges
21 suspended or revoked pursuant to subparagraph 36 of this
22 Section;

23 45. Has, in connection with or during the course of a
24 formal hearing conducted under Section 2-118 of this Code:
25 (i) committed perjury; (ii) submitted fraudulent or
26 falsified documents; (iii) submitted documents that have

1 been materially altered; or (iv) submitted, as his or her
2 own, documents that were in fact prepared or composed for
3 another person;

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

6 47. Has committed a violation of Section 11-502.1 of
7 this Code.

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

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

24 (c) 1. Upon suspending or revoking the driver's license or
25 permit of any person as authorized in this Section, the
26 Secretary of State shall immediately notify the person in

1 writing of the revocation or suspension. The notice to be
2 deposited in the United States mail, postage prepaid, to the
3 last known address of the person.

4 2. If the Secretary of State suspends the driver's license
5 of a person under subsection 2 of paragraph (a) of this
6 Section, a person's privilege to operate a vehicle as an
7 occupation shall not be suspended, provided an affidavit is
8 properly completed, the appropriate fee received, and a permit
9 issued prior to the effective date of the suspension, unless 5
10 offenses were committed, at least 2 of which occurred while
11 operating a commercial vehicle in connection with the driver's
12 regular occupation. All other driving privileges shall be
13 suspended by the Secretary of State. Any driver prior to
14 operating a vehicle for occupational purposes only must submit
15 the affidavit on forms to be provided by the Secretary of State
16 setting forth the facts of the person's occupation. The
17 affidavit shall also state the number of offenses committed
18 while operating a vehicle in connection with the driver's
19 regular occupation. The affidavit shall be accompanied by the
20 driver's license. Upon receipt of a properly completed
21 affidavit, the Secretary of State shall issue the driver a
22 permit to operate a vehicle in connection with the driver's
23 regular occupation only. Unless the permit is issued by the
24 Secretary of State prior to the date of suspension, the
25 privilege to drive any motor vehicle shall be suspended as set
26 forth in the notice that was mailed under this Section. If an

1 affidavit is received subsequent to the effective date of this
2 suspension, a permit may be issued for the remainder of the
3 suspension period.

4 The provisions of this subparagraph shall not apply to any
5 driver required to possess a CDL for the purpose of operating a
6 commercial motor vehicle.

7 Any person who falsely states any fact in the affidavit
8 required herein shall be guilty of perjury under Section 6-302
9 and upon conviction thereof shall have all driving privileges
10 revoked without further rights.

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

1 rehabilitative activity recommended by a licensed service
2 provider, or to allow the petitioner to transport himself or
3 herself or a family member of the petitioner's household to
4 classes, as a student, at an accredited educational
5 institution, or to allow the petitioner to transport children,
6 elderly persons, or disabled persons who do not hold driving
7 privileges and are living in the petitioner's household to and
8 from daycare. The petitioner must demonstrate that no
9 alternative means of transportation is reasonably available
10 and that the petitioner will not endanger the public safety or
11 welfare. Those multiple offenders identified in subdivision
12 (b)4 of Section 6-208 of this Code, however, shall not be
13 eligible for the issuance of a restricted driving permit.

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

26 (B) If a person's license or permit is revoked or

1 suspended 2 or more times ~~within a 10 year period~~ due to
2 any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a local
5 ordinance or a similar out-of-state offense or Section
6 9-3 of the Criminal Code of 1961 or the Criminal Code
7 of 2012, where the use of alcohol or other drugs is
8 recited as an element of the offense, or a similar
9 out-of-state offense; or

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

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

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

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

25 (C) The person issued a permit conditioned upon the use
26 of an ignition interlock device must pay to the Secretary

1 of State DUI Administration Fund an amount not to exceed
2 \$30 per month. The Secretary shall establish by rule the
3 amount and the procedures, terms, and conditions relating
4 to these fees.

5 (D) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer when used solely for employment purposes.

11 (E) In each case the Secretary may issue a restricted
12 driving permit for a period deemed appropriate, except that
13 all permits shall expire within one year from the date of
14 issuance. ~~The Secretary may not, however, issue a~~
15 ~~restricted driving permit to any person whose current~~
16 ~~revocation is the result of a second or subsequent~~
17 ~~conviction for a violation of Section 11 501 of this Code~~
18 ~~or a similar provision of a local ordinance or any similar~~
19 ~~out of state offense, or Section 9 3 of the Criminal Code~~
20 ~~of 1961 or the Criminal Code of 2012, where the use of~~
21 ~~alcohol or other drugs is recited as an element of the~~
22 ~~offense, or any similar out of state offense, or any~~
23 ~~combination of those offenses, until the expiration of at~~
24 ~~least one year from the date of the revocation. A~~
25 restricted driving permit issued under this Section shall
26 be subject to cancellation, revocation, and suspension by

1 the Secretary of State in like manner and for like cause as
2 a driver's license issued under this Code may be cancelled,
3 revoked, or suspended; except that a conviction upon one or
4 more offenses against laws or ordinances regulating the
5 movement of traffic shall be deemed sufficient cause for
6 the revocation, suspension, or cancellation of a
7 restricted driving permit. The Secretary of State may, as a
8 condition to the issuance of a restricted driving permit,
9 require the applicant to participate in a designated driver
10 remedial or rehabilitative program. The Secretary of State
11 is authorized to cancel a restricted driving permit if the
12 permit holder does not successfully complete the program.

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

26 (c-4) In the case of a suspension under paragraph 43 of

1 subsection (a), the Secretary of State shall notify the person
2 by mail that his or her driving privileges and driver's license
3 will be suspended one month after the date of the mailing of
4 the notice.

5 (c-5) The Secretary of State may, as a condition of the
6 reissuance of a driver's license or permit to an applicant
7 whose driver's license or permit has been suspended before he
8 or she reached the age of 21 years pursuant to any of the
9 provisions of this Section, require the applicant to
10 participate in a driver remedial education course and be
11 retested under Section 6-109 of this Code.

12 (d) This Section is subject to the provisions of the
13 Drivers License Compact.

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

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

23 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
24 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
25 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
26 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.

1 7-16-14.)

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

3 Sec. 6-206.1. Monitoring Device Driving Permit.

4 Declaration of Policy. It is hereby declared a policy of the
5 State of Illinois that the driver who is impaired by alcohol,
6 other drug or drugs, or intoxicating compound or compounds is a
7 threat to the public safety and welfare. Therefore, to provide
8 a deterrent to such practice, a statutory summary driver's
9 license suspension is appropriate. It is also recognized that
10 driving is a privilege and therefore, that the granting of
11 driving privileges, in a manner consistent with public safety,
12 is warranted during the period of suspension in the form of a
13 monitoring device driving permit. A person who drives and fails
14 to comply with the requirements of the monitoring device
15 driving permit commits a violation of Section 6-303 of this
16 Code.

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

22 (a) Upon mailing of the notice of suspension of driving
23 privileges as provided in subsection (h) of Section 11-501.1 of
24 this Code, the Secretary shall also send written notice
25 informing the person that he or she will be issued a monitoring

1 device driving permit (MDDP). The notice shall include, at
2 minimum, information summarizing the procedure to be followed
3 for issuance of the MDDP, installation of the breath alcohol
4 ignition installation device (BAIID), as provided in this
5 Section, exemption from BAIID installation requirements, and
6 procedures to be followed by those seeking indigent status, as
7 provided in this Section. The notice shall also include
8 information summarizing the procedure to be followed if the
9 person wishes to decline issuance of the MDDP. A copy of the
10 notice shall also be sent to the court of venue together with
11 the notice of suspension of driving privileges, as provided in
12 subsection (h) of Section 11-501. However, a MDDP shall not be
13 issued if the Secretary finds that:

14 (1) the offender's driver's license is otherwise
15 invalid;

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

18 (3) the offender has been previously convicted of
19 reckless homicide or aggravated driving under the
20 influence involving death;

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

22 (5) the offender is a qualifying patient licensed under
23 the Compassionate Use of Medical Cannabis Pilot Program Act
24 who is in possession of a valid registry card issued under
25 that Act and refused to submit to standardized field
26 sobriety tests as required by subsection (a) of Section

1 11-501.9 or did submit to testing which disclosed the
2 person was impaired by the use of cannabis.

3 Any offender participating in the MDDP program must pay the
4 Secretary a MDDP Administration Fee in an amount not to exceed
5 \$30 per month, to be deposited into the Monitoring Device
6 Driving Permit Administration Fee Fund. The Secretary shall
7 establish by rule the amount and the procedures, terms, and
8 conditions relating to these fees. The offender must have an
9 ignition interlock device installed within 14 days of the date
10 the Secretary issues the MDDP. The ignition interlock device
11 provider must notify the Secretary, in a manner and form
12 prescribed by the Secretary, of the installation. If the
13 Secretary does not receive notice of installation, the
14 Secretary shall cancel the MDDP.

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

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

1 thereafter, apply to the Secretary for issuance of a MDDP.

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

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

1 per week.

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

7 (b) (Blank).

8 (c) (Blank).

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

19 (c-5) If the Secretary determines that the person seeking
20 the MDDP is indigent, the Secretary shall provide the person
21 with a written document as evidence of that determination, and
22 the person shall provide that written document to an ignition
23 interlock device provider. The provider shall install an
24 ignition interlock device on that person's vehicle without
25 charge to the person, and seek reimbursement from the Indigent
26 BAIID Fund. If the Secretary has deemed an offender indigent,

1 the BAIID provider shall also provide the normal monthly
2 monitoring services and the de-installation without charge to
3 the offender and seek reimbursement from the Indigent BAIID
4 Fund. Any other monetary charges, such as a lockout fee or
5 reset fee, shall be the responsibility of the MDDP holder. A
6 BAIID provider may not seek a security deposit from the
7 Indigent BAIID Fund.

8 (d) MDDP information shall be available only to the courts,
9 police officers, and the Secretary, except during the actual
10 period the MDDP is valid, during which time it shall be a
11 public record.

12 (e) (Blank).

13 (f) (Blank).

14 (g) The Secretary shall adopt rules for implementing this
15 Section. The rules adopted shall address issues including, but
16 not limited to: compliance with the requirements of the MDDP;
17 methods for determining compliance with those requirements;
18 the consequences of noncompliance with those requirements;
19 what constitutes a violation of the MDDP; methods for
20 determining indigency; and the duties of a person or entity
21 that supplies the ignition interlock device.

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

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

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

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

7 (4) fails to follow any other applicable rules adopted
8 by the Secretary.

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

17 (j) Upon making a determination that a violation of the
18 requirements of the MDDP has occurred, the Secretary shall
19 extend the summary suspension period for an additional 3 months
20 beyond the originally imposed summary suspension period,
21 during which time the person shall only be allowed to drive
22 vehicles equipped with an ignition interlock device; provided
23 further there are no limitations on the total number of times
24 the summary suspension may be extended. The Secretary may,
25 however, limit the number of extensions imposed for violations
26 occurring during any one monitoring period, as set forth by

1 rule. Any person whose summary suspension is extended pursuant
2 to this Section shall have the right to contest the extension
3 through a hearing with the Secretary, pursuant to Section 2-118
4 of this Code. If the summary suspension has already terminated
5 prior to the Secretary receiving the monitoring report that
6 shows a violation, the Secretary shall be authorized to suspend
7 the person's driving privileges for 3 months, provided that the
8 Secretary may, by rule, limit the number of suspensions to be
9 entered pursuant to this paragraph for violations occurring
10 during any one monitoring period. Any person whose license is
11 suspended pursuant to this paragraph, after the summary
12 suspension had already terminated, shall have the right to
13 contest the suspension through a hearing with the Secretary,
14 pursuant to Section 2-118 of this Code. The only permit the
15 person shall be eligible for during this new suspension period
16 is a MDDP.

17 (k) A person who has had his or her summary suspension
18 extended for the third time, or has any combination of 3
19 extensions and new suspensions, entered as a result of a
20 violation that occurred while holding the MDDP, so long as the
21 extensions and new suspensions relate to the same summary
22 suspension, shall have his or her vehicle impounded for a
23 period of 30 days, at the person's own expense. A person who
24 has his or her summary suspension extended for the fourth time,
25 or has any combination of 4 extensions and new suspensions,
26 entered as a result of a violation that occurred while holding

1 the MDDP, so long as the extensions and new suspensions relate
2 to the same summary suspension, shall have his or her vehicle
3 subject to seizure and forfeiture. The Secretary shall notify
4 the prosecuting authority of any third or fourth extensions or
5 new suspension entered as a result of a violation that occurred
6 while the person held a MDDP. Upon receipt of the notification,
7 the prosecuting authority shall impound or forfeit the vehicle.
8 The impoundment or forfeiture of a vehicle shall be conducted
9 pursuant to the procedure specified in Article 36 of the
10 Criminal Code of 2012.

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

26 (m) Any person or entity that supplies an ignition

1 interlock device under this Section shall, for each ignition
2 interlock device installed, pay 5% of the total gross revenue
3 received for the device, including monthly monitoring fees,
4 into the Indigent BAIID Fund. This 5% shall be clearly
5 indicated as a separate surcharge on each invoice that is
6 issued. The Secretary shall conduct an annual review of the
7 fund to determine whether the surcharge is sufficient to
8 provide for indigent users. The Secretary may increase or
9 decrease this surcharge requirement as needed.

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

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

1 payments shall be considered payment in full for the requests
2 submitted.

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

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

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

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

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

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

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

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

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

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

1 unlawful use or consumption of cannabis listed in the
2 Cannabis Control Act, a controlled substance listed in the
3 Illinois Controlled Substances Act, an intoxicating
4 compound listed in the Use of Intoxicating Compounds Act,
5 or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act; or

7 5. (Blank).

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

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

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

1 driving privileges imposed pursuant to Section 6-205.

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

8 (f) (Blank).

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

14 (h) (Blank).

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

17 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

19 (a) Any person driving a commercial motor vehicle who is
20 requested by a police officer, pursuant to Section 6-516, to
21 submit to a chemical test or tests to determine the alcohol
22 concentration or any amount of a drug, substance, or compound
23 resulting from the unlawful use or consumption of cannabis
24 listed in the Cannabis Control Act, a controlled substance
25 listed in the Illinois Controlled Substances Act, an

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

1 Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act, such
3 person shall be placed immediately out-of-service and
4 disqualified from driving a commercial motor vehicle for a
5 period of at least 12 months; also the person shall be warned
6 that if such testing discloses an alcohol concentration of
7 0.08, or more or any amount of a drug, substance, or compound
8 in such person's blood or urine resulting from the unlawful use
9 or consumption of cannabis listed in the Cannabis Control Act,
10 a controlled substance listed in the Illinois Controlled
11 Substances Act, an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act, in
14 addition to the person being immediately placed out-of-service
15 and disqualified for 12 months as provided in this UCDLA, the
16 results of such testing shall also be admissible in
17 prosecutions for violations of Section 11-501 of this Code, or
18 similar violations of local ordinances, however, such results
19 shall not be used to impose any driving sanctions pursuant to
20 Section 11-501.1 of this Code.

21 The person shall also be warned that any disqualification
22 imposed pursuant to this Section, shall be for life for any
23 such offense or refusal, or combination thereof; including a
24 conviction for violating Section 11-501 while driving a
25 commercial motor vehicle, or similar provisions of local
26 ordinances, committed a second time involving separate

1 incidents.

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

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

1 listed in 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.

6 (c) The police officer submitting the Sworn Report under
7 this Section shall serve notice of the CDL disqualification on
8 the person and such CDL disqualification shall be effective as
9 provided in paragraph (d). In cases where the blood alcohol
10 concentration of 0.04 or more, or any amount of a drug,
11 substance, or compound in such person's blood or urine
12 resulting from the unlawful use or consumption of cannabis
13 listed in the Cannabis Control Act, a controlled substance
14 listed in the Illinois Controlled Substances Act, an
15 intoxicating compound listed in the Use of Intoxicating
16 Compounds Act, or methamphetamine as listed in the
17 Methamphetamine Control and Community Protection Act, is
18 established by subsequent analysis of blood or urine collected
19 at the time of the request, the police officer shall give
20 notice as provided in this Section or by deposit in the United
21 States mail of such notice as provided in this Section or by
22 deposit in the United States mail of such notice in an envelope
23 with postage prepaid and addressed to such person's domiciliary
24 address as shown on the Sworn Report and the CDL
25 disqualification shall begin as provided in paragraph (d).

26 (d) The CDL disqualification referred to in this Section

1 shall take effect on the 46th day following the date the Sworn
2 Report was given to the affected person.

3 (e) Upon receipt of the Sworn Report from the police
4 officer, the Secretary of State shall disqualify the person
5 from driving any commercial motor vehicle and shall confirm the
6 CDL disqualification by mailing the notice of the effective
7 date to the person. However, should the Sworn Report be
8 defective by not containing sufficient information or be
9 completed in error, the confirmation of the CDL
10 disqualification shall not be mailed to the affected person or
11 entered into the record, instead the Sworn Report shall be
12 forwarded to the issuing agency identifying any such defect.

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

14 (625 ILCS 5/11-501.1)

15 Sec. 11-501.1. Suspension of drivers license; statutory
16 summary alcohol, other drug or drugs, or intoxicating compound
17 or compounds related suspension or revocation; implied
18 consent.

19 (a) Any person who drives or is in actual physical control
20 of a motor vehicle upon the public highways of this State shall
21 be deemed to have given consent, subject to the provisions of
22 Section 11-501.2, to a chemical test or tests of blood, breath,
23 or urine for the purpose of determining the content of alcohol,
24 other drug or drugs, or intoxicating compound or compounds or
25 any combination thereof in the person's blood if arrested, as

1 evidenced by the issuance of a Uniform Traffic Ticket, for any
2 offense as defined in Section 11-501 or a similar provision of
3 a local ordinance, or if arrested for violating Section 11-401.
4 If a law enforcement officer has probable cause to believe the
5 person was under the influence of alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any combination
7 thereof, the law enforcement officer shall request a chemical
8 test or tests which shall be administered at the direction of
9 the arresting officer. The law enforcement agency employing the
10 officer shall designate which of the aforesaid tests shall be
11 administered. A urine test may be administered even after a
12 blood or breath test or both has been administered. For
13 purposes of this Section, an Illinois law enforcement officer
14 of this State who is investigating the person for any offense
15 defined in Section 11-501 may travel into an adjoining state,
16 where the person has been transported for medical care, to
17 complete an investigation and to request that the person submit
18 to the test or tests set forth in this Section. The
19 requirements of this Section that the person be arrested are
20 inapplicable, but the officer shall issue the person a Uniform
21 Traffic Ticket for an offense as defined in Section 11-501 or a
22 similar provision of a local ordinance prior to requesting that
23 the person submit to the test or tests. The issuance of the
24 Uniform Traffic Ticket shall not constitute an arrest, but
25 shall be for the purpose of notifying the person that he or she
26 is subject to the provisions of this Section and of the

1 officer's belief of the existence of probable cause to arrest.
2 Upon returning to this State, the officer shall file the
3 Uniform Traffic Ticket with the Circuit Clerk of the county
4 where the offense was committed, and shall seek the issuance of
5 an arrest warrant or a summons for the person.

6 (a-5) (Blank).

7 (b) Any person who is dead, unconscious, or who is
8 otherwise in a condition rendering the person incapable of
9 refusal, shall be deemed not to have withdrawn the consent
10 provided by paragraph (a) of this Section and the test or tests
11 may be administered, subject to the provisions of Section
12 11-501.2.

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

1 of the person's privilege to operate a commercial motor
2 vehicle, as provided in Section 6-514 of this Code, if the
3 person is a CDL holder. The person shall also be warned by the
4 law enforcement officer that if the person submits to the test
5 or tests provided in paragraph (a) of this Section and the
6 alcohol concentration in the person's blood or breath is 0.08
7 or greater, or any amount of a drug, substance, or compound
8 resulting from the unlawful use or consumption of cannabis as
9 covered by the Cannabis Control Act, a controlled substance
10 listed in the Illinois Controlled Substances Act, an
11 intoxicating compound listed in the Use of Intoxicating
12 Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act is
14 detected in the person's blood or urine, a statutory summary
15 suspension of the person's privilege to operate a motor
16 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
17 Code, and a disqualification of the person's privilege to
18 operate a commercial motor vehicle, as provided in Section
19 6-514 of this Code, if the person is a CDL holder, will be
20 imposed.

21 A person who is under the age of 21 at the time the person
22 is requested to submit to a test as provided above shall, in
23 addition to the warnings provided for in this Section, be
24 further warned by the law enforcement officer requesting the
25 test that if the person submits to the test or tests provided
26 in paragraph (a) of this Section and the alcohol concentration

1 in the person's blood or breath is greater than 0.00 and less
2 than 0.08, a suspension of the person's privilege to operate a
3 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
4 of this Code, will be imposed. The results of this test shall
5 be admissible in a civil or criminal action or proceeding
6 arising from an arrest for an offense as defined in Section
7 11-501 of this Code or a similar provision of a local ordinance
8 or pursuant to Section 11-501.4 in prosecutions for reckless
9 homicide brought under the Criminal Code of 1961 or the
10 Criminal Code of 2012. These test results, however, shall be
11 admissible only in actions or proceedings directly related to
12 the incident upon which the test request was made.

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

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

1 Intoxicating Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act, the law
3 enforcement officer shall immediately submit a sworn report to
4 the circuit court of venue and the Secretary of State,
5 certifying that the test or tests was or were requested under
6 paragraph (a) and the person refused to submit to a test, or
7 tests, or submitted to testing that disclosed an alcohol
8 concentration of 0.08 or more.

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

15 If the person is a first offender as defined in Section
16 11-500 of this Code, and is not convicted of a violation of
17 Section 11-501 of this Code or a similar provision of a local
18 ordinance, then reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 Statutory Summary Suspension is in effect, be privileged
21 information and for use only by the courts, police officers,
22 prosecuting authorities or the Secretary of State, unless the
23 person is a CDL holder, is operating a commercial motor vehicle
24 or vehicle required to be placarded for hazardous materials, in
25 which case the suspension shall not be privileged. Reports
26 received by the Secretary of State under this Section shall

1 also be made available to the parent or guardian of a person
2 under the age of 18 years that holds an instruction permit or a
3 graduated driver's license, regardless of whether the
4 statutory summary suspension is in effect. A statutory summary
5 revocation shall not be privileged information.

6 (f) The law enforcement officer submitting the sworn report
7 under paragraph (d) shall serve immediate notice of the
8 statutory summary suspension or revocation on the person and
9 the suspension or revocation and disqualification shall be
10 effective as provided in paragraph (g).

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

1 paragraph (g). The officer shall confiscate any Illinois
2 driver's license or permit on the person at the time of
3 arrest. If the person has a valid driver's license or
4 permit, the officer shall issue the person a receipt, in a
5 form prescribed by the Secretary of State, that will allow
6 that person to drive during the periods provided for in
7 paragraph (g). The officer shall immediately forward the
8 driver's license or permit to the circuit court of venue
9 along with the sworn report provided for in paragraph (d).

10 (2) (Blank).

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

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

18 Upon receipt of the sworn report from the law enforcement
19 officer, the Secretary of State shall confirm the statutory
20 summary suspension or revocation by mailing a notice of the
21 effective date of the suspension or revocation to the person
22 and the court of venue. The Secretary of State shall also mail
23 notice of the effective date of the disqualification to the
24 person. However, should the sworn report be defective by not
25 containing sufficient information or be completed in error, the
26 confirmation of the statutory summary suspension or revocation

1 shall not be mailed to the person or entered to the record;
2 instead, the sworn report shall be forwarded to the court of
3 venue with a copy returned to the issuing agency identifying
4 any defect.

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

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

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

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

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

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

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

1 interfering with or endangering the well-being of the patient.

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

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 law enforcement officer shall make a written
25 notation on the warning that the person refused to sign the
26 warning. A person's refusal to sign the warning shall not be

1 evidence that the person was not read the warning.

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

24 Upon receipt of the sworn report of a law enforcement
25 officer, the Secretary shall enter the suspension and
26 disqualification to the individual's driving record and the

1 suspension and disqualification shall be effective on the 46th
2 day following the date notice of the suspension was given to
3 the person.

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

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

24 Upon receipt of the sworn report of a law enforcement
25 officer, the Secretary shall also give notice of the suspension
26 and disqualification to the driver by mailing a notice of the

1 effective date of the suspension and disqualification to the
2 individual. However, should the sworn report be defective by
3 not containing sufficient information or be completed in error,
4 the notice of the suspension and disqualification shall not be
5 mailed to the person or entered to the driving record, but
6 rather the sworn report shall be returned to the issuing law
7 enforcement agency.

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

1 (f) (Blank).

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

9 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;
10 97-835, eff. 7-20-12.)

11 (625 ILCS 5/11-501.8)

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

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

1 administered at the direction of the arresting officer. The law
2 enforcement agency employing the officer shall designate which
3 of the aforesaid tests shall be administered. A urine test may
4 be administered even after a blood or breath test or both has
5 been administered.

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

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

25 (ii) When a person submits to a blood test at the
26 request of a law enforcement officer under the provisions

1 of this Section, only a physician authorized to practice
2 medicine, a licensed physician assistant, a licensed
3 advanced practice nurse, a registered nurse, or other
4 qualified person trained in venipuncture and acting under
5 the direction of a licensed physician may withdraw blood
6 for the purpose of determining the alcohol content therein.
7 This limitation does not apply to the taking of breath or
8 urine specimens.

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

17 (iv) Upon a request of the person who submits to a
18 chemical test or tests at the request of a law enforcement
19 officer, full information concerning the test or tests
20 shall be made available to the person or that person's
21 attorney.

22 (v) Alcohol concentration means either grams of
23 alcohol per 100 milliliters of blood or grams of alcohol
24 per 210 liters of breath.

25 (vi) If a driver is receiving medical treatment as a
26 result of a motor vehicle accident, a physician licensed to

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

11 (c) A person requested to submit to a test as provided
12 above shall be warned by the law enforcement officer requesting
13 the test that a refusal to submit to the test, or submission to
14 the test resulting in an alcohol concentration of more than
15 0.00, may result in the loss of that person's privilege to
16 operate a motor vehicle and may result in the disqualification
17 of the person's privilege to operate a commercial motor
18 vehicle, as provided in Section 6-514 of this Code, if the
19 person is a CDL holder. The loss of driving privileges shall be
20 imposed in accordance with Section 6-208.2 of this Code.

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 law enforcement officer shall make a written
25 notation on the warning that the person refused to sign the
26 warning. A person's refusal to sign the warning shall not be

1 evidence that the person was not read the warning.

2 (d) If the person refuses testing or submits to a test that
3 discloses an alcohol concentration of more than 0.00, the law
4 enforcement officer shall immediately submit a sworn report to
5 the Secretary of State on a form prescribed by the Secretary of
6 State, certifying that the test or tests were requested under
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 more than 0.00. The law enforcement officer
10 shall submit the same sworn report when a person under the age
11 of 21 submits to testing under Section 11-501.1 of this Code
12 and the testing discloses an alcohol concentration of more than
13 0.00 and less than 0.08.

14 Upon receipt of the sworn report of a law enforcement
15 officer, the Secretary of State shall enter the suspension and
16 disqualification on the individual's driving record and the
17 suspension and disqualification shall be effective on the 46th
18 day following the date notice of the suspension was given to
19 the person. If this suspension is the individual's first
20 driver's license suspension under this Section, reports
21 received by the Secretary of State under this Section shall,
22 except during the time the suspension is in effect, be
23 privileged information and for use only by the courts, police
24 officers, prosecuting authorities, the Secretary of State, or
25 the individual personally, unless the person is a CDL holder,
26 is operating a commercial motor vehicle or vehicle required to

1 be placarded for hazardous materials, in which case the
2 suspension shall not be privileged. Reports received by the
3 Secretary of State under this Section shall also be made
4 available to the parent or guardian of a person under the age
5 of 18 years that holds an instruction permit or a graduated
6 driver's license, regardless of whether the suspension is in
7 effect.

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

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

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

1 disqualification shall not be mailed to the person or entered
2 to the driving record, but rather the sworn report shall be
3 returned to the issuing law enforcement agency.

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

18 (1) whether the police officer had probable cause to
19 believe that the person was driving or in actual physical
20 control of a motor vehicle upon the public highways of the
21 State and the police officer had reason to believe that the
22 person was in violation of any provision of the Illinois
23 Vehicle Code or a similar provision of a local ordinance;
24 and

25 (2) whether the person was issued a Uniform Traffic
26 Ticket for any violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance; and

2 (3) whether the police officer had probable cause to
3 believe that the driver had consumed any amount of an
4 alcoholic beverage based upon the driver's physical
5 actions or other first-hand knowledge of the police
6 officer; and

7 (4) whether the person, after being advised by the
8 officer that the privilege to operate a motor vehicle would
9 be suspended if the person refused to submit to and
10 complete the test or tests, did refuse to submit to or
11 complete the test or tests to determine the person's
12 alcohol concentration; and

13 (5) whether the person, after being advised by the
14 officer that the privileges to operate a motor vehicle
15 would be suspended if the person submits to a chemical test
16 or tests and the test or tests disclose an alcohol
17 concentration of more than 0.00, did submit to and complete
18 the test or tests that determined an alcohol concentration
19 of more than 0.00; and

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

24 (7) whether the test result of an alcohol concentration
25 of more than 0.00 was based upon the person's consumption
26 of alcohol through ingestion of the prescribed or

1 recommended dosage of medicine.

2 At the conclusion of the hearing held under Section 2-118
3 of this Code, the Secretary of State may rescind, continue, or
4 modify the suspension and disqualification. If the Secretary of
5 State does not rescind the suspension and disqualification, a
6 restricted driving permit may be granted by the Secretary of
7 State upon application being made and good cause shown. A
8 restricted driving permit may be granted to relieve undue
9 hardship by allowing driving for employment, educational, and
10 medical purposes as outlined in item (3) of part (c) of Section
11 6-206 of this Code. The provisions of item (3) of part (c) of
12 Section 6-206 of this Code and of subsection (f) of that
13 Section shall apply. The Secretary of State shall promulgate
14 rules providing for participation in an alcohol education and
15 awareness program or activity, a drug education and awareness
16 program or activity, or both as a condition to the issuance of
17 a restricted driving permit for suspensions imposed under this
18 Section.

19 (f) The results of any chemical testing performed in
20 accordance with subsection (a) of this Section are not
21 admissible in any civil or criminal proceeding, except that the
22 results of the testing may be considered at a hearing held
23 under Section 2-118 of this Code. However, the results of the
24 testing may not be used to impose driver's license sanctions
25 under Section 11-501.1 of this Code. A law enforcement officer
26 may, however, pursue a statutory summary suspension or

1 revocation of driving privileges under Section 11-501.1 of this
2 Code if other physical evidence or first hand knowledge forms
3 the basis of that suspension or revocation.

4 (g) This Section applies only to drivers who are under age
5 21 at the time of the issuance of a Uniform Traffic Ticket for
6 a violation of the Illinois Vehicle Code or a similar provision
7 of a local ordinance, and a chemical test request is made under
8 this Section.

9 (h) The action of the Secretary of State in suspending,
10 revoking, cancelling, or disqualifying any license or permit
11 shall be subject to judicial review in the Circuit Court of
12 Sangamon County or in the Circuit Court of Cook County, and the
13 provisions of the Administrative Review Law and its rules are
14 hereby adopted and shall apply to and govern every action for
15 the judicial review of final acts or decisions of the Secretary
16 of State under this Section.

17 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
18 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)".