

SB0634



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0634

Introduced 1/28/2015, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning driving under the influence of alcohol or drugs.

LRB099 03350 RJF 23358 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.1 as follows:

6 (625 ILCS 5/11-501.1)

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

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

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

1 (a-5) In addition to the requirements and provisions of
2 subsection (a), any person issued a registry card under the
3 Compassionate Use of Medical Cannabis Pilot Program Act who
4 drives or is in actual physical control of a motor vehicle upon
5 the public highways of this State shall be deemed to have given
6 consent, subject to the provisions of Section 11-501.2, to
7 standardized field sobriety tests approved by the National
8 Highway Traffic Safety Administration if arrested, as
9 evidenced by the issuance of a Uniform Traffic Ticket, for any
10 offense as defined in Section 11-501 or a similar provision of
11 a local ordinance, or if arrested for violating Section 11-401.
12 The person's status as a registry card holder alone is not a
13 sufficient basis for conducting these tests. The officer must
14 have an independent, cannabis-related factual basis giving
15 reasonable suspicion that the person is driving under the
16 influence of cannabis for conducting standardized field
17 sobriety tests. This independent basis of suspicion shall be
18 listed on the standardized field sobriety test results and any
19 influence reports made by the arresting officer.

20 (b) Any person who is dead, unconscious, or who is
21 otherwise in a condition rendering the person incapable of
22 refusal, shall be deemed not to have withdrawn the consent
23 provided by paragraph (a) of this Section and the test or tests
24 may be administered, subject to the provisions of Section
25 11-501.2.

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

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

1 detected in the person's blood or urine, or if the person fails
2 the standardized field sobriety tests as required by paragraph
3 (a-5), a statutory summary suspension of the person's privilege
4 to operate a motor vehicle, as provided in Sections 6-208.1 and
5 11-501.1 of this Code, and a disqualification of the person's
6 privilege to operate a commercial motor vehicle, as provided in
7 Section 6-514 of this Code, if the person is a CDL holder, will
8 be imposed.

9 A person who is under the age of 21 at the time the person
10 is requested to submit to a test as provided above shall, in
11 addition to the warnings provided for in this Section, be
12 further warned by the law enforcement officer requesting the
13 test that if the person submits to the test or tests provided
14 in paragraph (a) or (a-5) of this Section and the alcohol
15 concentration in the person's blood or breath is greater than
16 0.00 and less than 0.08, a suspension of the person's privilege
17 to operate a motor vehicle, as provided under Sections 6-208.2
18 and 11-501.8 of this Code, will be imposed. The results of this
19 test shall be admissible in a civil or criminal action or
20 proceeding arising from an arrest for an offense as defined in
21 Section 11-501 of this Code or a similar provision of a local
22 ordinance or pursuant to Section 11-501.4 in prosecutions for
23 reckless homicide brought under the Criminal Code of 1961 or
24 the Criminal Code of 2012. These test results, however, shall
25 be admissible only in actions or proceedings directly related
26 to the incident upon which the test request was made.

1 (d) If the person refuses testing or submits to a test that
2 discloses an alcohol concentration of 0.08 or more, or any
3 amount of a drug, substance, or intoxicating compound in the
4 person's breath, blood, or urine resulting from the unlawful
5 use or consumption of cannabis listed in the Cannabis Control
6 Act, a controlled substance listed in the Illinois Controlled
7 Substances Act, an intoxicating compound listed in the Use of
8 Intoxicating Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act, the law
10 enforcement officer shall immediately submit a sworn report to
11 the circuit court of venue and the Secretary of State,
12 certifying that the test or tests was or were requested under
13 paragraph (a) or (a-5) and the person refused to submit to a
14 test, or tests, or submitted to testing that disclosed an
15 alcohol concentration of 0.08 or more. A sworn report
16 indicating refusal or failure of testing under paragraph (a-5)
17 of this Section shall include the factual basis of the
18 arresting officer's reasonable suspicion that the person was
19 under the influence of cannabis. The person's possession of a
20 valid registry card under the Compassionate Use of Medical
21 Cannabis Pilot Program Act alone is not sufficient basis for
22 reasonable suspicion.

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

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

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

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

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

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

24 (2) In cases indicating refusal or failure of testing
25 under paragraph (a-5) of this Section the arresting officer
26 or arresting agency shall give notice as provided in this

1 Section or by deposit in the United States mail of the
2 notice in an envelope with postage prepaid and addressed to
3 the person at his or her address as shown on the Uniform
4 Traffic Ticket and the statutory summary suspension and
5 disqualification shall begin as provided in paragraph (g).
6 This notice shall include the factual basis of the
7 arresting officer's reasonable suspicion that the person
8 was under the influence of cannabis. The person's
9 possession of a valid registry card under the Compassionate
10 Use of Medical Cannabis Pilot Program Act alone is not
11 sufficient basis for reasonable suspicion.

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

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

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

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

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

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