



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1702

by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106.1a
625 ILCS 5/11-501.2
625 ILCS 5/11-501.6
625 ILCS 5/11-501.8

from Ch. 95 1/2, par. 11-501.2
from Ch. 95 1/2, par. 11-501.6

Amends the Illinois Vehicle Code. Adds licensed physician assistants and licensed advanced practice nurses to the list of persons qualified to draw blood for alcohol and drug testing. Effective immediately.

LRB097 05814 HEP 45883 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-106.1a, 11-501.2, 11-501.6, and 11-501.8 as
6 follows:

7 (625 ILCS 5/6-106.1a)

8 (Text of Section before amendment by P.A. 96-1344)

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

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

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

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

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

1 Department of State Police, and to certify the accuracy of
2 breath testing equipment. The Department of State Police
3 shall prescribe rules as necessary.

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

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

25 (4) Upon a request of the person who submits to a
26 chemical test or tests at the request of a law enforcement

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

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

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

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

1 permit shall be imposed in accordance with Section 6-106.1b of
2 this Code.

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

24 Upon receipt of the sworn report of a law enforcement
25 officer, the Secretary of State shall enter the school bus
26 driver permit sanction on the individual's driving record and

1 the sanction shall be effective on the 46th day following the
2 date notice of the sanction was given to the person.

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

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

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

26 (e) A driver may contest this school bus driver permit

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

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

26 (2) whether the person was issued a Uniform Traffic

1 Ticket for any violation of this Code or a similar
2 provision of a local ordinance; and

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

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

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

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

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

1 of alcohol through ingestion of the prescribed or
2 recommended dosage of medicine.

3 The Secretary of State may adopt administrative rules
4 setting forth circumstances under which the holder of a school
5 bus driver permit is not required to appear in person at the
6 hearing.

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

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

26 (g) This Section applies only to drivers who have been

1 issued a school bus driver permit in accordance with Section
2 6-106.1 of this Code at the time of the issuance of the Uniform
3 Traffic Ticket for a violation of this Code or a similar
4 provision of a local ordinance, and a chemical test request is
5 made under this Section.

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

15 (Source: P.A. 90-107, eff. 1-1-98; 91-124, eff. 7-16-99;
16 91-828, eff. 1-1-01.)

17 (Text of Section after amendment by P.A. 96-1344)

18 Sec. 6-106.1a. Cancellation of school bus driver permit;
19 trace of alcohol.

20 (a) A person who has been issued a school bus driver permit
21 by the Secretary of State in accordance with Section 6-106.1 of
22 this Code and who drives or is in actual physical control of a
23 school bus or any other vehicle owned or operated by or for a
24 public or private school, or a school operated by a religious
25 institution, when the vehicle is being used over a regularly

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

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

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

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

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

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

1 into evidence at a hearing conducted in accordance with
2 Section 2-118 of this Code. The failure or inability to
3 obtain an additional test by a person shall not preclude
4 the consideration of the previously performed chemical
5 test.

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

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

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

1 (c) A person requested to submit to a test as provided in
2 this Section shall be warned by the law enforcement officer
3 requesting the test that a refusal to submit to the test, or
4 submission to the test resulting in an alcohol concentration of
5 more than 0.00, may result in the loss of that person's
6 privilege to possess a school bus driver permit. The loss of
7 the individual's privilege to possess a school bus driver
8 permit shall be imposed in accordance with Section 6-106.1b of
9 this Code.

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

1 concentration of more than 0.00 and less than the alcohol
2 concentration at which driving or being in actual physical
3 control of a motor vehicle is prohibited under paragraph (1) of
4 subsection (a) of Section 11-501.

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

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

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

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary of State shall also give notice of the
24 school bus driver permit sanction to the driver and the
25 driver's current employer by mailing a notice of the effective
26 date of the sanction to the individual. However, shall the

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

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

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

1 transportation of persons enrolled as students in grade 12
2 or below, in connection with any activity of the entities
3 listed, upon the public highways of the State and the
4 police officer had reason to believe that the person was in
5 violation of any provision of this Code or a similar
6 provision of a local ordinance; and

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

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

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

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

1 alcohol concentration of more than 0.00; and

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

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

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

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

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

1 testing may not be used to impose driver's license sanctions
2 under Section 11-501.1 of this Code. A law enforcement officer
3 may, however, pursue a statutory summary suspension or
4 revocation of driving privileges under Section 11-501.1 of this
5 Code if other physical evidence or first hand knowledge forms
6 the basis of that suspension or revocation.

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

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

22 (Source: P.A. 96-1344, eff. 7-1-11.)

23 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)
24 Sec. 11-501.2. Chemical and other tests.

25 (a) Upon the trial of any civil or criminal action or

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

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

26 2. When a person in this State shall submit to a blood

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

11 When a blood test of a person who has been taken to an
12 adjoining state for medical treatment is requested by an
13 Illinois law enforcement officer, the blood may be
14 withdrawn only by a physician authorized to practice
15 medicine in the adjoining state, a licensed physician
16 assistant, a licensed advanced practice nurse, a
17 registered nurse, a trained phlebotomist acting under the
18 direction of the physician, or certified paramedic. The law
19 enforcement officer requesting the test shall take custody
20 of the blood sample, and the blood sample shall be analyzed
21 by a laboratory certified by the Department of State Police
22 for that purpose.

23 3. The person tested may have a physician, or a
24 qualified technician, chemist, registered nurse, or other
25 qualified person of their own choosing administer a
26 chemical test or tests in addition to any administered at

1 the direction of a law enforcement officer. The failure or
2 inability to obtain an additional test by a person shall
3 not preclude the admission of evidence relating to the test
4 or tests taken at the direction of a law enforcement
5 officer.

6 4. Upon the request of the person who shall submit to a
7 chemical test or tests at the request of a law enforcement
8 officer, full information concerning the test or tests
9 shall be made available to the person or such person's
10 attorney.

11 5. Alcohol concentration shall mean either grams of
12 alcohol per 100 milliliters of blood or grams of alcohol
13 per 210 liters of breath.

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

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

25 2. If there was at that time an alcohol concentration
26 in excess of 0.05 but less than 0.08, such facts shall not

1 give rise to any presumption that the person was or was not
2 under the influence of alcohol, but such fact may be
3 considered with other competent evidence in determining
4 whether the person was under the influence of alcohol.

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

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

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

20 2. Notwithstanding any ability to refuse under this Code to
21 submit to these tests or any ability to revoke the implied
22 consent to these tests, if a law enforcement officer has
23 probable cause to believe that a motor vehicle driven by or in
24 actual physical control of a person under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof has caused the death or

1 personal injury to another, that person shall submit, upon the
2 request of a law enforcement officer, to a chemical test or
3 tests of his or her blood, breath or urine for the purpose of
4 determining the alcohol content thereof or the presence of any
5 other drug or combination of both.

6 This provision does not affect the applicability of or
7 imposition of driver's license sanctions under Section
8 11-501.1 of this Code.

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

16 (Source: P.A. 96-289, eff. 8-11-09.)

17 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

18 (Text of Section before amendment by P.A. 96-1344)

19 Sec. 11-501.6. Driver involvement in personal injury or
20 fatal motor vehicle accident - chemical test.

21 (a) Any person who drives or is in actual control of a
22 motor vehicle upon the public highways of this State and who
23 has been involved in a personal injury or fatal motor vehicle
24 accident, shall be deemed to have given consent to a breath
25 test using a portable device as approved by the Department of

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

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

1 specific request of a law enforcement officer. However, no such
2 testing shall be performed until, in the opinion of the medical
3 personnel on scene, the withdrawal can be made without
4 interfering with or endangering the well-being of the patient.

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

24 (d) If the person refuses testing or submits to a test
25 which discloses an alcohol concentration of 0.08 or more, or
26 any amount of a drug, substance, or intoxicating compound in

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

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

26 The law enforcement officer submitting the sworn report

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

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

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

1 mailed to the person or entered to the driving record, but
2 rather the sworn report shall be returned to the issuing law
3 enforcement agency.

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

23 (f) (Blank).

24 (g) For the purposes of this Section, a personal injury
25 shall include any type A injury as indicated on the traffic
26 accident report completed by a law enforcement officer that

1 requires immediate professional attention in either a doctor's
2 office or a medical facility. A type A injury shall include
3 severely bleeding wounds, distorted extremities, and injuries
4 that require the injured party to be carried from the scene.
5 (Source: P.A. 95-382, eff. 8-23-07.)

6 (Text of Section after amendment by P.A. 96-1344)

7 Sec. 11-501.6. Driver involvement in personal injury or
8 fatal motor vehicle accident not involving an arrest for a
9 violation of Section 11-501; driving under the influence of
10 alcohol, other drug or drugs, intoxicating compounds, or any
11 combination thereof; chemical test.

12 (a) Any person who drives or is in actual control of a
13 motor vehicle upon the public highways of this State and who
14 has been involved in a personal injury or fatal motor vehicle
15 accident, shall be deemed to have given consent to a breath
16 test using a portable device as approved by the Department of
17 State Police or to a chemical test or tests of blood, breath,
18 or urine for the purpose of determining the content of alcohol,
19 other drug or drugs, or intoxicating compound or compounds of
20 such person's blood if arrested as evidenced by the issuance of
21 a Uniform Traffic Ticket for any violation of the Illinois
22 Vehicle Code or a similar provision of a local ordinance, with
23 the exception of equipment violations contained in Chapter 12
24 of this Code, or similar provisions of local ordinances. This
25 Section shall not apply to those persons arrested for a

1 violation of Section 11-501 or a similar violation of a local
2 ordinance, in which case the provisions of Section 11-501.1
3 shall apply. The test or tests shall be administered at the
4 direction of the arresting officer. The law enforcement agency
5 employing the officer shall designate which of the aforesaid
6 tests shall be administered. A urine test may be administered
7 even after a blood or breath test or both has been
8 administered. Compliance with this Section does not relieve
9 such person from the requirements of Section 11-501.1 of this
10 Code.

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

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

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

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

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

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

25 In cases where the blood alcohol concentration of 0.08 or
26 more, or any amount of a drug, substance, or intoxicating

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

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

25 (e) A driver may contest this suspension of his or her
26 driving privileges and disqualification of his or her CDL

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

18 (f) (Blank).

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

26 (Source: P.A. 95-382, eff. 8-23-07; 96-1344, eff. 7-1-11.)

1 (625 ILCS 5/11-501.8)

2 (Text of Section before amendment by P.A. 96-1344)

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

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

22 (b) A person who is dead, unconscious, or who is otherwise
23 in a condition rendering that person incapable of refusal,
24 shall be deemed not to have withdrawn the consent provided by
25 paragraph (a) of this Section and the test or tests may be

1 administered subject to the following provisions:

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

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

26 (iii) The person tested may have a physician, qualified

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

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

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

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

1 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 more than
6 0.00, may result in the loss of that person's privilege to
7 operate a motor vehicle and may result in the disqualification
8 of the person's privilege to operate a commercial motor
9 vehicle, as provided in Section 6-514 of this Code, if the
10 person is a CDL holder. The loss of driving privileges shall be
11 imposed in accordance with Section 6-208.2 of this Code.

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

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

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

22 In cases where the blood alcohol concentration of more than
23 0.00 is established by a subsequent analysis of blood or urine,
24 the police officer or arresting agency shall give notice as
25 provided in this Section or by deposit in the United States
26 mail of that notice in an envelope with postage prepaid and

1 addressed to that person at his last known address and the loss
2 of driving privileges shall be effective on the 46th day
3 following the date notice was given.

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

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

1 issues of:

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

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

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

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

23 (5) whether the person, after being advised by the
24 officer that the privileges to operate a motor vehicle
25 would be suspended if the person submits to a chemical test
26 or tests and the test or tests disclose an alcohol

1 concentration of more than 0.00, did submit to and complete
2 the test or tests that determined an alcohol concentration
3 of more than 0.00; and

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

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

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

1 a restricted driving permit for suspensions imposed under this
2 Section.

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

14 (g) This Section applies only to drivers who are under age
15 21 at the time of the issuance of a Uniform Traffic Ticket for
16 a violation of the Illinois Vehicle Code or a similar provision
17 of a local ordinance, and a chemical test request is made under
18 this Section.

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

1 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;
2 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.
3 7-16-10.)

4 (Text of Section after amendment by P.A. 96-1344)

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

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

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

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

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

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

1 urine specimens.

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

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

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

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

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

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

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

26 Upon receipt of the sworn report of a law enforcement

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

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

24 In cases where the blood alcohol concentration of more than
25 0.00 is established by a subsequent analysis of blood or urine,
26 the police officer or arresting agency shall give notice as

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

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

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

1 shall not stay or delay the effective date of the impending
2 suspension. The scope of this hearing shall be limited to the
3 issues of:

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

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

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

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

25 (5) whether the person, after being advised by the
26 officer that the privileges to operate a motor vehicle

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

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

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

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

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

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

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

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

1 the judicial review of final acts or decisions of the Secretary
2 of State under this Section.

3 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;
4 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.
5 7-16-10; 96-1344, eff. 7-1-11; revised 9-2-10.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.