

HB1779



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1779

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning statutory summary suspensions.

LRB097 09693 HEP 49830 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 (Text of Section before amendment by P.A. 96-1344)

8 Sec. 11-501.1. Suspension of drivers license; statutory
9 summary alcohol, other drug or drugs, or intoxicating compound
10 or compounds related suspension; implied 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. The test or tests shall
22 be administered at the direction of the arresting officer. The
23 law enforcement agency employing the officer shall designate

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

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25 refusal, shall be deemed not to have withdrawn the consent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

1 may be administered, subject to the provisions of Section
2 11-501.2.

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

1 6-514 of this Code, if the person is a CDL holder, will be
2 imposed.

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

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

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

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

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

1 received by the Secretary of State under this Section shall
2 also be made available to the parent or guardian of a person
3 under the age of 18 years that holds an instruction permit or a
4 graduated driver's license, regardless of whether the
5 statutory summary suspension is in effect.

6 (f) The law enforcement officer submitting the sworn report
7 under paragraph (d) shall serve immediate notice of the
8 statutory summary suspension on the person and the suspension
9 and disqualification shall be effective as provided in
10 paragraph (g). In cases where the blood alcohol concentration
11 of 0.08 or greater or any amount of a drug, substance, or
12 compound resulting from the unlawful use or consumption of
13 cannabis as covered by the Cannabis Control Act, a controlled
14 substance listed in the Illinois Controlled Substances Act, an
15 intoxicating compound listed in the Use of Intoxicating
16 Compounds Act, or methamphetamine as listed in the
17 Methamphetamine Control and Community Protection Act is
18 established by a subsequent analysis of blood or urine
19 collected at the time of arrest, the arresting officer or
20 arresting agency shall give notice as provided in this Section
21 or by deposit in the United States mail of the notice in an
22 envelope with postage prepaid and addressed to the person at
23 his address as shown on the Uniform Traffic Ticket and the
24 statutory summary suspension and disqualification shall begin
25 as provided in paragraph (g). The officer shall confiscate any
26 Illinois driver's license or permit on the person at the time

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

8 (g) The statutory summary suspension and disqualification
9 referred to in this Section shall take effect on the 46th day
10 following the date the notice of the statutory summary
11 suspension was given to the person.

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

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

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

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

4 Sec. 11-501.1. Suspension of drivers license; statutory
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10 shall be deemed to have given consent, subject to the
11 provisions of Section 11-501.2, to a chemical test or tests of
12 blood, breath, or urine for the purpose of determining the
13 content of alcohol, other drug or drugs, or intoxicating
14 compound or compounds or any combination thereof in the
15 person's blood if arrested, as evidenced by the issuance of a
16 Uniform Traffic Ticket, for any offense as defined in Section
17 11-501 or a similar provision of a local ordinance, or if
18 arrested for violating Section 11-401. The test or tests shall
19 be administered at the direction of the arresting officer. The
20 law enforcement agency employing the officer shall designate
21 which of the aforesaid tests shall be administered. A urine
22 test may be administered even after a blood or breath test or
23 both has been administered. For purposes of this Section, an
24 Illinois law enforcement officer of this State who is
25 investigating the person for any offense defined in Section

1 11-501 may travel into an adjoining state, where the person has
2 been transported for medical care, to complete an investigation
3 and to request that the person submit to the test or tests set
4 forth in this Section. The requirements of this Section that
5 the person be arrested are inapplicable, but the officer shall
6 issue the person a Uniform Traffic Ticket for an offense as
7 defined in Section 11-501 or a similar provision of a local
8 ordinance prior to requesting that the person submit to the
9 test or tests. The issuance of the Uniform Traffic Ticket shall
10 not constitute an arrest, but shall be for the purpose of
11 notifying the person that he or she is subject to the
12 provisions of this Section and of the officer's belief of the
13 existence of probable cause to arrest. Upon returning to this
14 State, the officer shall file the Uniform Traffic Ticket with
15 the Circuit Clerk of the county where the offense was
16 committed, and shall seek the issuance of an arrest warrant or
17 a summons for the person.

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

24 (c) A person requested to submit to a test as provided
25 above shall be warned by the law enforcement officer requesting
26 the test that a refusal to submit to the test will result in

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

1 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
2 Code, and a disqualification of the person's privilege to
3 operate a commercial motor vehicle, as provided in Section
4 6-514 of this Code, if the person is a CDL holder, will be
5 imposed.

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

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

1 person's breath, blood, or urine resulting from the unlawful
2 use or consumption of cannabis listed in the Cannabis Control
3 Act, a controlled substance listed in the Illinois Controlled
4 Substances Act, an intoxicating compound listed in the Use of
5 Intoxicating Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, the law
7 enforcement officer shall immediately submit a sworn report to
8 the circuit court of venue and the Secretary of State,
9 certifying that the test or tests was or were requested under
10 paragraph (a) and the person refused to submit to a test, or
11 tests, or submitted to testing that disclosed an alcohol
12 concentration of 0.08 or more.

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

19 If the person is a first offender as defined in Section
20 11-500 of this Code, and is not convicted of a violation of
21 Section 11-501 of this Code or a similar provision of a local
22 ordinance, then reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 Statutory Summary Suspension is in effect, be privileged
25 information and for use only by the courts, police officers,
26 prosecuting authorities or the Secretary of State, unless the

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

10 (f) The law enforcement officer submitting the sworn report
11 under paragraph (d) shall serve immediate notice of the
12 statutory summary suspension or revocation on the person and
13 the suspension or revocation and disqualification shall be
14 effective as provided in paragraph (g). In cases where the
15 blood alcohol concentration of 0.08 or greater or any amount of
16 a drug, substance, or compound resulting from the unlawful use
17 or consumption of cannabis as covered by the Cannabis Control
18 Act, a controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use of
20 Intoxicating Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act is
22 established by a subsequent analysis of blood or urine
23 collected at the time of arrest, the arresting officer or
24 arresting agency shall give notice as provided in this Section
25 or by deposit in the United States mail of the notice in an
26 envelope with postage prepaid and addressed to the person at

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

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. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;
14 95-876, eff. 8-21-08; 96-1080, eff. 7-16-10; 96-1344, eff.
15 7-1-11; revised 9-2-10.)

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.