

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 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514, 6-517,
6 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2,
7 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as
8 follows:

9 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

10 Sec. 2-118. Hearings.

11 (a) Upon the suspension, revocation or denial of the
12 issuance of a license, permit, registration or certificate of
13 title under this Code of any person the Secretary of State
14 shall immediately notify such person in writing and upon his
15 written request shall, within 20 days after receipt thereof,
16 set a date for a hearing to commence within 90 calendar days
17 from the date of the written request for all requests related
18 to a suspension, revocation, or the denial of the issuance of a
19 license, permit, registration, or certificate of title
20 occurring after July 1, 2002, in the County of Sangamon, the
21 County of Jefferson, or the County of Cook, as such person may
22 specify, unless both parties agree that such hearing may be
23 held in some other county. The Secretary may require the

1 payment of a fee of not more than \$50 for the filing of any
2 petition, motion, or request for hearing conducted pursuant to
3 this Section. These fees must be deposited into the Secretary
4 of State DUI Administration Fund, a special fund created in the
5 State treasury, and, subject to appropriation and as directed
6 by the Secretary of State, shall be used for operation of the
7 Department of Administrative Hearings of the Office of the
8 Secretary of State and for no other purpose. The Secretary
9 shall establish by rule the amount and the procedures, terms,
10 and conditions relating to these fees.

11 (b) At any time after the suspension, revocation or denial
12 of a license, permit, registration or certificate of title of
13 any person as hereinbefore referred to, the Secretary of State,
14 in his or her discretion and without the necessity of a request
15 by such person, may hold such a hearing, upon not less than 10
16 days' notice in writing, in the Counties of Sangamon,
17 Jefferson, or Cook or in any other county agreed to by the
18 parties.

19 (c) Upon any such hearing, the Secretary of State, or his
20 authorized agent may administer oaths and issue subpoenas for
21 the attendance of witnesses and the production of relevant
22 books and records and may require an examination of such
23 person. Upon any such hearing, the Secretary of State shall
24 either rescind or, good cause appearing therefor, continue,
25 change or extend the Order of Revocation or Suspension, or upon
26 petition therefore and subject to the provisions of this Code,

1 issue a restricted driving permit or reinstate the license or
2 permit of such person.

3 (d) All hearings and hearing procedures shall comply with
4 requirements of the Constitution, so that no person is deprived
5 of due process of law nor denied equal protection of the laws.
6 All hearings shall be held before the Secretary of State or
7 before such persons as may be designated by the Secretary of
8 State and appropriate records of such hearings shall be kept.
9 Where a transcript of the hearing is taken, the person
10 requesting the hearing shall have the opportunity to order a
11 copy thereof at his own expense. The Secretary of State shall
12 enter an order upon any hearing conducted under this Section,
13 related to a suspension, revocation, or the denial of the
14 issuance of a license, permit, registration, or certificate of
15 title occurring after July 1, 2002, within 90 days of its
16 conclusion and shall immediately notify the person in writing
17 of his or her action.

18 (d-5) Any hearing over which the Secretary of State has
19 jurisdiction because of a person's implied consent to testing
20 of the person's blood, breath, other bodily substance, or urine
21 for the presence of alcohol, drugs, or intoxicating compounds
22 may be conducted upon a review of the official police reports.
23 Either party, however, may subpoena the arresting officer and
24 any other law enforcement officer who was involved in the
25 petitioner's arrest or processing after arrest, as well as any
26 other person whose testimony may be probative to the issues at

1 the hearing. The failure of a law enforcement officer to answer
2 the subpoena shall be considered grounds for a continuance if,
3 in the hearing officer's discretion, the continuance is
4 appropriate. The failure of the arresting officer to answer a
5 subpoena shall not, in and of itself, be considered grounds for
6 the rescission of an implied consent suspension. Rather, the
7 hearing shall proceed on the basis of the other evidence
8 available, and the hearing officer shall assign this evidence
9 whatever probative value is deemed appropriate. The decision
10 whether to rescind shall be based upon the totality of the
11 evidence.

12 (e) The action of the Secretary of State in suspending,
13 revoking or denying any license, permit, registration, or
14 certificate of title shall be subject to judicial review in the
15 Circuit Court of Sangamon County, in the Circuit Court of
16 Jefferson County, or in the Circuit Court of Cook County, and
17 the provisions of the Administrative Review Law, and all
18 amendments and modifications thereto, and the rules adopted
19 pursuant thereto, are hereby adopted and shall apply to and
20 govern every action for the judicial review of final acts or
21 decisions of the Secretary of State hereunder.

22 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

23 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

24 Sec. 2-118.1. Opportunity for hearing; statutory summary
25 alcohol or other drug related suspension or revocation pursuant

1 to Section 11-501.1.

2 (a) A statutory summary suspension or revocation of driving
3 privileges under Section 11-501.1 shall not become effective
4 until the person is notified in writing of the impending
5 suspension or revocation and informed that he may request a
6 hearing in the circuit court of venue under paragraph (b) of
7 this Section and the statutory summary suspension or revocation
8 shall become effective as provided in Section 11-501.1.

9 (b) Within 90 days after the notice of statutory summary
10 suspension or revocation served under Section 11-501.1, the
11 person may make a written request for a judicial hearing in the
12 circuit court of venue. The request to the circuit court shall
13 state the grounds upon which the person seeks to have the
14 statutory summary suspension or revocation rescinded. Within
15 30 days after receipt of the written request or the first
16 appearance date on the Uniform Traffic Ticket issued pursuant
17 to a violation of Section 11-501, or a similar provision of a
18 local ordinance, the hearing shall be conducted by the circuit
19 court having jurisdiction. This judicial hearing, request, or
20 process shall not stay or delay the statutory summary
21 suspension or revocation. The hearings shall proceed in the
22 court in the same manner as in other civil proceedings.

23 The hearing may be conducted upon a review of the law
24 enforcement officer's own official reports; provided however,
25 that the person may subpoena the officer. Failure of the
26 officer to answer the subpoena shall be considered grounds for

1 a continuance if in the court's discretion the continuance is
2 appropriate.

3 The scope of the hearing shall be limited to the issues of:

4 1. Whether the person was placed under arrest for an
5 offense as defined in Section 11-501, or a similar
6 provision of a local ordinance, as evidenced by the
7 issuance of a Uniform Traffic Ticket, or issued a Uniform
8 Traffic Ticket out of state as provided in subsection (a)
9 of Section 11-501.1; and

10 2. Whether the officer had reasonable grounds to
11 believe that the person was driving or in actual physical
12 control of a motor vehicle upon a highway while under the
13 influence of alcohol, other drug, or combination of both;
14 and

15 3. Whether the person, after being advised by the
16 officer that the privilege to operate a motor vehicle would
17 be suspended or revoked 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 blood
20 alcohol or drug concentration; or

21 4. Whether the person, after being advised by the
22 officer that the privilege to operate a motor vehicle would
23 be suspended if the person submits to a chemical test, or
24 tests, and the test discloses an alcohol concentration of
25 0.08 or more, a tetrahydrocannabinol concentration as
26 defined in paragraph 6 of subsection (a) of Section

1 11-501.2 of this Code, or any amount of a drug, substance,
2 or compound in the person's blood, other bodily substance,
3 or urine resulting from the unlawful use or consumption of
4 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
5 substance listed in the Illinois Controlled Substances
6 Act, an intoxicating compound as listed in the Use of
7 Intoxicating Compounds Act, or methamphetamine as listed
8 in the Methamphetamine Control and Community Protection
9 Act, and the person did submit to and complete the test or
10 tests that determined an alcohol concentration of 0.08 or
11 more.

12 4.2. (Blank).

13 4.5. (Blank).

14 5. If the person's driving privileges were revoked,
15 whether the person was involved in a motor vehicle accident
16 that caused Type A injury or death to another.

17 Upon the conclusion of the judicial hearing, the circuit
18 court shall sustain or rescind the statutory summary suspension
19 or revocation and immediately notify the Secretary of State.
20 Reports received by the Secretary of State under this Section
21 shall be privileged information and for use only by the courts,
22 police officers, and Secretary of State.

23 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

24 (625 ILCS 5/6-106.1a)

25 Sec. 6-106.1a. Cancellation of school bus driver permit;

1 trace of alcohol.

2 (a) A person who has been issued a school bus driver permit
3 by the Secretary of State in accordance with Section 6-106.1 of
4 this Code and who drives or is in actual physical control of a
5 school bus or any other vehicle owned or operated by or for a
6 public or private school, or a school operated by a religious
7 institution, when the vehicle is being used over a regularly
8 scheduled route for the transportation of persons enrolled as
9 students in grade 12 or below, in connection with any activity
10 of the entities listed, upon the public highways of this State
11 shall be deemed to have given consent to a chemical test or
12 tests of blood, breath, other bodily substance, or urine for
13 the purpose of determining the alcohol content of the person's
14 blood if arrested, as evidenced by the issuance of a Uniform
15 Traffic Ticket for any violation of this Code or a similar
16 provision of a local ordinance, if a police officer has
17 probable cause to believe that the driver has consumed any
18 amount of an alcoholic beverage based upon evidence of the
19 driver's physical condition or other first hand knowledge of
20 the police officer. The test or tests shall be administered at
21 the direction of the arresting officer. The law enforcement
22 agency employing the officer shall designate which of the
23 aforesaid tests shall be administered. A urine or other bodily
24 substance test may be administered even after a blood or breath
25 test or both has been administered.

26 (b) A person who is dead, unconscious, or who is otherwise

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

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

19 (2) When a person submits to a blood test at the
20 request of a law enforcement officer under the provisions
21 of this Section, only a physician authorized to practice
22 medicine, a licensed physician assistant, a licensed
23 advanced practice nurse, a registered nurse, or other
24 qualified person trained in venipuncture and acting under
25 the direction of a licensed physician may withdraw blood
26 for the purpose of determining the alcohol content. This

1 limitation does not apply to the taking of breath, other
2 bodily substance, or urine specimens.

3 (3) The person tested may have a physician, qualified
4 technician, chemist, registered nurse, or other qualified
5 person of his or her own choosing administer a chemical
6 test or tests in addition to any test or tests administered
7 at the direction of a law enforcement officer. The test
8 administered at the request of the person may be admissible
9 into evidence at a hearing conducted in accordance with
10 Section 2-118 of this Code. The failure or inability to
11 obtain an additional test by a person shall not preclude
12 the consideration of the previously performed chemical
13 test.

14 (4) Upon a request of the person who submits to a
15 chemical test or tests at the request of a law enforcement
16 officer, full information concerning the test or tests
17 shall be made available to the person or that person's
18 attorney by the requesting law enforcement agency within 72
19 hours of receipt of the test result.

20 (5) Alcohol concentration means either grams of
21 alcohol per 100 milliliters of blood or grams of alcohol
22 per 210 liters of breath.

23 (6) If a driver is receiving medical treatment as a
24 result of a motor vehicle accident, a physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice nurse, registered nurse, or other

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

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

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

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

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

18 The law enforcement officer submitting the sworn report
19 shall serve immediate notice of this school bus driver permit
20 sanction on the person and the sanction 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, other
24 bodily substance, or urine, the police officer or arresting
25 agency shall give notice as provided in this Section or by
26 deposit in the United States mail of that notice in an envelope

1 with postage prepaid and addressed to that person at his or her
2 last known address and the loss of the school bus driver permit
3 shall be effective on the 46th day following the date notice
4 was given.

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

16 (e) A driver may contest this school bus driver permit
17 sanction by requesting an administrative hearing with the
18 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 school bus or any other vehicle owned or
7 operated by or for a public or private school, or a school
8 operated by a religious institution, when the vehicle is
9 being used over a regularly scheduled route for the
10 transportation of persons enrolled as students in grade 12
11 or below, in connection with any activity of the entities
12 listed, upon the public highways of the State and the
13 police officer had reason to believe that the person was in
14 violation of any provision of this Code or a similar
15 provision of a local ordinance; and

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

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

24 (4) whether the person, after being advised by the
25 officer that the privilege to possess a school bus driver
26 permit would be canceled if the person refused to submit to

1 and complete the test or tests, did refuse to submit to or
2 complete the test or tests to determine the person's
3 alcohol concentration; and

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

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

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

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

23 Provided that the petitioner may subpoena the officer, the
24 hearing may be conducted upon a review of the law enforcement
25 officer's own official reports. Failure of the officer to
26 answer the subpoena shall be grounds for a continuance if, in

1 the hearing officer's discretion, the continuance is
2 appropriate. At the conclusion of the hearing held under
3 Section 2-118 of this Code, the Secretary of State may rescind,
4 continue, or modify the school bus driver permit sanction.

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 have been
17 issued a school bus driver permit in accordance with Section
18 6-106.1 of this Code at the time of the issuance of the Uniform
19 Traffic Ticket for a violation of this Code or a similar
20 provision of a local ordinance, and a chemical test request is
21 made under this Section.

22 (h) The action of the Secretary of State in suspending,
23 revoking, canceling, or denying any license, permit,
24 registration, or certificate of title shall be subject to
25 judicial review in the Circuit Court of Sangamon County or in
26 the Circuit Court of Cook County, and the provisions of the

1 Administrative Review Law and its rules are hereby adopted and
2 shall apply to and govern every action for the judicial review
3 of final acts or decisions of the Secretary of State under this
4 Section.

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

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

7 Sec. 6-208.1. Period of statutory summary alcohol, other
8 drug, or intoxicating compound related suspension or
9 revocation.

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

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

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

1 listed in the Cannabis Control Act with a
2 tetrahydrocannabinol concentration as defined in paragraph
3 6 of subsection (a) of Section 11-501.2 of this Code, or
4 any amount of a drug, substance, or intoxicating compound
5 in such person's breath, blood, other bodily substance, or
6 urine resulting from the unlawful use or consumption of
7 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
8 substance listed in the Illinois Controlled Substances
9 Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed
11 in the Methamphetamine Control and Community Protection
12 Act, pursuant to Section 11-501.1; or

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

18 4. one year from the effective date of the summary
19 suspension imposed for any person other than a first
20 offender following submission to a chemical test which
21 disclosed an alcohol concentration of 0.08 or more pursuant
22 to Section 11-501.1, the presence of cannabis as listed in
23 the Cannabis Control Act with a tetrahydrocannabinol
24 concentration as defined in paragraph 6 of subsection (a)
25 of Section 11-501.2 of this Code, or any amount of a drug,
26 substance or compound in such person's blood, other bodily

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

8 5. (Blank).

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

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

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

1 shall be credited toward the minimum period of revocation of
2 driving privileges imposed pursuant to Section 6-205.

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

9 (f) (Blank).

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

14 (h) (Blank).

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

17 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

18 (Text of Section before amendment by P.A. 98-176)

19 Sec. 6-514. Commercial driver's license (CDL); commercial
20 learner's permit (CLP); disqualifications.

21 (a) A person shall be disqualified from driving a
22 commercial motor vehicle for a period of not less than 12
23 months for the first violation of:

24 (1) Refusing to submit to or failure to complete a test
25 or tests to determine the driver's blood concentration of

1 alcohol, other drug, or both while driving a commercial
2 motor vehicle or, if the driver is a CDL holder, while
3 driving a non-CMV; or

4 (2) Operating a commercial motor vehicle while the
5 alcohol concentration of the person's blood, breath or
6 urine is at least 0.04, or any amount of a drug, substance,
7 or compound in the person's blood or urine resulting from
8 the unlawful use or consumption of cannabis listed in the
9 Cannabis Control Act, a controlled substance listed in the
10 Illinois Controlled Substances Act, or methamphetamine as
11 listed in the Methamphetamine Control and Community
12 Protection Act as indicated by a police officer's sworn
13 report or other verified evidence; or operating a
14 non-commercial motor vehicle while the alcohol
15 concentration of the person's blood, breath, or urine was
16 above the legal limit defined in Section 11-501.1 or
17 11-501.8 or any amount of a drug, substance, or compound in
18 the person's blood or urine resulting from the unlawful use
19 or consumption of cannabis listed in the Cannabis Control
20 Act, a controlled substance listed in the Illinois
21 Controlled Substances Act, or methamphetamine as listed in
22 the Methamphetamine Control and Community Protection Act
23 as indicated by a police officer's sworn report or other
24 verified evidence while holding a commercial driver's
25 license; or

26 (3) Conviction for a first violation of:

1 (i) Driving a commercial motor vehicle or, if the
2 driver is a CDL holder, driving a non-CMV while under
3 the influence of alcohol, or any other drug, or
4 combination of drugs to a degree which renders such
5 person incapable of safely driving; or

6 (ii) Knowingly leaving the scene of an accident
7 while operating a commercial motor vehicle or, if the
8 driver is a CDL holder, while driving a non-CMV; or

9 (iii) Driving a commercial motor vehicle or, if the
10 driver is a CDL holder, driving a non-CMV while
11 committing any felony; or

12 (iv) Driving a commercial motor vehicle while the
13 person's driving privileges or driver's license or
14 permit is revoked, suspended, or cancelled or the
15 driver is disqualified from operating a commercial
16 motor vehicle; or

17 (v) Causing a fatality through the negligent
18 operation of a commercial motor vehicle, including but
19 not limited to the crimes of motor vehicle
20 manslaughter, homicide by a motor vehicle, and
21 negligent homicide.

22 As used in this subdivision (a)(3)(v), "motor
23 vehicle manslaughter" means the offense of involuntary
24 manslaughter if committed by means of a vehicle;
25 "homicide by a motor vehicle" means the offense of
26 first degree murder or second degree murder, if either

1 offense is committed by means of a vehicle; and
2 "negligent homicide" means reckless homicide under
3 Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 and aggravated driving under the
5 influence of alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any combination
7 thereof under subdivision (d) (1) (F) of Section 11-501
8 of this Code.

9 If any of the above violations or refusals occurred
10 while transporting hazardous material(s) required to be
11 placarded, the person shall be disqualified for a period of
12 not less than 3 years; or

13 (4) (Blank).

14 (b) A person is disqualified for life for a second
15 conviction of any of the offenses specified in paragraph (a),
16 or any combination of those offenses, arising from 2 or more
17 separate incidents.

18 (c) A person is disqualified from driving a commercial
19 motor vehicle for life if the person either (i) uses a
20 commercial motor vehicle in the commission of any felony
21 involving the manufacture, distribution, or dispensing of a
22 controlled substance, or possession with intent to
23 manufacture, distribute or dispense a controlled substance or
24 (ii) if the person is a CDL holder, uses a non-CMV in the
25 commission of a felony involving any of those activities.

26 (d) The Secretary of State may, when the United States

1 Secretary of Transportation so authorizes, issue regulations
2 in which a disqualification for life under paragraph (b) may be
3 reduced to a period of not less than 10 years. If a reinstated
4 driver is subsequently convicted of another disqualifying
5 offense, as specified in subsection (a) of this Section, he or
6 she shall be permanently disqualified for life and shall be
7 ineligible to again apply for a reduction of the lifetime
8 disqualification.

9 (e) A person is disqualified from driving a commercial
10 motor vehicle for a period of not less than 2 months if
11 convicted of 2 serious traffic violations, committed in a
12 commercial motor vehicle, non-CMV while holding a CDL, or any
13 combination thereof, arising from separate incidents,
14 occurring within a 3 year period, provided the serious traffic
15 violation committed in a non-CMV would result in the suspension
16 or revocation of the CDL holder's non-CMV privileges. However,
17 a person will be disqualified from driving a commercial motor
18 vehicle for a period of not less than 4 months if convicted of
19 3 serious traffic violations, committed in a commercial motor
20 vehicle, non-CMV while holding a CDL, or any combination
21 thereof, arising from separate incidents, occurring within a 3
22 year period, provided the serious traffic violation committed
23 in a non-CMV would result in the suspension or revocation of
24 the CDL holder's non-CMV privileges. If all the convictions
25 occurred in a non-CMV, the disqualification shall be entered
26 only if the convictions would result in the suspension or

1 revocation of the CDL holder's non-CMV privileges.

2 (e-1) (Blank).

3 (f) Notwithstanding any other provision of this Code, any
4 driver disqualified from operating a commercial motor vehicle,
5 pursuant to this UCCLA, shall not be eligible for restoration
6 of commercial driving privileges during any such period of
7 disqualification.

8 (g) After suspending, revoking, or cancelling a commercial
9 driver's license, the Secretary of State must update the
10 driver's records to reflect such action within 10 days. After
11 suspending or revoking the driving privilege of any person who
12 has been issued a CDL or commercial driver instruction permit
13 from another jurisdiction, the Secretary shall originate
14 notification to such issuing jurisdiction within 10 days.

15 (h) The "disqualifications" referred to in this Section
16 shall not be imposed upon any commercial motor vehicle driver,
17 by the Secretary of State, unless the prohibited action(s)
18 occurred after March 31, 1992.

19 (i) A person is disqualified from driving a commercial
20 motor vehicle in accordance with the following:

21 (1) For 6 months upon a first conviction of paragraph
22 (2) of subsection (b) or subsection (b-3) of Section 6-507
23 of this Code.

24 (2) For 2 years upon a second conviction of paragraph
25 (2) of subsection (b) or subsection (b-3) or any
26 combination of paragraphs (2) or (3) of subsection (b) or

1 subsections (b-3) or (b-5) of Section 6-507 of this Code
2 within a 10-year period if the second conviction is a
3 violation of paragraph (2) of subsection (b) or subsection
4 (b-3).

5 (3) For 3 years upon a third or subsequent conviction
6 of paragraph (2) of subsection (b) or subsection (b-3) or
7 any combination of paragraphs (2) or (3) of subsection (b)
8 or subsections (b-3) or (b-5) of Section 6-507 of this Code
9 within a 10-year period if the third or subsequent
10 conviction is a violation of paragraph (2) of subsection
11 (b) or subsection (b-3).

12 (4) For one year upon a first conviction of paragraph
13 (3) of subsection (b) or subsection (b-5) of Section 6-507
14 of this Code.

15 (5) For 3 years upon a second conviction of paragraph
16 (3) of subsection (b) or subsection (b-5) or any
17 combination of paragraphs (2) or (3) of subsection (b) or
18 subsections (b-3) or (b-5) of Section 6-507 of this Code
19 within a 10-year period if the second conviction is a
20 violation of paragraph (3) of subsection (b) or (b-5).

21 (6) For 5 years upon a third or subsequent conviction
22 of paragraph (3) of subsection (b) or subsection (b-5) or
23 any combination of paragraphs (2) or (3) of subsection (b)
24 or subsections (b-3) or (b-5) of Section 6-507 of this Code
25 within a 10-year period if the third or subsequent
26 conviction is a violation of paragraph (3) of subsection

1 (b) or (b-5).

2 (j) Disqualification for railroad-highway grade crossing
3 violation.

4 (1) General rule. A driver who is convicted of a
5 violation of a federal, State, or local law or regulation
6 pertaining to one of the following 6 offenses at a
7 railroad-highway grade crossing must be disqualified from
8 operating a commercial motor vehicle for the period of time
9 specified in paragraph (2) of this subsection (j) if the
10 offense was committed while operating a commercial motor
11 vehicle:

12 (i) For drivers who are not required to always
13 stop, failing to slow down and check that the tracks
14 are clear of an approaching train or railroad track
15 equipment, as described in subsection (a-5) of Section
16 11-1201 of this Code;

17 (ii) For drivers who are not required to always
18 stop, failing to stop before reaching the crossing, if
19 the tracks are not clear, as described in subsection
20 (a) of Section 11-1201 of this Code;

21 (iii) For drivers who are always required to stop,
22 failing to stop before driving onto the crossing, as
23 described in Section 11-1202 of this Code;

24 (iv) For all drivers, failing to have sufficient
25 space to drive completely through the crossing without
26 stopping, as described in subsection (b) of Section

1 11-1425 of this Code;

2 (v) For all drivers, failing to obey a traffic
3 control device or the directions of an enforcement
4 official at the crossing, as described in subdivision
5 (a)2 of Section 11-1201 of this Code;

6 (vi) For all drivers, failing to negotiate a
7 crossing because of insufficient undercarriage
8 clearance, as described in subsection (d-1) of Section
9 11-1201 of this Code.

10 (2) Duration of disqualification for railroad-highway
11 grade crossing violation.

12 (i) First violation. A driver must be disqualified
13 from operating a commercial motor vehicle for not less
14 than 60 days if the driver is convicted of a violation
15 described in paragraph (1) of this subsection (j) and,
16 in the three-year period preceding the conviction, the
17 driver had no convictions for a violation described in
18 paragraph (1) of this subsection (j).

19 (ii) Second violation. A driver must be
20 disqualified from operating a commercial motor vehicle
21 for not less than 120 days if the driver is convicted
22 of a violation described in paragraph (1) of this
23 subsection (j) and, in the three-year period preceding
24 the conviction, the driver had one other conviction for
25 a violation described in paragraph (1) of this
26 subsection (j) that was committed in a separate

1 incident.

2 (iii) Third or subsequent violation. A driver must
3 be disqualified from operating a commercial motor
4 vehicle for not less than one year if the driver is
5 convicted of a violation described in paragraph (1) of
6 this subsection (j) and, in the three-year period
7 preceding the conviction, the driver had 2 or more
8 other convictions for violations described in
9 paragraph (1) of this subsection (j) that were
10 committed in separate incidents.

11 (k) Upon notification of a disqualification of a driver's
12 commercial motor vehicle privileges imposed by the U.S.
13 Department of Transportation, Federal Motor Carrier Safety
14 Administration, in accordance with 49 C.F.R. 383.52, the
15 Secretary of State shall immediately record to the driving
16 record the notice of disqualification and confirm to the driver
17 the action that has been taken.

18 (l) A foreign commercial driver is subject to
19 disqualification under this Section.

20 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
21 98-122, eff. 1-1-14; 98-722, eff. 7-16-14; 98-756, eff.
22 7-16-14.)

23 (Text of Section after amendment by P.A. 98-176)

24 Sec. 6-514. Commercial driver's license (CDL); commercial
25 learner's permit (CLP); disqualifications.

1 (a) A person shall be disqualified from driving a
2 commercial motor vehicle for a period of not less than 12
3 months for the first violation of:

4 (1) Refusing to submit to or failure to complete a test
5 or tests to determine the driver's blood concentration of
6 alcohol, other drug, or both while driving a commercial
7 motor vehicle or, if the driver is a CLP or CDL holder,
8 while driving a non-CMV; or

9 (2) Operating a commercial motor vehicle while the
10 alcohol concentration of the person's blood, breath, other
11 bodily substance, or urine is at least 0.04, or any amount
12 of a drug, substance, or compound in the person's blood,
13 other bodily substance, or urine resulting from the
14 unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act as indicated by a police officer's sworn
19 report or other verified evidence; or operating a
20 non-commercial motor vehicle while the alcohol
21 concentration of the person's blood, breath, other bodily
22 substance, or urine was above the legal limit defined in
23 Section 11-501.1 or 11-501.8 or any amount of a drug,
24 substance, or compound in the person's blood, other bodily
25 substance, or urine resulting from the unlawful use or
26 consumption of cannabis listed in the Cannabis Control Act,

1 a controlled substance listed in the Illinois Controlled
2 Substances Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act as
4 indicated by a police officer's sworn report or other
5 verified evidence while holding a CLP or CDL; or

6 (3) Conviction for a first violation of:

7 (i) Driving a commercial motor vehicle or, if the
8 driver is a CLP or CDL holder, driving a non-CMV while
9 under the influence of alcohol, or any other drug, or
10 combination of drugs to a degree which renders such
11 person incapable of safely driving; or

12 (ii) Knowingly leaving the scene of an accident
13 while operating a commercial motor vehicle or, if the
14 driver is a CLP or CDL holder, while driving a non-CMV;
15 or

16 (iii) Driving a commercial motor vehicle or, if the
17 driver is a CLP or CDL holder, driving a non-CMV while
18 committing any felony; or

19 (iv) Driving a commercial motor vehicle while the
20 person's driving privileges or driver's license or
21 permit is revoked, suspended, or cancelled or the
22 driver is disqualified from operating a commercial
23 motor vehicle; or

24 (v) Causing a fatality through the negligent
25 operation of a commercial motor vehicle, including but
26 not limited to the crimes of motor vehicle

1 manslaughter, homicide by a motor vehicle, and
2 negligent homicide.

3 As used in this subdivision (a)(3)(v), "motor
4 vehicle manslaughter" means the offense of involuntary
5 manslaughter if committed by means of a vehicle;
6 "homicide by a motor vehicle" means the offense of
7 first degree murder or second degree murder, if either
8 offense is committed by means of a vehicle; and
9 "negligent homicide" means reckless homicide under
10 Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 and aggravated driving under the
12 influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or any combination
14 thereof under subdivision (d)(1)(F) of Section 11-501
15 of this Code.

16 If any of the above violations or refusals occurred
17 while transporting hazardous material(s) required to be
18 placarded, the person shall be disqualified for a period of
19 not less than 3 years; or

20 (4) (Blank).

21 (b) A person is disqualified for life for a second
22 conviction of any of the offenses specified in paragraph (a),
23 or any combination of those offenses, arising from 2 or more
24 separate incidents.

25 (c) A person is disqualified from driving a commercial
26 motor vehicle for life if the person either (i) uses a

1 commercial motor vehicle in the commission of any felony
2 involving the manufacture, distribution, or dispensing of a
3 controlled substance, or possession with intent to
4 manufacture, distribute or dispense a controlled substance or
5 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
6 commission of a felony involving any of those activities.

7 (d) The Secretary of State may, when the United States
8 Secretary of Transportation so authorizes, issue regulations
9 in which a disqualification for life under paragraph (b) may be
10 reduced to a period of not less than 10 years. If a reinstated
11 driver is subsequently convicted of another disqualifying
12 offense, as specified in subsection (a) of this Section, he or
13 she shall be permanently disqualified for life and shall be
14 ineligible to again apply for a reduction of the lifetime
15 disqualification.

16 (e) A person is disqualified from driving a commercial
17 motor vehicle for a period of not less than 2 months if
18 convicted of 2 serious traffic violations, committed in a
19 commercial motor vehicle, non-CMV while holding a CLP or CDL,
20 or any combination thereof, arising from separate incidents,
21 occurring within a 3 year period, provided the serious traffic
22 violation committed in a non-CMV would result in the suspension
23 or revocation of the CLP or CDL holder's non-CMV privileges.
24 However, a person will be disqualified from driving a
25 commercial motor vehicle for a period of not less than 4 months
26 if convicted of 3 serious traffic violations, committed in a

1 commercial motor vehicle, non-CMV while holding a CLP or CDL,
2 or any combination thereof, arising from separate incidents,
3 occurring within a 3 year period, provided the serious traffic
4 violation committed in a non-CMV would result in the suspension
5 or revocation of the CLP or CDL holder's non-CMV privileges. If
6 all the convictions occurred in a non-CMV, the disqualification
7 shall be entered only if the convictions would result in the
8 suspension or revocation of the CLP or CDL holder's non-CMV
9 privileges.

10 (e-1) (Blank).

11 (f) Notwithstanding any other provision of this Code, any
12 driver disqualified from operating a commercial motor vehicle,
13 pursuant to this UCCLA, shall not be eligible for restoration
14 of commercial driving privileges during any such period of
15 disqualification.

16 (g) After suspending, revoking, or cancelling a CLP or CDL,
17 the Secretary of State must update the driver's records to
18 reflect such action within 10 days. After suspending or
19 revoking the driving privilege of any person who has been
20 issued a CLP or CDL from another jurisdiction, the Secretary
21 shall originate notification to such issuing jurisdiction
22 within 10 days.

23 (h) The "disqualifications" referred to in this Section
24 shall not be imposed upon any commercial motor vehicle driver,
25 by the Secretary of State, unless the prohibited action(s)
26 occurred after March 31, 1992.

1 (i) A person is disqualified from driving a commercial
2 motor vehicle in accordance with the following:

3 (1) For 6 months upon a first conviction of paragraph
4 (2) of subsection (b) or subsection (b-3) of Section 6-507
5 of this Code.

6 (2) For 2 years upon a second conviction of paragraph
7 (2) of subsection (b) or subsection (b-3) or any
8 combination of paragraphs (2) or (3) of subsection (b) or
9 subsections (b-3) or (b-5) of Section 6-507 of this Code
10 within a 10-year period if the second conviction is a
11 violation of paragraph (2) of subsection (b) or subsection
12 (b-3).

13 (3) For 3 years upon a third or subsequent conviction
14 of paragraph (2) of subsection (b) or subsection (b-3) or
15 any combination of paragraphs (2) or (3) of subsection (b)
16 or subsections (b-3) or (b-5) of Section 6-507 of this Code
17 within a 10-year period if the third or subsequent
18 conviction is a violation of paragraph (2) of subsection
19 (b) or subsection (b-3).

20 (4) For one year upon a first conviction of paragraph
21 (3) of subsection (b) or subsection (b-5) of Section 6-507
22 of this Code.

23 (5) For 3 years upon a second conviction of paragraph
24 (3) of subsection (b) or subsection (b-5) or any
25 combination of paragraphs (2) or (3) of subsection (b) or
26 subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the second conviction is a
2 violation of paragraph (3) of subsection (b) or (b-5).

3 (6) For 5 years upon a third or subsequent conviction
4 of paragraph (3) of subsection (b) or subsection (b-5) or
5 any combination of paragraphs (2) or (3) of subsection (b)
6 or subsections (b-3) or (b-5) of Section 6-507 of this Code
7 within a 10-year period if the third or subsequent
8 conviction is a violation of paragraph (3) of subsection
9 (b) or (b-5).

10 (j) Disqualification for railroad-highway grade crossing
11 violation.

12 (1) General rule. A driver who is convicted of a
13 violation of a federal, State, or local law or regulation
14 pertaining to one of the following 6 offenses at a
15 railroad-highway grade crossing must be disqualified from
16 operating a commercial motor vehicle for the period of time
17 specified in paragraph (2) of this subsection (j) if the
18 offense was committed while operating a commercial motor
19 vehicle:

20 (i) For drivers who are not required to always
21 stop, failing to slow down and check that the tracks
22 are clear of an approaching train or railroad track
23 equipment, as described in subsection (a-5) of Section
24 11-1201 of this Code;

25 (ii) For drivers who are not required to always
26 stop, failing to stop before reaching the crossing, if

1 the tracks are not clear, as described in subsection
2 (a) of Section 11-1201 of this Code;

3 (iii) For drivers who are always required to stop,
4 failing to stop before driving onto the crossing, as
5 described in Section 11-1202 of this Code;

6 (iv) For all drivers, failing to have sufficient
7 space to drive completely through the crossing without
8 stopping, as described in subsection (b) of Section
9 11-1425 of this Code;

10 (v) For all drivers, failing to obey a traffic
11 control device or the directions of an enforcement
12 official at the crossing, as described in subdivision
13 (a)2 of Section 11-1201 of this Code;

14 (vi) For all drivers, failing to negotiate a
15 crossing because of insufficient undercarriage
16 clearance, as described in subsection (d-1) of Section
17 11-1201 of this Code.

18 (2) Duration of disqualification for railroad-highway
19 grade crossing violation.

20 (i) First violation. A driver must be disqualified
21 from operating a commercial motor vehicle for not less
22 than 60 days if the driver is convicted of a violation
23 described in paragraph (1) of this subsection (j) and,
24 in the three-year period preceding the conviction, the
25 driver had no convictions for a violation described in
26 paragraph (1) of this subsection (j).

1 (ii) Second violation. A driver must be
2 disqualified from operating a commercial motor vehicle
3 for not less than 120 days if the driver is convicted
4 of a violation described in paragraph (1) of this
5 subsection (j) and, in the three-year period preceding
6 the conviction, the driver had one other conviction for
7 a violation described in paragraph (1) of this
8 subsection (j) that was committed in a separate
9 incident.

10 (iii) Third or subsequent violation. A driver must
11 be disqualified from operating a commercial motor
12 vehicle for not less than one year if the driver is
13 convicted of a violation described in paragraph (1) of
14 this subsection (j) and, in the three-year period
15 preceding the conviction, the driver had 2 or more
16 other convictions for violations described in
17 paragraph (1) of this subsection (j) that were
18 committed in separate incidents.

19 (k) Upon notification of a disqualification of a driver's
20 commercial motor vehicle privileges imposed by the U.S.
21 Department of Transportation, Federal Motor Carrier Safety
22 Administration, in accordance with 49 C.F.R. 383.52, the
23 Secretary of State shall immediately record to the driving
24 record the notice of disqualification and confirm to the driver
25 the action that has been taken.

26 (1) A foreign commercial driver is subject to

1 disqualification under this Section.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
3 98-122, eff. 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of
4 P.A. 98-722 for the effective date of changes made by P.A.
5 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14; 98-1172,
6 eff. 1-12-15.)

7 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

9 (a) Any person driving a commercial motor vehicle who is
10 requested by a police officer, pursuant to Section 6-516, to
11 submit to a chemical test or tests to determine the alcohol
12 concentration or any amount of a drug, substance, or compound
13 resulting from the unlawful use or consumption of cannabis
14 listed in the Cannabis Control Act, a controlled substance
15 listed in the Illinois Controlled Substances Act, an
16 intoxicating compound listed in the Use of Intoxicating
17 Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act in such
19 person's system, must be warned by the police officer
20 requesting the test or tests that a refusal to submit to the
21 test or tests will result in that person being immediately
22 placed out-of-service for a period of 24 hours and being
23 disqualified from operating a commercial motor vehicle for a
24 period of not less than 12 months; the person shall also be
25 warned that if such person submits to testing which discloses

1 an alcohol concentration of greater than 0.00 but less than
2 0.04 or any amount of a drug, substance, or compound in such
3 person's blood, other bodily substance, or urine resulting from
4 the unlawful use or consumption of cannabis listed in the
5 Cannabis Control Act, a controlled substance listed in the
6 Illinois Controlled Substances Act, an intoxicating compound
7 listed in the Use of Intoxicating Compounds Act, or
8 methamphetamine as listed in the Methamphetamine Control and
9 Community Protection Act, such person shall be placed
10 immediately out-of-service for a period of 24 hours; if the
11 person submits to testing which discloses an alcohol
12 concentration of 0.04 or more or any amount of a drug,
13 substance, or compound in such person's blood, other bodily
14 substance, or urine resulting from the unlawful use or
15 consumption of cannabis listed in the Cannabis Control Act, a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, such
20 person shall be placed immediately out-of-service and
21 disqualified from driving a commercial motor vehicle for a
22 period of at least 12 months; also the person shall be warned
23 that if such testing discloses an alcohol concentration of
24 0.08, or more or any amount of a drug, substance, or compound
25 in such person's blood, other bodily substance, or urine
26 resulting from the unlawful use or consumption of cannabis

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

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

20 (b) If the person refuses or fails to complete testing, or
21 submits to a test which discloses an alcohol concentration of
22 at least 0.04, or any amount of a drug, substance, or compound
23 in such person's blood, other bodily substance, or urine
24 resulting from the unlawful use or consumption of cannabis
25 listed in the Cannabis Control Act, a controlled substance
26 listed in the Illinois Controlled Substances Act, an

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

18 (c) The police officer submitting the Sworn Report under
19 this Section shall serve notice of the CDL disqualification on
20 the person and such CDL disqualification shall be effective as
21 provided in paragraph (d). In cases where the blood alcohol
22 concentration of 0.04 or more, or any amount of a drug,
23 substance, or compound in such person's blood, other bodily
24 substance, or urine resulting from the unlawful use or
25 consumption of cannabis listed in the Cannabis Control Act, a
26 controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act, is
4 established by subsequent analysis of blood, other bodily
5 substance, or urine collected at the time of the request, the
6 police officer shall give notice as provided in this Section or
7 by deposit in the United States mail of such notice as provided
8 in this Section or by deposit in the United States mail of such
9 notice in an envelope with postage prepaid and addressed to
10 such person's domiciliary address as shown on the Sworn Report
11 and the CDL disqualification shall begin as provided in
12 paragraph (d).

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

16 (e) Upon receipt of the Sworn Report from the police
17 officer, the Secretary of State shall disqualify the person
18 from driving any commercial motor vehicle and shall confirm the
19 CDL disqualification by mailing the notice of the effective
20 date to the person. However, should the Sworn Report be
21 defective by not containing sufficient information or be
22 completed in error, the confirmation of the CDL
23 disqualification shall not be mailed to the affected person or
24 entered into the record, instead the Sworn Report shall be
25 forwarded to the issuing agency identifying any such defect.

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

1 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

2 Sec. 11-401. Motor vehicle accidents involving death or
3 personal injuries.

4 (a) The driver of any vehicle involved in a motor vehicle
5 accident resulting in personal injury to or death of any person
6 shall immediately stop such vehicle at the scene of such
7 accident, or as close thereto as possible and shall then
8 forthwith return to, and in every event shall remain at the
9 scene of the accident until the requirements of Section 11-403
10 have been fulfilled. Every such stop shall be made without
11 obstructing traffic more than is necessary.

12 (b) Any person who has failed to stop or to comply with the
13 requirements of paragraph (a) shall, as soon as possible but in
14 no case later than one-half hour after such motor vehicle
15 accident, or, if hospitalized and incapacitated from reporting
16 at any time during such period, as soon as possible but in no
17 case later than one-half hour after being discharged from the
18 hospital, report the place of the accident, the date, the
19 approximate time, the driver's name and address, the
20 registration number of the vehicle driven, and the names of all
21 other occupants of such vehicle, at a police station or
22 sheriff's office near the place where such accident occurred.
23 No report made as required under this paragraph shall be used,
24 directly or indirectly, as a basis for the prosecution of any
25 violation of paragraph (a).

1 (b-1) Any person arrested for violating this Section is
2 subject to chemical testing of his or her blood, breath, other
3 bodily substance, or urine for the presence of alcohol, other
4 drug or drugs, intoxicating compound or compounds, or any
5 combination thereof, as provided in Section 11-501.1, if the
6 testing occurs within 12 hours of the time of the occurrence of
7 the accident that led to his or her arrest. The person's
8 driving privileges are subject to statutory summary suspension
9 under Section 11-501.1 if he or she fails testing or statutory
10 summary revocation under Section 11-501.1 if he or she refuses
11 to undergo the testing.

12 For purposes of this Section, personal injury shall mean
13 any injury requiring immediate professional treatment in a
14 medical facility or doctor's office.

15 (c) Any person failing to comply with paragraph (a) shall
16 be guilty of a Class 4 felony.

17 (d) Any person failing to comply with paragraph (b) is
18 guilty of a Class 2 felony if the motor vehicle accident does
19 not result in the death of any person. Any person failing to
20 comply with paragraph (b) when the accident results in the
21 death of any person is guilty of a Class 1 felony.

22 (e) The Secretary of State shall revoke the driving
23 privilege of any person convicted of a violation of this
24 Section.

25 (Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)

1 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

2 Sec. 11-500. Definitions. For the purposes of interpreting
3 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
4 shall mean any person who has not had a previous conviction or
5 court assigned supervision for violating Section 11-501, or a
6 similar provision of a local ordinance, or a conviction in any
7 other state for a violation of driving while under the
8 influence or a similar offense where the cause of action is the
9 same or substantially similar to this Code or similar offenses
10 committed on a military installation, or any person who has not
11 had a driver's license suspension pursuant to paragraph 6 of
12 subsection (a) of Section 6-206 as the result of refusal of
13 chemical testing in another state, or any person who has not
14 had a driver's license suspension or revocation for violating
15 Section 11-501.1 within 5 years prior to the date of the
16 current offense, except in cases where the driver submitted to
17 chemical testing resulting in an alcohol concentration of 0.08
18 or more, or any amount of a drug, substance, or compound in
19 such person's blood, other bodily substance, or urine resulting
20 from the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act, or
24 methamphetamine as listed in the Methamphetamine Control and
25 Community Protection Act and was subsequently found not guilty
26 of violating Section 11-501, or a similar provision of a local

1 ordinance.

2 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
3 96-1344, eff. 7-1-11.)

4 (625 ILCS 5/11-500.1)

5 Sec. 11-500.1. Immunity.

6 (a) A person authorized under this Article to withdraw
7 blood or collect urine or other bodily substance shall not be
8 civilly liable for damages when the person, in good faith,
9 withdraws blood or collects urine or other bodily substance for
10 evidentiary purposes under this Code, upon the request of a law
11 enforcement officer, unless the act is performed in a willful
12 and wanton manner.

13 (b) As used in this Section, "willful and wanton manner"
14 means a course of action that shows an actual or deliberate
15 intention to cause harm or which, if not intentional, shows an
16 utter indifference to or conscious disregard for the health or
17 safety of another.

18 (Source: P.A. 89-689, eff. 12-31-96.)

19 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

20 Sec. 11-501. Driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof.

23 (a) A person shall not drive or be in actual physical
24 control of any vehicle within this State while:

1 (1) the alcohol concentration in the person's blood,
2 other bodily substance, or breath is 0.08 or more based on
3 the definition of blood and breath units in Section
4 11-501.2;

5 (2) under the influence of alcohol;

6 (3) under the influence of any intoxicating compound or
7 combination of intoxicating compounds to a degree that
8 renders the person incapable of driving safely;

9 (4) under the influence of any other drug or
10 combination of drugs to a degree that renders the person
11 incapable of safely driving;

12 (5) under the combined influence of alcohol, other drug
13 or drugs, or intoxicating compound or compounds to a degree
14 that renders the person incapable of safely driving; ~~or~~

15 (6) there is any amount of a drug, substance, or
16 compound in the person's breath, blood, other bodily
17 substance, or urine resulting from the unlawful use or
18 consumption of ~~cannabis listed in the Cannabis Control Act,~~
19 a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use
21 of Intoxicating Compounds Act, or methamphetamine as
22 listed in the Methamphetamine Control and Community
23 Protection Act; or

24 (7) the person has, within 2 hours of driving or being
25 in actual physical control of a vehicle, a
26 tetrahydrocannabinol concentration in the person's whole

1 blood or other bodily substance as defined in paragraph 6
2 of subsection (a) of Section 11-501.2. Subject to all other
3 requirements and provisions under this Section, this
4 paragraph (7) ~~(6)~~ does not apply to the lawful consumption
5 of cannabis by a qualifying patient licensed under the
6 Compassionate Use of Medical Cannabis Pilot Program Act who
7 is in possession of a valid registry card issued under that
8 Act, unless that person is impaired by the use of cannabis.

9 (b) The fact that any person charged with violating this
10 Section is or has been legally entitled to use alcohol,
11 cannabis under the Compassionate Use of Medical Cannabis Pilot
12 Program Act, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof, shall not constitute a
14 defense against any charge of violating this Section.

15 (c) Penalties.

16 (1) Except as otherwise provided in this Section, any
17 person convicted of violating subsection (a) of this
18 Section is guilty of a Class A misdemeanor.

19 (2) A person who violates subsection (a) or a similar
20 provision a second time shall be sentenced to a mandatory
21 minimum term of either 5 days of imprisonment or 240 hours
22 of community service in addition to any other criminal or
23 administrative sanction.

24 (3) A person who violates subsection (a) is subject to
25 6 months of imprisonment, an additional mandatory minimum
26 fine of \$1,000, and 25 days of community service in a

1 program benefiting children if the person was transporting
2 a person under the age of 16 at the time of the violation.

3 (4) A person who violates subsection (a) a first time,
4 if the alcohol concentration in his or her blood, breath,
5 other bodily substance, or urine was 0.16 or more based on
6 the definition of blood, breath, other bodily substance, or
7 urine units in Section 11-501.2, shall be subject, in
8 addition to any other penalty that may be imposed, to a
9 mandatory minimum of 100 hours of community service and a
10 mandatory minimum fine of \$500.

11 (5) A person who violates subsection (a) a second time,
12 if at the time of the second violation the alcohol
13 concentration in his or her blood, breath, other bodily
14 substance, or urine was 0.16 or more based on the
15 definition of blood, breath, other bodily substance, or
16 urine units in Section 11-501.2, shall be subject, in
17 addition to any other penalty that may be imposed, to a
18 mandatory minimum of 2 days of imprisonment and a mandatory
19 minimum fine of \$1,250.

20 (d) Aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof.

23 (1) Every person convicted of committing a violation of
24 this Section shall be guilty of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of subsection
3 (a) or a similar provision for the third or subsequent
4 time;

5 (B) the person committed a violation of subsection
6 (a) while driving a school bus with one or more
7 passengers on board;

8 (C) the person in committing a violation of
9 subsection (a) was involved in a motor vehicle accident
10 that resulted in great bodily harm or permanent
11 disability or disfigurement to another, when the
12 violation was a proximate cause of the injuries. This
13 subparagraph (C) does not apply unless the person was
14 impaired at the time of the violation and the
15 impairment was a proximate cause of the injuries;

16 (D) the person committed a violation of subsection
17 (a) and has been previously convicted of violating
18 Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 or a similar provision of a law
20 of another state relating to reckless homicide in which
21 the person was determined to have been under the
22 influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds as an element of the
24 offense or the person has previously been convicted
25 under subparagraph (C) or subparagraph (F) of this
26 paragraph (1);

1 (E) the person, in committing a violation of
2 subsection (a) while driving at any speed in a school
3 speed zone at a time when a speed limit of 20 miles per
4 hour was in effect under subsection (a) of Section
5 11-605 of this Code, was involved in a motor vehicle
6 accident that resulted in bodily harm, other than great
7 bodily harm or permanent disability or disfigurement,
8 to another person, when the violation of subsection (a)
9 was a proximate cause of the bodily harm;

10 (F) the person, in committing a violation of
11 subsection (a), was involved in a motor vehicle,
12 snowmobile, all-terrain vehicle, or watercraft
13 accident that resulted in the death of another person,
14 when the violation of subsection (a) was a proximate
15 cause of the death. This subparagraph (F) does not
16 apply unless the person was impaired at the time of the
17 violation and the impairment was a proximate cause of
18 the death;

19 (G) the person committed a violation of subsection
20 (a) during a period in which the defendant's driving
21 privileges are revoked or suspended, where the
22 revocation or suspension was for a violation of
23 subsection (a) or a similar provision, Section
24 11-501.1, paragraph (b) of Section 11-401, or for
25 reckless homicide as defined in Section 9-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

1 (H) the person committed the violation while he or
2 she did not possess a driver's license or permit or a
3 restricted driving permit or a judicial driving permit
4 or a monitoring device driving permit;

5 (I) the person committed the violation while he or
6 she knew or should have known that the vehicle he or
7 she was driving was not covered by a liability
8 insurance policy;

9 (J) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle accident
11 that resulted in bodily harm, but not great bodily
12 harm, to the child under the age of 16 being
13 transported by the person, if the violation was the
14 proximate cause of the injury;

15 (K) the person in committing a second violation of
16 subsection (a) or a similar provision was transporting
17 a person under the age of 16; or

18 (L) the person committed a violation of subsection
19 (a) of this Section while transporting one or more
20 passengers in a vehicle for-hire.

21 (2) (A) Except as provided otherwise, a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony.

26 (B) A third violation of this Section or a similar

1 provision is a Class 2 felony. If at the time of the third
2 violation the alcohol concentration in his or her blood,
3 breath, other bodily substance, or urine was 0.16 or more
4 based on the definition of blood, breath, other bodily
5 substance, or urine units in Section 11-501.2, a mandatory
6 minimum of 90 days of imprisonment and a mandatory minimum
7 fine of \$2,500 shall be imposed in addition to any other
8 criminal or administrative sanction. If at the time of the
9 third violation, the defendant was transporting a person
10 under the age of 16, a mandatory fine of \$25,000 and 25
11 days of community service in a program benefiting children
12 shall be imposed in addition to any other criminal or
13 administrative sanction.

14 (C) A fourth violation of this Section or a similar
15 provision is a Class 2 felony, for which a sentence of
16 probation or conditional discharge may not be imposed. If
17 at the time of the violation, the alcohol concentration in
18 the defendant's blood, breath, other bodily substance, or
19 urine was 0.16 or more based on the definition of blood,
20 breath, other bodily substance, or urine units in Section
21 11-501.2, a mandatory minimum fine of \$5,000 shall be
22 imposed in addition to any other criminal or administrative
23 sanction. If at the time of the fourth violation, the
24 defendant was transporting a person under the age of 16 a
25 mandatory fine of \$25,000 and 25 days of community service
26 in a program benefiting children shall be imposed in

1 addition to any other criminal or administrative sanction.

2 (D) A fifth violation of this Section or a similar
3 provision is a Class 1 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, other bodily substance, or
7 urine was 0.16 or more based on the definition of blood,
8 breath, other bodily substance, or urine units in Section
9 11-501.2, a mandatory minimum fine of \$5,000 shall be
10 imposed in addition to any other criminal or administrative
11 sanction. If at the time of the fifth violation, the
12 defendant was transporting a person under the age of 16, a
13 mandatory fine of \$25,000, and 25 days of community service
14 in a program benefiting children shall be imposed in
15 addition to any other criminal or administrative sanction.

16 (E) A sixth or subsequent violation of this Section or
17 similar provision is a Class X felony. If at the time of
18 the violation, the alcohol concentration in the
19 defendant's blood, breath, other bodily substance, or
20 urine was 0.16 or more based on the definition of blood,
21 breath, other bodily substance, or urine units in Section
22 11-501.2, a mandatory minimum fine of \$5,000 shall be
23 imposed in addition to any other criminal or administrative
24 sanction. If at the time of the violation, the defendant
25 was transporting a person under the age of 16, a mandatory
26 fine of \$25,000 and 25 days of community service in a

1 program benefiting children shall be imposed in addition to
2 any other criminal or administrative sanction.

3 (F) For a violation of subparagraph (C) of paragraph
4 (1) of this subsection (d), the defendant, if sentenced to
5 a term of imprisonment, shall be sentenced to not less than
6 one year nor more than 12 years.

7 (G) A violation of subparagraph (F) of paragraph (1) of
8 this subsection (d) is a Class 2 felony, for which the
9 defendant, unless the court determines that extraordinary
10 circumstances exist and require probation, shall be
11 sentenced to: (i) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (ii) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons.

16 (H) For a violation of subparagraph (J) of paragraph
17 (1) of this subsection (d), a mandatory fine of \$2,500, and
18 25 days of community service in a program benefiting
19 children shall be imposed in addition to any other criminal
20 or administrative sanction.

21 (I) A violation of subparagraph (K) of paragraph (1) of
22 this subsection (d), is a Class 2 felony and a mandatory
23 fine of \$2,500, and 25 days of community service in a
24 program benefiting children shall be imposed in addition to
25 any other criminal or administrative sanction. If the child
26 being transported suffered bodily harm, but not great

1 bodily harm, in a motor vehicle accident, and the violation
2 was the proximate cause of that injury, a mandatory fine of
3 \$5,000 and 25 days of community service in a program
4 benefiting children shall be imposed in addition to any
5 other criminal or administrative sanction.

6 (J) A violation of subparagraph (D) of paragraph (1) of
7 this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

10 (3) Any person sentenced under this subsection (d) who
11 receives a term of probation or conditional discharge must
12 serve a minimum term of either 480 hours of community
13 service or 10 days of imprisonment as a condition of the
14 probation or conditional discharge in addition to any other
15 criminal or administrative sanction.

16 (e) Any reference to a prior violation of subsection (a) or
17 a similar provision includes any violation of a provision of a
18 local ordinance or a provision of a law of another state or an
19 offense committed on a military installation that is similar to
20 a violation of subsection (a) of this Section.

21 (f) The imposition of a mandatory term of imprisonment or
22 assignment of community service for a violation of this Section
23 shall not be suspended or reduced by the court.

24 (g) Any penalty imposed for driving with a license that has
25 been revoked for a previous violation of subsection (a) of this
26 Section shall be in addition to the penalty imposed for any

1 subsequent violation of subsection (a).

2 (h) For any prosecution under this Section, a certified
3 copy of the driving abstract of the defendant shall be admitted
4 as proof of any prior conviction.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
6 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

7 (625 ILCS 5/11-501.1)

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

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

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

1 (a-5) (Blank).

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

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

1 alcohol concentration in the person's blood, other bodily
2 substance, or breath is 0.08 or greater, or testing discloses
3 the presence of cannabis as listed in the Cannabis Control Act
4 with a tetrahydrocannabinol concentration as defined in
5 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,
6 or any amount of a drug, substance, or compound resulting from
7 the unlawful use or consumption of ~~cannabis as covered by the~~
8 ~~Cannabis Control Act,~~ a controlled substance listed in the
9 Illinois Controlled Substances Act, an intoxicating compound
10 listed in the Use of Intoxicating Compounds Act, or
11 methamphetamine as listed in the Methamphetamine Control and
12 Community Protection Act is detected in the person's blood,
13 other bodily substance, or urine, a statutory summary
14 suspension of the person's privilege to operate a motor
15 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
16 Code, will be imposed. If the person is also a CDL holder, he
17 or she shall be warned by the law enforcement officer that if
18 the person submits to the test or tests provided in paragraph
19 (a) of this Section and the alcohol concentration in the
20 person's blood, other bodily substance, or breath is 0.08 or
21 greater, or any amount of a drug, substance, or compound
22 resulting from the unlawful use or consumption of cannabis as
23 covered by the Cannabis Control Act, a controlled substance
24 listed in the Illinois Controlled Substances Act, an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act is
2 detected in the person's blood, other bodily substance, or
3 urine, ~~and~~ a disqualification of the person's privilege to
4 operate a commercial motor vehicle, as provided in Section
5 6-514 of this Code, ~~if the person is a CDL holder,~~ will be
6 imposed.

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

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of 0.08 or more, or testing
2 discloses the presence of cannabis as listed in the Cannabis
3 Control Act with a tetrahydrocannabinol concentration as
4 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
5 this Code, or any amount of a drug, substance, or intoxicating
6 compound in the person's breath, blood, other bodily substance,
7 or urine resulting from the unlawful use or consumption of
8 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
9 substance listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, the law
13 enforcement officer shall immediately submit a sworn report to
14 the circuit court of venue and the Secretary of State,
15 certifying that the test or tests was or were requested under
16 paragraph (a) and the person refused to submit to a test, or
17 tests, or submitted to testing that disclosed an alcohol
18 concentration of 0.08 or more, testing discloses the presence
19 of cannabis as listed in the Cannabis Control Act with a
20 tetrahydrocannabinol concentration as defined in paragraph 6
21 of subsection (a) of Section 11-501.2 of this Code, or any
22 amount of a drug, substance, or intoxicating compound in the
23 person's breath, blood, other bodily substance, or urine
24 resulting from the unlawful use or consumption of a controlled
25 substance listed in the Illinois Controlled Substances Act, an
26 intoxicating compound listed in the Use of Intoxicating

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

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

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

24 (f) The law enforcement officer submitting the sworn report
25 under paragraph (d) shall serve immediate notice of the
26 statutory summary suspension or revocation on the person and

1 the suspension or revocation and disqualification shall be
2 effective as provided in paragraph (g).

3 (1) In cases involving a person who is not a CDL holder
4 where the blood alcohol concentration of 0.08 or greater or
5 any amount of a drug, substance, or compound resulting from
6 the unlawful use or consumption of ~~cannabis as covered by~~
7 ~~the Cannabis Control Act,~~ a controlled substance listed in
8 the Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act is established by a
12 subsequent analysis of blood, other bodily substance, or
13 urine or analysis of whole blood or other bodily substance
14 establishes a tetrahydrocannabinol concentration as
15 defined in paragraph 6 of subsection (a) of Section
16 11-501.2 of this Code, collected at the time of arrest, the
17 arresting officer or arresting agency shall give notice as
18 provided in this Section or by deposit in the United States
19 mail of the notice in an envelope with postage prepaid and
20 addressed to the person at his or her address as shown on
21 the Uniform Traffic Ticket and the statutory summary
22 suspension ~~and disqualification~~ shall begin as provided in
23 paragraph (g).

24 (1.3) In cases involving a person who is a CDL holder
25 where the blood alcohol concentration of 0.08 or greater or
26 any amount of a drug, substance, or compound resulting from

1 the unlawful use or consumption of cannabis as covered by
2 the Cannabis Control Act, a controlled substance listed in
3 the Illinois Controlled Substances Act, an intoxicating
4 compound listed in the Use of Intoxicating Compounds Act,
5 or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act is established by a
7 subsequent analysis of blood, other bodily substance, or
8 urine collected at the time of arrest, the arresting
9 officer or arresting agency shall give notice as provided
10 in this Section or by deposit in the United States mail of
11 the notice in an envelope with postage prepaid and
12 addressed to the person at his or her address as shown on
13 the Uniform Traffic Ticket and the statutory summary
14 suspension and disqualification shall begin as provided in
15 paragraph (g).

16 (1.5) The officer shall confiscate any Illinois
17 driver's license or permit on the person at the time of
18 arrest. If the person has a valid driver's license or
19 permit, the officer shall issue the person a receipt, in a
20 form prescribed by the Secretary of State, that will allow
21 that person to drive during the periods provided for in
22 paragraph (g). The officer shall immediately forward the
23 driver's license or permit to the circuit court of venue
24 along with the sworn report provided for in paragraph (d).

25 (2) (Blank).

26 (g) The statutory summary suspension or revocation and

1 disqualification referred to in this Section shall take effect
2 on the 46th day following the date the notice of the statutory
3 summary suspension or revocation was given to the person.

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

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

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

1 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
2 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.
3 1-12-15.)

4 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

5 Sec. 11-501.2. Chemical and other tests.

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

16 1. Chemical analyses of the person's blood, urine,
17 breath, or other bodily substance to be considered valid
18 under the provisions of this Section shall have been
19 performed according to standards promulgated by the
20 Department of State Police by a licensed physician,
21 registered nurse, trained phlebotomist, licensed
22 paramedic, or other individual possessing a valid permit
23 issued by that Department for this purpose. The Director of
24 State Police is authorized to approve satisfactory
25 techniques or methods, to ascertain the qualifications and

1 competence of individuals to conduct such analyses, to
2 issue permits which shall be subject to termination or
3 revocation at the discretion of that Department and to
4 certify the accuracy of breath testing equipment. The
5 Department of State Police shall prescribe regulations as
6 necessary to implement this Section.

7 2. When a person in this State shall submit to a blood
8 test at the request of a law enforcement officer under the
9 provisions of Section 11-501.1, only a physician
10 authorized to practice medicine, a licensed physician
11 assistant, a licensed advanced practice nurse, a
12 registered nurse, trained phlebotomist, or licensed
13 paramedic, or other qualified person approved by the
14 Department of State Police may withdraw blood for the
15 purpose of determining the alcohol, drug, or alcohol and
16 drug content therein. This limitation shall not apply to
17 the taking of breath, other bodily substance, or urine
18 specimens.

19 When a blood test of a person who has been taken to an
20 adjoining state for medical treatment is requested by an
21 Illinois law enforcement officer, the blood may be
22 withdrawn only by a physician authorized to practice
23 medicine in the adjoining state, a licensed physician
24 assistant, a licensed advanced practice nurse, a
25 registered nurse, a trained phlebotomist acting under the
26 direction of the physician, or licensed paramedic. The law

1 enforcement officer requesting the test shall take custody
2 of the blood sample, and the blood sample shall be analyzed
3 by a laboratory certified by the Department of State Police
4 for that purpose.

5 3. The person tested may have a physician, or a
6 qualified technician, chemist, registered nurse, or other
7 qualified person of their own choosing administer a
8 chemical test or tests in addition to any administered at
9 the direction of a law enforcement officer. The failure or
10 inability to obtain an additional test by a person shall
11 not preclude the admission of evidence relating to the test
12 or tests taken at the direction of a law enforcement
13 officer.

14 4. Upon the request of the person who shall submit to a
15 chemical test or tests at the request of a law enforcement
16 officer, full information concerning the test or tests
17 shall be made available to the person or such person's
18 attorney.

19 5. Alcohol concentration shall mean either grams of
20 alcohol per 100 milliliters of blood or grams of alcohol
21 per 210 liters of breath.

22 6. Tetrahydrocannabinol concentration means either 15
23 nanograms or more of delta-9-tetrahydrocannabinol per
24 milliliter of whole blood or 25 nanograms or more of
25 delta-9-tetrahydrocannabinol per milliliter of other
26 bodily substance.

1 (a-5) Law enforcement officials may use standardized field
2 sobriety tests approved by the National Highway Traffic Safety
3 Administration when conducting investigations of a violation
4 of Section 11-501 or similar local ordinance by drivers
5 suspected of driving under the influence of cannabis. The
6 General Assembly finds that standardized field sobriety tests
7 approved by the National Highway Traffic Safety Administration
8 are divided attention tasks that are intended to determine if a
9 person is under the influence of cannabis. The purpose of these
10 tests is to determine the effect of the use of cannabis on a
11 person's capacity to think and act with ordinary care and
12 therefore operate a motor vehicle safely. Therefore, the
13 results of these standardized field sobriety tests,
14 appropriately administered, shall be admissible in the trial of
15 any civil or criminal action or proceeding arising out of an
16 arrest for a cannabis-related offense as defined in Section
17 11-501 or a similar local ordinance or proceedings under
18 Section 2-118.1 or 2-118.2. Where a test is made the following
19 provisions shall apply:

20 1. The person tested may have a physician, or a
21 qualified technician, chemist, registered nurse, or other
22 qualified person of their own choosing administer a
23 chemical test or tests in addition to the standardized
24 field sobriety test or tests administered at the direction
25 of a law enforcement officer. The failure or inability to
26 obtain an additional test by a person does not preclude the

1 admission of evidence relating to the test or tests taken
2 at the direction of a law enforcement officer.

3 2. Upon the request of the person who shall submit to a
4 standardized field sobriety test or tests at the request of
5 a law enforcement officer, full information concerning the
6 test or tests shall be made available to the person or the
7 person's attorney.

8 3. At the trial of any civil or criminal action or
9 proceeding arising out of an arrest for an offense as
10 defined in Section 11-501 or a similar local ordinance or
11 proceedings under Section 2-118.1 or 2-118.2 in which the
12 results of these standardized field sobriety tests are
13 admitted, the cardholder may present and the trier of fact
14 may consider evidence that the card holder lacked the
15 physical capacity to perform the standardized field
16 sobriety tests.

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

25 1. If there was at that time an alcohol concentration
26 of 0.05 or less, it shall be presumed that the person was

1 not under the influence of alcohol.

2 2. If there was at that time an alcohol concentration
3 in excess of 0.05 but less than 0.08, such facts shall not
4 give rise to any presumption that the person was or was not
5 under the influence of alcohol, but such fact may be
6 considered with other competent evidence in determining
7 whether the person was under the influence of alcohol.

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

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

15 (b-5) Upon the trial of any civil or criminal action or
16 proceeding arising out of acts alleged to have been committed
17 by any person while driving or in actual physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds or any combination
20 thereof, the concentration of cannabis in the person's whole
21 blood or other bodily substance at the time alleged as shown by
22 analysis of the person's blood or other bodily substance shall
23 give rise to the following presumptions:

24 1. If there was a tetrahydrocannabinol concentration
25 of 15 nanograms or more in whole blood or 25 nanograms or
26 more in an other bodily substance as defined in this

1 Section, it shall be presumed that the person was under the
2 influence of cannabis.

3 2. If there was at that time a tetrahydrocannabinol
4 concentration of less than 15 nanograms in whole blood or
5 less than 25 nanograms in an other bodily substance, such
6 facts shall not give rise to any presumption that the
7 person was or was not under the influence of cannabis, but
8 such fact may be considered with other competent evidence
9 in determining whether the person was under the influence
10 of cannabis.

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

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

1 request, and that person shall submit, upon the request of a
2 law enforcement officer, to a chemical test or tests of his or
3 her blood, breath, other bodily substance, or urine for the
4 purpose of determining the alcohol content thereof or the
5 presence of any 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 (d) If a person refuses standardized field sobriety tests
17 under Section 11-501.9 of this Code, evidence of refusal shall
18 be admissible in any civil or criminal action or proceeding
19 arising out of acts committed while the person was driving or
20 in actual physical control of a vehicle and alleged to have
21 been impaired by the use of cannabis.

22 (e) Department of State Police compliance with the changes
23 in this amendatory Act of the 99th General Assembly concerning
24 testing of other bodily substances and tetrahydrocannabinol
25 concentration by Department of State Police laboratories is
26 subject to appropriation and until the Department of State

1 Police adopt standards and completion validation. Any
2 laboratories that test for the presence of cannabis or other
3 drugs under this Article, the Snowmobile Registration and
4 Safety Act, or the Boat Registration and Safety Act must comply
5 with ISO/IEC 17025:2005.

6 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
7 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
8 8-15-14; 98-1172, eff. 1-12-15.)

9 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

10 Sec. 11-501.4. Admissibility of chemical tests of blood,
11 other bodily substance, or urine conducted in the regular
12 course of providing emergency medical treatment.

13 (a) Notwithstanding any other provision of law, the results
14 of blood, other bodily substance, or urine tests performed for
15 the purpose of determining the content of alcohol, other drug
16 or drugs, or intoxicating compound or compounds, or any
17 combination thereof, of an individual's blood, other bodily
18 substance, or urine conducted upon persons receiving medical
19 treatment in a hospital emergency room are admissible in
20 evidence as a business record exception to the hearsay rule
21 only in prosecutions for any violation of Section 11-501 of
22 this Code or a similar provision of a local ordinance, or in
23 prosecutions for reckless homicide brought under the Criminal
24 Code of 1961 or the Criminal Code of 2012, when each of the
25 following criteria are met:

1 (1) the chemical tests performed upon an individual's
2 blood, other bodily substance, or urine were ordered in the
3 regular course of providing emergency medical treatment
4 and not at the request of law enforcement authorities;

5 (2) the chemical tests performed upon an individual's
6 blood, other bodily substance, or urine were performed by
7 the laboratory routinely used by the hospital; and

8 (3) results of chemical tests performed upon an
9 individual's blood, other bodily substance, or urine are
10 admissible into evidence regardless of the time that the
11 records were prepared.

12 (b) The confidentiality provisions of law pertaining to
13 medical records and medical treatment shall not be applicable
14 with regard to chemical tests performed upon an individual's
15 blood, other bodily substance, or urine under the provisions of
16 this Section in prosecutions as specified in subsection (a) of
17 this Section. No person shall be liable for civil damages as a
18 result of the evidentiary use of chemical testing of an
19 individual's blood, other bodily substance, or urine test
20 results under this Section, or as a result of that person's
21 testimony made available under this Section.

22 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

23 (625 ILCS 5/11-501.4-1)

24 Sec. 11-501.4-1. Reporting of test results of blood, other
25 bodily substance, or urine conducted in the regular course of

1 providing emergency medical treatment.

2 (a) Notwithstanding any other provision of law, the results
3 of blood, other bodily substance, or urine tests performed for
4 the purpose of determining the content of alcohol, other drug
5 or drugs, or intoxicating compound or compounds, or any
6 combination thereof, in an individual's blood, other bodily
7 substance, or urine conducted upon persons receiving medical
8 treatment in a hospital emergency room for injuries resulting
9 from a motor vehicle accident shall be disclosed to the
10 Department of State Police or local law enforcement agencies of
11 jurisdiction, upon request. Such blood, other bodily
12 substance, or urine tests are admissible in evidence as a
13 business record exception to the hearsay rule only in
14 prosecutions for any violation of Section 11-501 of this Code
15 or a similar provision of a local ordinance, or in prosecutions
16 for reckless homicide brought under the Criminal Code of 1961
17 or the Criminal Code of 2012.

18 (b) The confidentiality provisions of law pertaining to
19 medical records and medical treatment shall not be applicable
20 with regard to tests performed upon an individual's blood,
21 other bodily substance, or urine under the provisions of
22 subsection (a) of this Section. No person shall be liable for
23 civil damages or professional discipline as a result of the
24 disclosure or reporting of the tests or the evidentiary use of
25 an individual's blood, other bodily substance, or urine test
26 results under this Section or Section 11-501.4 or as a result

1 of that person's testimony made available under this Section or
2 Section 11-501.4, except for willful or wanton misconduct.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

7 (a) Any person who drives or is in actual control of a
8 motor vehicle upon the public highways of this State and who
9 has been involved in a personal injury or fatal motor vehicle
10 accident, shall be deemed to have given consent to a breath
11 test using a portable device as approved by the Department of
12 State Police or to a chemical test or tests of blood, breath,
13 other bodily substance, or urine for the purpose of determining
14 the content of alcohol, other drug or drugs, or intoxicating
15 compound or compounds of such person's blood if arrested as
16 evidenced by the issuance of a Uniform Traffic Ticket for any
17 violation of the Illinois Vehicle Code or a similar provision
18 of a local ordinance, with the exception of equipment
19 violations contained in Chapter 12 of this Code, or similar
20 provisions of local ordinances. The test or tests shall be
21 administered at the direction of the arresting officer. The law
22 enforcement agency employing the officer shall designate which
23 of the aforesaid tests shall be administered. Up to 2
24 additional tests of ~~A~~ urine or other bodily substance ~~test~~ may
25 be administered even after a blood or breath test or both has

1 been administered. Compliance with this Section does not
2 relieve such person from the requirements of Section 11-501.1
3 of this Code.

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

19 (c) A person requested to submit to a test as provided
20 above shall be warned by the law enforcement officer requesting
21 the test that a refusal to submit to the test, or submission to
22 the test resulting in an alcohol concentration of 0.08 or more,
23 or testing discloses the presence of cannabis as listed in the
24 Cannabis Control Act with a tetrahydrocannabinol concentration
25 as defined in paragraph 6 of subsection (a) of Section 11-501.2
26 of this Code, or any amount of a drug, substance, or

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

1 (d) If the person refuses testing or submits to a test
2 which discloses an alcohol concentration of 0.08 or more, the
3 presence of cannabis as listed in the Cannabis Control Act with
4 a tetrahydrocannabinol concentration as defined in paragraph 6
5 of subsection (a) of Section 11-501.2 of this Code, or any
6 amount of a drug, substance, or intoxicating compound in such
7 person's blood, other bodily substance, or urine resulting from
8 the unlawful use or consumption of ~~cannabis listed in the~~
9 ~~Cannabis Control Act,~~ a controlled substance listed in the
10 Illinois Controlled Substances Act, an intoxicating compound
11 listed in the Use of Intoxicating Compounds Act, or
12 methamphetamine as listed in the Methamphetamine Control and
13 Community Protection Act, the law enforcement officer shall
14 immediately submit a sworn report to the Secretary of State on
15 a form prescribed by the Secretary, certifying that the test or
16 tests were requested under ~~pursuant to~~ subsection (a) and the
17 person refused to submit to a test or tests or submitted to
18 testing which disclosed an alcohol concentration of 0.08 or
19 more, the presence of cannabis as listed in the Cannabis
20 Control Act with a tetrahydrocannabinol concentration as
21 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
22 this Code, or any amount of a drug, substance, or intoxicating
23 compound in such person's blood, other bodily substance, or
24 urine, resulting from the unlawful use or consumption of
25 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
26 substance listed in the Illinois Controlled Substances Act, an

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

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary shall enter the suspension and
2 disqualification to 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.

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

10 In cases involving a person who is not a CDL holder where
11 the blood alcohol concentration of 0.08 or more, or blood
12 testing discloses the presence of cannabis as listed in the
13 Cannabis Control Act with a tetrahydrocannabinol concentration
14 as defined in paragraph 6 of subsection (a) of Section 11-501.2
15 of this Code, or any amount of a drug, substance, or
16 intoxicating compound resulting from the unlawful use or
17 consumption of ~~cannabis as listed in the Cannabis Control Act,~~
18 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, other bodily
23 substance, or urine collected at the time of arrest, the
24 arresting officer shall give notice as provided in this Section
25 or by deposit in the United States mail of such notice in an
26 envelope with postage prepaid and addressed to such person at

1 his or her address as shown on the Uniform Traffic Ticket and
2 the suspension ~~and disqualification~~ shall be effective on the
3 46th day following the date notice was given.

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

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

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

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

24 (f) (Blank).

25 (g) For the purposes of this Section, a personal injury
26 shall include any type A injury as indicated on the traffic

1 accident report completed by a law enforcement officer that
2 requires immediate professional attention in either a doctor's
3 office or a medical facility. A type A injury shall include
4 severely bleeding wounds, distorted extremities, and injuries
5 that require the injured party to be carried from the scene.

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

8 (625 ILCS 5/11-501.8)

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

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

1 administered. Up to 2 additional tests of A urine or other
2 bodily substance ~~test~~ may be administered even after a blood or
3 breath test or both has been administered.

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

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

23 (ii) When a person submits to a blood test at the
24 request of a law enforcement officer under the provisions
25 of this Section, only a physician authorized to practice
26 medicine, a licensed physician assistant, a licensed

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

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

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

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

23 (vi) If a driver is receiving medical treatment as a
24 result of a motor vehicle accident, a physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice nurse, registered nurse, or other

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

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

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

1 shall submit the same sworn report when a person under the age
2 of 21 submits to testing under Section 11-501.1 of this Code
3 and the testing discloses an alcohol concentration of more than
4 0.00 and less than 0.08.

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

25 The law enforcement officer submitting the sworn report
26 shall serve immediate notice of this suspension on the person

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

3 In cases where the blood alcohol concentration of more than
4 0.00 is established by a subsequent analysis of blood, other
5 bodily substance, or urine, the police officer or arresting
6 agency shall give notice as provided in this Section or by
7 deposit in the United States mail of that notice in an envelope
8 with postage prepaid and addressed to that person at his last
9 known address and the loss of driving privileges shall be
10 effective on the 46th day following the date notice was given.

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

21 (e) A driver may contest this suspension and
22 disqualification by requesting an administrative hearing with
23 the Secretary of State in accordance with Section 2-118 of this
24 Code. An individual whose blood alcohol concentration is shown
25 to be more than 0.00 is not subject to this Section if he or she
26 consumed alcohol in the performance of a religious service or

1 ceremony. An individual whose blood alcohol concentration is
2 shown to be more than 0.00 shall not be subject to this Section
3 if the individual's blood alcohol concentration resulted only
4 from ingestion of the prescribed or recommended dosage of
5 medicine that contained alcohol. The petition for that hearing
6 shall not stay or delay the effective date of the impending
7 suspension. The scope of this hearing shall be limited to the
8 issues of:

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

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

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

24 (4) whether the person, after being advised by the
25 officer that the privilege to operate a motor vehicle would
26 be suspended if the person refused to submit to and

1 complete the test or tests, did refuse to submit to or
2 complete the test or tests to determine the person's
3 alcohol concentration; and

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

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

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

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

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

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

21 (g) This Section applies only to drivers who are under age
22 21 at the time of the issuance of a Uniform Traffic Ticket for
23 a violation of the Illinois Vehicle Code or a similar provision
24 of a local ordinance, and a chemical test request is made under
25 this Section.

26 (h) The action of the Secretary of State in suspending,

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

8 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
9 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

10 (625 ILCS 5/11-507)

11 Sec. 11-507. Supervising a minor driver while under the
12 influence of alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof.

14 (a) A person shall not accompany or provide instruction,
15 pursuant to subsection (a) of Section 6-107.1 of this Code, to
16 a driver who is a minor and driving a motor vehicle pursuant to
17 an instruction permit under Section 6-107.1 of this Code,
18 while:

19 (1) the alcohol concentration in the person's blood, l
20 other bodily substance, or breath is 0.08 or more based on
21 the definition of blood and breath units in Section
22 11-501.2 of this Code;

23 (2) under the influence of alcohol;

24 (3) under the influence of any intoxicating compound or
25 combination of intoxicating compounds to a degree that

1 renders the person incapable of properly supervising or
2 providing instruction to the minor driver;

3 (4) under the influence of any other drug or
4 combination of drugs to a degree that renders the person
5 incapable of properly supervising or providing instruction
6 to the minor driver;

7 (5) under the combined influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds to a degree
9 that renders the person incapable of properly supervising
10 or providing instruction to the minor driver; or

11 (6) there is any amount of a drug, substance, or
12 compound in the person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of cannabis listed in the Cannabis Control Act,
15 a controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use
17 of Intoxicating Compounds Act, or methamphetamine as
18 listed in the Methamphetamine Control and Community
19 Protection Act.

20 (b) A person found guilty of violating this Section is
21 guilty of an offense against the regulations governing the
22 movement of vehicles.

23 (Source: P.A. 96-1237, eff. 1-1-11.)

24 Section 10. The Snowmobile Registration and Safety Act is
25 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and

1 5-7.6 as follows:

2 (625 ILCS 40/5-7)

3 Sec. 5-7. Operating a snowmobile while under the influence
4 of alcohol or other drug or drugs, intoxicating compound or
5 compounds, or a combination of them; criminal penalties;
6 suspension of operating privileges.

7 (a) A person may not operate or be in actual physical
8 control of a snowmobile within this State while:

9 1. The alcohol concentration in that person's blood,
10 other bodily substance, or breath is a concentration at
11 which driving a motor vehicle is prohibited under
12 subdivision (1) of subsection (a) of Section 11-501 of the
13 Illinois Vehicle Code;

14 2. The person is under the influence of alcohol;

15 3. The person is under the influence of any other drug
16 or combination of drugs to a degree that renders that
17 person incapable of safely operating a snowmobile;

18 3.1. The person is under the influence of any
19 intoxicating compound or combination of intoxicating
20 compounds to a degree that renders the person incapable of
21 safely operating a snowmobile;

22 4. The person is under the combined influence of
23 alcohol and any other drug or drugs or intoxicating
24 compound or compounds to a degree that renders that person
25 incapable of safely operating a snowmobile; ~~or~~

1 (4.3) The person who is not a CDL holder has a
2 tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance at which driving a motor
4 vehicle is prohibited under subdivision (7) of subsection
5 (a) of Section 11-501 of the Illinois Vehicle Code;

6 (4.5) The person who is a CDL holder has any amount of
7 a drug, substance, or compound in the person's breath,
8 blood, other bodily substance, or urine resulting from the
9 unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act; or

11 5. There is any amount of a drug, substance, or
12 compound in that person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of a cannabis listed in the Cannabis Control
15 ~~Act,~~ controlled substance listed in the Illinois
16 Controlled Substances Act, methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act,
18 or intoxicating compound listed in the use of Intoxicating
19 Compounds Act.

20 (b) The fact that a person charged with violating this
21 Section is or has been legally entitled to use alcohol, other
22 drug or drugs, any intoxicating compound or compounds, or any
23 combination of them does not constitute a defense against a
24 charge of violating this Section.

25 (c) Every person convicted of violating this Section or a
26 similar provision of a local ordinance is guilty of a Class A

1 misdemeanor, except as otherwise provided in this Section.

2 (c-1) As used in this Section, "first time offender" means
3 any person who has not had a previous conviction or been
4 assigned supervision for violating this Section or a similar
5 provision of a local ordinance, or any person who has not had a
6 suspension imposed under subsection (e) of Section 5-7.1.

7 (c-2) For purposes of this Section, the following are
8 equivalent to a conviction:

9 (1) a forfeiture of bail or collateral deposited to
10 secure a defendant's appearance in court when forfeiture
11 has not been vacated; or

12 (2) the failure of a defendant to appear for trial.

13 (d) Every person convicted of violating this Section is
14 guilty of a Class 4 felony if:

15 1. The person has a previous conviction under this
16 Section;

17 2. The offense results in personal injury where a
18 person other than the operator suffers great bodily harm or
19 permanent disability or disfigurement, when the violation
20 was a proximate cause of the injuries. A person guilty of a
21 Class 4 felony under this paragraph 2, if sentenced to a
22 term of imprisonment, shall be sentenced to not less than
23 one year nor more than 12 years; or

24 3. The offense occurred during a period in which the
25 person's privileges to operate a snowmobile are revoked or
26 suspended, and the revocation or suspension was for a

1 violation of this Section or was imposed under Section
2 5-7.1.

3 (e) Every person convicted of violating this Section is
4 guilty of a Class 2 felony if the offense results in the death
5 of a person. A person guilty of a Class 2 felony under this
6 subsection (e), if sentenced to a term of imprisonment, shall
7 be sentenced to a term of not less than 3 years and not more
8 than 14 years.

9 (e-1) Every person convicted of violating this Section or a
10 similar provision of a local ordinance who had a child under
11 the age of 16 on board the snowmobile at the time of offense
12 shall be subject to a mandatory minimum fine of \$500 and shall
13 be subject to a mandatory minimum of 5 days of community
14 service in a program benefiting children. The assignment under
15 this subsection shall not be subject to suspension nor shall
16 the person be eligible for probation in order to reduce the
17 assignment.

18 (e-2) Every person found guilty of violating this Section,
19 whose operation of a snowmobile while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the expense
22 of an emergency response as provided in subsection (i) of
23 Section 11-501.01 of the Illinois Vehicle Code.

24 (e-3) In addition to any other penalties and liabilities, a
25 person who is found guilty of violating this Section, including
26 any person placed on court supervision, shall be fined \$100,

1 payable to the circuit clerk, who shall distribute the money to
2 the law enforcement agency that made the arrest. In the event
3 that more than one agency is responsible for the arrest, the
4 \$100 shall be shared equally. Any moneys received by a law
5 enforcement agency under this subsection (e-3) shall be used to
6 purchase law enforcement equipment or to provide law
7 enforcement training that will assist in the prevention of
8 alcohol related criminal violence throughout the State. Law
9 enforcement equipment shall include, but is not limited to,
10 in-car video cameras, radar and laser speed detection devices,
11 and alcohol breath testers.

12 (f) In addition to any criminal penalties imposed, the
13 Department of Natural Resources shall suspend the snowmobile
14 operation privileges of a person convicted or found guilty of a
15 misdemeanor under this Section for a period of one year, except
16 that first-time offenders are exempt from this mandatory one
17 year suspension.

18 (g) In addition to any criminal penalties imposed, the
19 Department of Natural Resources shall suspend for a period of 5
20 years the snowmobile operation privileges of any person
21 convicted or found guilty of a felony under this Section.

22 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

23 (625 ILCS 40/5-7.1)

24 Sec. 5-7.1. Implied consent.

25 (a) A person who operates or is in actual physical control

1 of a snowmobile in this State is deemed to have given consent
2 to a chemical test or tests of blood, breath, other bodily
3 substance, or urine for the purpose of determining the content
4 of alcohol, other drug or drugs, intoxicating compound or
5 compounds, or a combination of them in that person's blood or
6 other bodily substance, if arrested for a violation of Section
7 5-7. The chemical test or tests shall be administered at the
8 direction of the arresting officer. The law enforcement agency
9 employing the officer shall designate which tests shall be
10 administered. Up to 2 additional tests of ~~A~~ urine or other
11 bodily substance ~~test~~ may be administered even after a blood or
12 breath test or both has been administered.

13 (a-1) For the purposes of this Section, an Illinois law
14 enforcement officer of this State who is investigating the
15 person for any offense defined in Section 5-7 may travel into
16 an adjoining state, where the person has been transported for
17 medical care to complete an investigation and to request that
18 the person submit to the test or tests set forth in this
19 Section. The requirements of this Section that the person be
20 arrested are inapplicable, but the officer shall issue the
21 person a uniform citation for an offense as defined in Section
22 5-7 or a similar provision of a local ordinance prior to
23 requesting that the person submit to the test or tests. The
24 issuance of the uniform citation shall not constitute an
25 arrest, but shall be for the purpose of notifying the person
26 that he or she is subject to the provisions of this Section and

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

6 (a-2) Notwithstanding any ability to refuse under this Act
7 to submit to these tests or any ability to revoke the implied
8 consent to these tests, if a law enforcement officer has
9 probable cause to believe that a snowmobile operated by or
10 under actual physical control of a person under the influence
11 of alcohol, other drug or drugs, intoxicating compound or
12 compounds, or any combination of them has caused the death or
13 personal injury to another, that person shall submit, upon the
14 request of a law enforcement officer, to a chemical test or
15 tests of his or her blood, breath, other bodily substance, or
16 urine for the purpose of determining the alcohol content or the
17 presence of any other drug or combination of both. For the
18 purposes of this Section, a personal injury includes severe
19 bleeding wounds, distorted extremities, and injuries that
20 require the injured party to be carried from the scene for
21 immediate professional attention in either a doctor's office or
22 a medical facility.

23 (b) A person who is dead, unconscious, or who is otherwise
24 in a condition rendering that person incapable of refusal, is
25 deemed not to have withdrawn the consent provided in subsection
26 (a), and the test or tests may be administered.

1 (c) A person requested to submit to a test as provided in
2 this Section shall be verbally advised by the law enforcement
3 officer requesting the test that a refusal to submit to the
4 test will result in suspension of that person's privilege to
5 operate a snowmobile for a minimum of 2 years.

6 (d) Following this warning, if a person under arrest
7 refuses upon the request of a law enforcement officer to submit
8 to a test designated by the officer, no tests may be given, but
9 the law enforcement officer shall file with the clerk of the
10 circuit court for the county in which the arrest was made, and
11 with the Department of Natural Resources, a sworn statement
12 naming the person refusing to take and complete the chemical
13 test or tests requested under the provisions of this Section.
14 The sworn statement shall identify the arrested person, the
15 person's current residence address and shall specify that a
16 refusal by that person to take the chemical test or tests was
17 made. The sworn statement shall include a statement that the
18 officer had reasonable cause to believe the person was
19 operating or was in actual physical control of the snowmobile
20 within this State while under the influence of alcohol, other
21 drug or drugs, an intoxicating compound or compound, or a
22 combination of them and that a chemical test or tests were
23 requested as an incident to and following the lawful arrest for
24 an offense as defined in Section 5-7 or a similar provision of
25 a local ordinance, and that the person, after being arrested
26 for an offense arising out of acts alleged to have been

1 committed while operating a snowmobile, refused to submit to
2 and complete a chemical test or tests as requested by the law
3 enforcement officer.

4 (e) The law enforcement officer submitting the sworn
5 statement shall serve immediate written notice upon the person
6 refusing the chemical test or tests that the person's privilege
7 to operate a snowmobile within this State will be suspended for
8 a period of 2 years unless, within 28 days from the date of the
9 notice, the person requests in writing a hearing on the
10 suspension.

11 If the person desires a hearing, the person shall file a
12 complaint in the circuit court in the county where that person
13 was arrested within 28 days from the date of the notice. The
14 hearing shall proceed in the court in the same manner as other
15 civil proceedings. The hearing shall cover only the following
16 issues: (1) whether the person was placed under arrest for an
17 offense as defined in Section 5-7 or a similar provision of a
18 local ordinance as evidenced by the issuance of a uniform
19 citation; (2) whether the arresting officer had reasonable
20 grounds to believe that the person was operating a snowmobile
21 while under the influence of alcohol, other drug or drugs, an
22 intoxicating compound or compounds, or a combination of them;
23 and (3) whether that person refused to submit to and complete
24 the chemical test or tests upon the request of the law
25 enforcement officer. Whether the person was informed that the
26 person's privilege to operate a snowmobile would be suspended

1 if that person refused to submit to the chemical test or tests
2 may not be an issue in the hearing.

3 If the person fails to request a hearing in writing within
4 28 days of the date of the notice, or if a hearing is held and
5 the court finds against the person on the issues before the
6 court, the clerk shall immediately notify the Department of
7 Natural Resources, and the Department shall suspend the
8 snowmobile operation privileges of that person for at least 2
9 years.

10 (f) (Blank).

11 (f-1) If the person is a CDL holder and submits to a test
12 that discloses an alcohol concentration of 0.08 or more, or any
13 amount of a drug, substance, or intoxicating compound in the
14 person's breath, blood, other bodily substance, or urine
15 resulting from the unlawful use of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, methamphetamine as listed
18 in the Methamphetamine Control and Community Protection Act, or
19 an intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, the law enforcement officer shall immediately
21 submit a sworn report to the circuit clerk of venue and the
22 Department of Natural Resources, certifying that the test or
23 tests was or were requested under subsection (a-1) of this
24 Section and the person submitted to testing that disclosed an
25 alcohol concentration of 0.08 or more, or any amount of a drug,
26 substance, or intoxicating compound in the person's breath,

1 blood, other bodily substance, or urine resulting from the
2 unlawful use or consumption of cannabis listed in the Cannabis
3 Control Act, a controlled substance listed in the Illinois
4 Controlled Substances Act, methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act, or an
6 intoxicating compound listed in the Use of Intoxicating
7 Compounds Act. If the person is not a CDL holder and submits to
8 a test that discloses an alcohol concentration of 0.08 or more,
9 a tetrahydrocannabinol concentration in the person's whole
10 blood or other bodily substance as defined in paragraph 6 of
11 subsection (a) of Section 11-501.2 of the Illinois Vehicle
12 Code, or any amount of a drug, substance, or intoxicating
13 compound in the person's blood, other bodily substance, or
14 urine resulting from the unlawful use or consumption of a
15 controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use of
17 Intoxicating Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act, the law
19 enforcement officer shall immediately submit a sworn report to
20 the circuit clerk of venue and the Department of Natural
21 Resources, certifying that the test or tests was or were
22 requested under subsection (a-1) and the person submitted to
23 testing that disclosed an alcohol concentration of 0.08 or
24 more, a tetrahydrocannabinol concentration in the person's
25 whole blood or other bodily substance as defined in paragraph 6
26 of subsection (a) of Section 11-501.2 of the Illinois Vehicle

1 Code, or any amount of a drug, substance, or intoxicating
2 compound in such person's blood, other bodily substance, or
3 urine, resulting from the unlawful use or consumption of a
4 controlled substance listed in the Illinois Controlled
5 Substances Act, an intoxicating compound listed in the Use of
6 Intoxicating Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act.

8 In cases involving a person who is a CDL holder where the
9 blood alcohol concentration of 0.08 or greater or any amount of
10 drug, substance, or compound resulting from the unlawful use of
11 cannabis, a controlled substance, methamphetamine, or an
12 intoxicating compound is established by a subsequent analysis
13 of blood, other bodily substance, or urine collected at the
14 time of arrest, the arresting officer or arresting agency shall
15 immediately submit a sworn report to the circuit clerk of venue
16 and the Department of Natural Resources upon receipt of the
17 test results. In cases involving a person who is not a CDL
18 holder where the blood alcohol concentration of 0.08 or
19 greater, a tetrahydrocannabinol concentration in the person's
20 whole blood or other bodily substance as defined in paragraph 6
21 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
22 Code, or any amount of drug, substance, or compound resulting
23 from the unlawful use of a controlled substance,
24 methamphetamine, or an intoxicating compound is established by
25 a subsequent analysis of blood, other bodily substance, or
26 urine collected at the time of arrest, the arresting officer or

1 arresting agency shall immediately submit a sworn report to the
2 circuit clerk of venue and the Department of Natural Resources
3 upon receipt of the test results.

4 (g) A person must submit to each chemical test offered by
5 the law enforcement officer in order to comply with implied
6 consent provisions of this Section.

7 (h) The provision of Section 11-501.2 of the Illinois
8 Vehicle Code concerning the certification and use of chemical
9 tests applies to the use of those tests under this Section.

10 (Source: P.A. 93-156, eff. 1-1-04.)

11 (625 ILCS 40/5-7.2)

12 Sec. 5-7.2. Chemical and other tests.

13 (a) Upon the trial of a civil or criminal action or
14 proceeding arising out of acts alleged to have been committed
15 while under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or a combination of them,
17 the concentration of alcohol, drug, or compound in the person's
18 blood, other bodily substance, or breath at the time alleged as
19 shown by analysis of the person's blood, urine, breath, or
20 other bodily substance gives rise to the presumptions specified
21 in subdivisions 1, 2, and 3 of subsection (b) and subsection
22 (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

23 (b) The provisions of subsection (a) shall not be construed
24 as limiting the introduction of any other relevant evidence
25 bearing upon the question whether the person was under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds, or a combination of them.

3 (c) If a person under arrest refuses to submit to a
4 chemical test under the provisions of Section 5-7.1, evidence
5 of refusal is admissible in a civil or criminal action or
6 proceeding arising out of acts alleged to have been committed
7 while the person under the influence of alcohol, other drug or
8 drugs, an intoxicating compound or compounds, or a combination
9 of them was operating a snowmobile.

10 (Source: P.A. 93-156, eff. 1-1-04.)

11 (625 ILCS 40/5-7.4)

12 Sec. 5-7.4. Admissibility of chemical tests of blood, other
13 bodily substance, or urine conducted in the regular course of
14 providing emergency medical treatment.

15 (a) Notwithstanding any other provision of law, the results
16 of blood, other bodily substance, or urine tests performed for
17 the purpose of determining the content of alcohol, other drug
18 or drugs, intoxicating compound or compounds, or any
19 combination of them in an individual's blood, other bodily
20 substance, or urine conducted upon persons receiving medical
21 treatment in a hospital emergency room, are admissible in
22 evidence as a business record exception to the hearsay rule
23 only in prosecutions for a violation of Section 5-7 of this Act
24 or a similar provision of a local ordinance or in prosecutions
25 for reckless homicide brought under the Criminal Code of 1961

1 or the Criminal Code of 2012.

2 The results of the tests are admissible only when each of
3 the following criteria are met:

4 1. The chemical tests performed upon an individual's
5 blood, other bodily substance, or urine were ordered in the
6 regular course of providing emergency treatment and not at
7 the request of law enforcement authorities; and

8 2. The chemical tests performed upon an individual's
9 blood, other bodily substance, or urine were performed by
10 the laboratory routinely used by the hospital.

11 3. (Blank).

12 Results of chemical tests performed upon an individual's
13 blood, other bodily substance, or urine are admissible into
14 evidence regardless of the time that the records were prepared.

15 (b) The confidentiality provisions of law pertaining to
16 medical records and medical treatment are not applicable with
17 regard to chemical tests performed upon a person's blood, other
18 bodily substance, or urine under the provisions of this Section
19 in prosecutions as specified in subsection (a) of this Section.
20 No person shall be liable for civil damages as a result of the
21 evidentiary use of the results of chemical testing of the
22 individual's blood, other bodily substance, or urine under this
23 Section or as a result of that person's testimony made
24 available under this Section.

25 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

1 (625 ILCS 40/5-7.6)

2 Sec. 5-7.6. Reporting of test results of blood, other
3 bodily substance, or urine conducted in the regular course of
4 providing emergency medical treatment.

5 (a) Notwithstanding any other provision of law, the results
6 of blood, other bodily substance, or urine tests performed for
7 the purpose of determining the content of alcohol, other drug
8 or drugs, intoxicating compound or compounds, or any
9 combination of them in an individual's blood, other bodily
10 substance, or urine, conducted upon persons receiving medical
11 treatment in a hospital emergency room for injuries resulting
12 from a snowmobile accident, shall be disclosed to the
13 Department of Natural Resources, or local law enforcement
14 agencies of jurisdiction, upon request. The blood, other bodily
15 substance, or urine tests are admissible in evidence as a
16 business record exception to the hearsay rule only in
17 prosecutions for violations of Section 5-7 of this Code or a
18 similar provision of a local ordinance, or in prosecutions for
19 reckless homicide brought under the Criminal Code of 1961 or
20 the Criminal Code of 2012.

21 (b) The confidentiality provisions of the law pertaining to
22 medical records and medical treatment shall not be applicable
23 with regard to tests performed upon an individual's blood, other
24 bodily substance, or urine under the provisions of
25 subsection (a) of this Section. No person shall be liable for
26 civil damages or professional discipline as a result of

1 disclosure or reporting of the tests or the evidentiary use of
2 an individual's blood, other bodily substance, or urine test
3 results under this Section or Section 5-7.4 or as a result of
4 that person's testimony made available under this Section or
5 Section 5-7.4, except for willful or wanton misconduct.

6 (Source: P.A. 97-1150, eff. 1-25-13.)

7 Section 15. The Boat Registration and Safety Act is amended
8 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as
9 follows:

10 (625 ILCS 45/5-16)

11 Sec. 5-16. Operating a watercraft under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or combination thereof.

14 (A) 1. A person shall not operate or be in actual physical
15 control of any watercraft within this State while:

16 (a) The alcohol concentration in such person's
17 blood, other bodily substance, or breath is a
18 concentration at which driving a motor vehicle is
19 prohibited under subdivision (1) of subsection (a) of
20 Section 11-501 of the Illinois Vehicle Code;

21 (b) Under the influence of alcohol;

22 (c) Under the influence of any other drug or
23 combination of drugs to a degree which renders such
24 person incapable of safely operating any watercraft;

1 (c-1) Under the influence of any intoxicating
2 compound or combination of intoxicating compounds to a
3 degree that renders the person incapable of safely
4 operating any watercraft;

5 (d) Under the combined influence of alcohol and any
6 other drug or drugs to a degree which renders such
7 person incapable of safely operating a watercraft; ~~or~~

8 (d-3) The person who is not a CDL holder has a
9 tetrahydrocannabinol concentration in the person's
10 whole blood or other bodily substance at which driving
11 a motor vehicle is prohibited under subdivision (7) of
12 subsection (a) of Section 11-501 of the Illinois
13 Vehicle Code;

14 (d-5) The person who is a CDL holder has any amount
15 of a drug, substance, or compound in the person's
16 breath, blood, other bodily substance, or urine
17 resulting from the unlawful use or consumption of
18 cannabis listed in the Cannabis Control Act; or

19 (e) There is any amount of a drug, substance, or
20 compound in the person's blood, other bodily
21 substance, or urine resulting from the unlawful use or
22 consumption of ~~cannabis listed in the Cannabis Control~~
23 ~~Act,~~ a controlled substance listed in the Illinois
24 Controlled Substances Act, methamphetamine as listed
25 in the Methamphetamine Control and Community
26 Protection Act, or an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act.

2 2. The fact that any person charged with violating this
3 Section is or has been legally entitled to use alcohol,
4 other drug or drugs, any intoxicating compound or
5 compounds, or any combination of them, shall not constitute
6 a defense against any charge of violating this Section.

7 3. Every person convicted of violating this Section
8 shall be guilty of a Class A misdemeanor, except as
9 otherwise provided in this Section.

10 4. Every person convicted of violating this Section
11 shall be guilty of a Class 4 felony if:

12 (a) He or she has a previous conviction under this
13 Section;

14 (b) The offense results in personal injury where a
15 person other than the operator suffers great bodily
16 harm or permanent disability or disfigurement, when
17 the violation was a proximate cause of the injuries. A
18 person guilty of a Class 4 felony under this
19 subparagraph (b), if sentenced to a term of
20 imprisonment, shall be sentenced to a term of not less
21 than one year nor more than 12 years; or

22 (c) The offense occurred during a period in which
23 his or her privileges to operate a watercraft are
24 revoked or suspended, and the revocation or suspension
25 was for a violation of this Section or was imposed
26 under subsection (B).

1 5. Every person convicted of violating this Section
2 shall be guilty of a Class 2 felony if the offense results
3 in the death of a person. A person guilty of a Class 2
4 felony under this paragraph 5, if sentenced to a term of
5 imprisonment, shall be sentenced to a term of not less than
6 3 years and not more than 14 years.

7 5.1. A person convicted of violating this Section or a
8 similar provision of a local ordinance who had a child
9 under the age of 16 aboard the watercraft at the time of
10 offense is subject to a mandatory minimum fine of \$500 and
11 to a mandatory minimum of 5 days of community service in a
12 program benefiting children. The assignment under this
13 paragraph 5.1 is not subject to suspension and the person
14 is not eligible for probation in order to reduce the
15 assignment.

16 5.2. A person found guilty of violating this Section,
17 if his or her operation of a watercraft while in violation
18 of this Section proximately caused any incident resulting
19 in an appropriate emergency response, is liable for the
20 expense of an emergency response as provided in subsection
21 (m) of Section 11-501 of the Illinois Vehicle Code.

22 5.3. In addition to any other penalties and
23 liabilities, a person who is found guilty of violating this
24 Section, including any person placed on court supervision,
25 shall be fined \$100, payable to the circuit clerk, who
26 shall distribute the money to the law enforcement agency

1 that made the arrest. In the event that more than one
2 agency is responsible for the arrest, the \$100 shall be
3 shared equally. Any moneys received by a law enforcement
4 agency under this paragraph 5.3 shall be used to purchase
5 law enforcement equipment or to provide law enforcement
6 training that will assist in the prevention of alcohol
7 related criminal violence throughout the State. Law
8 enforcement equipment shall include, but is not limited to,
9 in-car video cameras, radar and laser speed detection
10 devices, and alcohol breath testers.

11 6. (a) In addition to any criminal penalties imposed,
12 the Department of Natural Resources shall suspend the
13 watercraft operation privileges of any person
14 convicted or found guilty of a misdemeanor under this
15 Section, a similar provision of a local ordinance, or
16 Title 46 of the U.S. Code of Federal Regulations for a
17 period of one year, except that a first time offender
18 is exempt from this mandatory one year suspension.

19 As used in this subdivision (A)6(a), "first time
20 offender" means any person who has not had a previous
21 conviction or been assigned supervision for violating
22 this Section, a similar provision of a local ordinance
23 or, Title 46 of the U.S. Code of Federal Regulations,
24 or any person who has not had a suspension imposed
25 under subdivision (B)3.1 of Section 5-16.

26 (b) In addition to any criminal penalties imposed,

1 the Department of Natural Resources shall suspend the
2 watercraft operation privileges of any person
3 convicted of a felony under this Section, a similar
4 provision of a local ordinance, or Title 46 of the U.S.
5 Code of Federal Regulations for a period of 3 years.

6 (B) 1. Any person who operates or is in actual physical
7 control of any watercraft upon the waters of this State
8 shall be deemed to have given consent to a chemical test or
9 tests of blood, breath, other bodily substance, or urine
10 for the purpose of determining the content of alcohol,
11 other drug or drugs, intoxicating compound or compounds, or
12 combination thereof in the person's blood or other bodily
13 substance if arrested for any offense of subsection (A)
14 above. The chemical test or tests shall be administered at
15 the direction of the arresting officer. The law enforcement
16 agency employing the officer shall designate which of the
17 tests shall be administered. Up to 2 additional tests of A
18 urine or other bodily substance ~~test~~ may be administered
19 even after a blood or breath test or both has been
20 administered.

21 1.1. For the purposes of this Section, an Illinois Law
22 Enforcement officer of this State who is investigating the
23 person for any offense defined in Section 5-16 may travel
24 into an adjoining state, where the person has been
25 transported for medical care to complete an investigation,
26 and may request that the person submit to the test or tests

1 set forth in this Section. The requirements of this Section
2 that the person be arrested are inapplicable, but the
3 officer shall issue the person a uniform citation for an
4 offense as defined in Section 5-16 or a similar provision
5 of a local ordinance prior to requesting that the person
6 submit to the test or tests. The issuance of the uniform
7 citation shall not constitute an arrest, but shall be for
8 the purpose of notifying the person that he or she is
9 subject to the provisions of this Section and of the
10 officer's belief in the existence of probable cause to
11 arrest. Upon returning to this State, the officer shall
12 file the uniform citation with the circuit clerk of the
13 county where the offense was committed and shall seek the
14 issuance of an arrest warrant or a summons for the person.

15 1.2. Notwithstanding any ability to refuse under this
16 Act to submit to these tests or any ability to revoke the
17 implied consent to these tests, if a law enforcement
18 officer has probable cause to believe that a watercraft
19 operated by or under actual physical control of a person
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or any combination of
22 them has caused the death of or personal injury to another,
23 that person shall submit, upon the request of a law
24 enforcement officer, to a chemical test or tests of his or
25 her blood, breath, other bodily substance, or urine for the
26 purpose of determining the alcohol content or the presence

1 of any other drug, intoxicating compound, or combination of
2 them. For the purposes of this Section, a personal injury
3 includes severe bleeding wounds, distorted extremities,
4 and injuries that require the injured party to be carried
5 from the scene for immediate professional attention in
6 either a doctor's office or a medical facility.

7 2. Any person who is dead, unconscious or who is
8 otherwise in a condition rendering such person incapable of
9 refusal, shall be deemed not to have withdrawn the consent
10 provided above, and the test may be administered.

11 3. A person requested to submit to a chemical test as
12 provided above shall be verbally advised by the law
13 enforcement officer requesting the test that a refusal to
14 submit to the test will result in suspension of such
15 person's privilege to operate a watercraft for a minimum of
16 2 years. Following this warning, if a person under arrest
17 refuses upon the request of a law enforcement officer to
18 submit to a test designated by the officer, no test shall
19 be given, but the law enforcement officer shall file with
20 the clerk of the circuit court for the county in which the
21 arrest was made, and with the Department of Natural
22 Resources, a sworn statement naming the person refusing to
23 take and complete the chemical test or tests requested
24 under the provisions of this Section. Such sworn statement
25 shall identify the arrested person, such person's current
26 residence address and shall specify that a refusal by such

1 person to take the chemical test or tests was made. Such
2 sworn statement shall include a statement that the
3 arresting officer had reasonable cause to believe the
4 person was operating or was in actual physical control of
5 the watercraft within this State while under the influence
6 of alcohol, other drug or drugs, intoxicating compound or
7 compounds, or combination thereof and that such chemical
8 test or tests were made as an incident to and following the
9 lawful arrest for an offense as defined in this Section or
10 a similar provision of a local ordinance, and that the
11 person after being arrested for an offense arising out of
12 acts alleged to have been committed while so operating a
13 watercraft refused to submit to and complete a chemical
14 test or tests as requested by the law enforcement officer.

15 3.1. The law enforcement officer submitting the sworn
16 statement as provided in paragraph 3 of this subsection (B)
17 shall serve immediate written notice upon the person
18 refusing the chemical test or tests that the person's
19 privilege to operate a watercraft within this State will be
20 suspended for a period of 2 years unless, within 28 days
21 from the date of the notice, the person requests in writing
22 a hearing on the suspension.

23 If the person desires a hearing, such person shall file
24 a complaint in the circuit court for and in the county in
25 which such person was arrested for such hearing. Such
26 hearing shall proceed in the court in the same manner as

1 other civil proceedings, shall cover only the issues of
2 whether the person was placed under arrest for an offense
3 as defined in this Section or a similar provision of a
4 local ordinance as evidenced by the issuance of a uniform
5 citation; whether the arresting officer had reasonable
6 grounds to believe that such person was operating a
7 watercraft while under the influence of alcohol, other drug
8 or drugs, intoxicating compound or compounds, or
9 combination thereof; and whether such person refused to
10 submit and complete the chemical test or tests upon the
11 request of the law enforcement officer. Whether the person
12 was informed that such person's privilege to operate a
13 watercraft would be suspended if such person refused to
14 submit to the chemical test or tests shall not be an issue.

15 If the person fails to request in writing a hearing
16 within 28 days from the date of notice, or if a hearing is
17 held and the court finds against the person on the issues
18 before the court, the clerk shall immediately notify the
19 Department of Natural Resources, and the Department shall
20 suspend the watercraft operation privileges of the person
21 for at least 2 years.

22 3.2. If the person is a CDL holder and submits to a
23 test that discloses an alcohol concentration of 0.08 or
24 more, or any amount of a drug, substance or intoxicating
25 compound in the person's breath, blood, other bodily
26 substance, or urine resulting from the unlawful use of

1 cannabis listed in the Cannabis Control Act, a controlled
2 substance listed in the Illinois Controlled Substances
3 Act, methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act, or an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act,
6 the law enforcement officer shall immediately submit a
7 sworn report to the circuit clerk of venue and the
8 Department of Natural Resources, certifying that the test
9 or tests were requested under paragraph 1 of this
10 subsection (B) and the person submitted to testing that
11 disclosed an alcohol concentration of 0.08 or more or any
12 amount of a drug, substance or intoxicating compound in the
13 person's breath, blood, other bodily substance, or urine
14 resulting from the unlawful use of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act, or an intoxicating compound listed in the
19 Use of Intoxicating Compounds Act. If the person is not a
20 CDL holder and submits to a test that discloses an alcohol
21 concentration of 0.08 or more, a tetrahydrocannabinol
22 concentration in the person's whole blood or other bodily
23 substance as defined in paragraph 6 of subsection (a) of
24 Section 11-501.2 of the Illinois Vehicle Code, or any
25 amount of a drug, substance or intoxicating compound in the
26 person's breath, blood, other bodily substance, or urine

1 resulting from the unlawful use of a controlled substance
2 listed in the Illinois Controlled Substances Act,
3 methamphetamine as listed in the Methamphetamine Control
4 and Community Protection Act, or an intoxicating compound
5 listed in the Use of Intoxicating Compounds Act, the law
6 enforcement officer shall immediately submit a sworn
7 report to the circuit clerk of venue and the Department of
8 Natural Resources, certifying that the test or tests were
9 requested under paragraph 1 of this subsection (B) and the
10 person submitted to testing that disclosed an alcohol
11 concentration of 0.08 or more, a tetrahydrocannabinol
12 concentration in the person's whole blood or other bodily
13 substance as defined in paragraph 6 of subsection (a) of
14 Section 11-501.2 of the Illinois Vehicle Code, or any
15 amount of a drug, substance or intoxicating compound in the
16 person's breath, blood, other bodily substance, or urine
17 resulting from the unlawful use of a controlled substance
18 listed in the Illinois Controlled Substances Act,
19 methamphetamine as listed in the Methamphetamine Control
20 and Community Protection Act, or an intoxicating compound
21 listed in the Use of Intoxicating Compounds Act.

22 In cases involving a person who is a CDL holder where
23 the blood alcohol concentration of 0.08 or greater or any
24 amount of drug, substance or compound resulting from the
25 unlawful use of cannabis, a controlled substance,
26 methamphetamine, or an intoxicating compound is

1 established by a subsequent analysis of blood, other bodily
2 substance, or urine collected at the time of arrest, the
3 arresting officer or arresting agency shall immediately
4 submit a sworn report to the circuit clerk of venue and the
5 Department of Natural Resources upon receipt of the test
6 results. In cases involving a person who is not a CDL
7 holder where the blood alcohol concentration of 0.08 or
8 greater, a tetrahydrocannabinol concentration in the
9 person's whole blood or other bodily substance as defined
10 in paragraph 6 of subsection (a) of Section 11-501.2 of the
11 Illinois Vehicle Code, or any amount of drug, substance, or
12 compound resulting from the unlawful use of a controlled
13 substance, methamphetamine, or an intoxicating compound is
14 established by a subsequent analysis of blood, other bodily
15 substance, or urine collected at the time of arrest, the
16 arresting officer or arresting agency shall immediately
17 submit a sworn report to the circuit clerk of venue and the
18 Department of Natural Resources upon receipt of the test
19 results.

20 4. A person must submit to each chemical test offered
21 by the law enforcement officer in order to comply with the
22 implied consent provisions of this Section.

23 5. The provisions of Section 11-501.2 of the Illinois
24 Vehicle Code, as amended, concerning the certification and
25 use of chemical tests apply to the use of such tests under
26 this Section.

1 (C) Upon the trial of any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 by any person while operating a watercraft while under the
4 influence of alcohol, other drug or drugs, intoxicating
5 compound or compounds, or combination thereof, the
6 concentration of alcohol, drug, or compound in the person's
7 blood, other bodily substance, or breath at the time alleged as
8 shown by analysis of a person's blood, urine, breath, or other
9 bodily substance shall give rise to the presumptions specified
10 in subdivisions 1, 2, and 3 of subsection (b) and subsection
11 (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The
12 foregoing provisions of this subsection (C) shall not be
13 construed as limiting the introduction of any other relevant
14 evidence bearing upon the question whether the person was under
15 the influence of alcohol, other drug or drugs, intoxicating
16 compound or compounds, or a combination thereof.

17 (D) If a person under arrest refuses to submit to a
18 chemical test under the provisions of this Section, evidence of
19 refusal shall be admissible in any civil or criminal action or
20 proceeding arising out of acts alleged to have been committed
21 while the person under the influence of alcohol, other drug or
22 drugs, intoxicating compound or compounds, or combination of
23 them was operating a watercraft.

24 (E) The owner of any watercraft or any person given
25 supervisory authority over a watercraft, may not knowingly
26 permit a watercraft to be operated by any person under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds, or combination thereof.

3 (F) Whenever any person is convicted or found guilty of a
4 violation of this Section, including any person placed on court
5 supervision, the court shall notify the Office of Law
6 Enforcement of the Department of Natural Resources, to provide
7 the Department with the records essential for the performance
8 of the Department's duties to monitor and enforce any order of
9 suspension or revocation concerning the privilege to operate a
10 watercraft.

11 (G) No person who has been arrested and charged for
12 violating paragraph 1 of subsection (A) of this Section shall
13 operate any watercraft within this State for a period of 24
14 hours after such arrest.

15 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

16 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

17 Sec. 5-16a. Admissibility of chemical tests of blood, other
18 bodily substance, or urine conducted in the regular course of
19 providing emergency medical treatment.

20 (a) Notwithstanding any other provision of law, the written
21 results of blood, other bodily substance, or urine alcohol and
22 drug tests conducted upon persons receiving medical treatment
23 in a hospital emergency room are admissible in evidence as a
24 business record exception to the hearsay rule only in
25 prosecutions for any violation of Section 5-16 of this Act or a

1 similar provision of a local ordinance or in prosecutions for
2 reckless homicide brought under the Criminal Code of 1961 or
3 the Criminal Code of 2012, when:

4 (1) the chemical tests performed upon an individual's
5 blood, other bodily substance, or urine were ordered in the
6 regular course of providing emergency treatment and not at
7 the request of law enforcement authorities; and

8 (2) the chemical tests performed upon an individual's
9 blood, other bodily substance, or urine were performed by
10 the laboratory routinely used by the hospital.

11 Results of chemical tests performed upon an individual's
12 blood, other bodily substance, or urine are admissible into
13 evidence regardless of the time that the records were prepared.

14 (b) The confidentiality provisions of law pertaining to
15 medical records and medical treatment shall not be applicable
16 with regard to chemical tests performed upon an individual's
17 blood, other bodily substance, or urine under the provisions of
18 this Section in prosecutions as specified in subsection (a) of
19 this Section. No person shall be liable for civil damages as a
20 result of the evidentiary use of the results of chemical
21 testing of an individual's blood, other bodily substance, or
22 urine under this Section or as a result of that person's
23 testimony made available under this Section.

24 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

1 Sec. 5-16a.1. Reporting of test results of blood, other
2 bodily substance, or urine conducted in the regular course of
3 providing emergency medical treatment.

4 (a) Notwithstanding any other provision of law, the results
5 of blood, other bodily substance, or urine tests performed for
6 the purpose of determining the content of alcohol, other drug
7 or drugs, intoxicating compound or compounds, or any
8 combination of them in an individual's blood, other bodily
9 substance, or urine, conducted upon persons receiving medical
10 treatment in a hospital emergency room for injuries resulting
11 from a boating accident, shall be disclosed to the Department
12 of Natural Resources or local law enforcement agencies of
13 jurisdiction, upon request. The blood, other bodily substance,
14 or urine tests are admissible in evidence as a business record
15 exception to the hearsay rule only in prosecutions for
16 violations of Section 5-16 of this Code or a similar provision
17 of a local ordinance, or in prosecutions for reckless homicide
18 brought under the Criminal Code of 1961 or the Criminal Code of
19 2012.

20 (b) The confidentiality provisions of the law pertaining to
21 medical records and medical treatment shall not be applicable
22 with regard to tests performed upon an individual's blood,
23 other bodily substance, or urine under the provisions of
24 subsection (a) of this Section. No person is liable for civil
25 damages or professional discipline as a result of disclosure or
26 reporting of the tests or the evidentiary use of an

1 individual's blood, other bodily substance, or urine test
2 results under this Section or Section 5-16a, or as a result of
3 that person's testimony made available under this Section or
4 Section 5-16a, except for willful or wanton misconduct.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (625 ILCS 45/5-16c)

7 Sec. 5-16c. Operator involvement in personal injury or
8 fatal boating accident; chemical tests.

9 (a) Any person who operates or is in actual physical
10 control of a motorboat within this State and who has been
11 involved in a personal injury or fatal boating accident shall
12 be deemed to have given consent to a breath test using a
13 portable device as approved by the Department of State Police
14 or to a chemical test or tests of blood, breath, other bodily
15 substance, or urine for the purpose of determining the content
16 of alcohol, other drug or drugs, or intoxicating compound or
17 compounds of the person's blood if arrested as evidenced by the
18 issuance of a uniform citation for a violation of the Boat
19 Registration and Safety Act or a similar provision of a local
20 ordinance, with the exception of equipment violations
21 contained in Article IV of this Act or similar provisions of
22 local ordinances. The test or tests shall be administered at
23 the direction of the arresting officer. The law enforcement
24 agency employing the officer shall designate which of the
25 aforesaid tests shall be administered. Up to 2 additional tests

1 of A urine or other bodily substance ~~test~~ may be administered
2 even after a blood or breath test or both has been
3 administered. Compliance with this Section does not relieve the
4 person from the requirements of any other Section of this Act.

5 (b) Any person who is dead, unconscious, or who is
6 otherwise in a condition rendering that person incapable of
7 refusal shall be deemed not to have withdrawn the consent
8 provided by subsection (a) of this Section. In addition, if an
9 operator of a motorboat is receiving medical treatment as a
10 result of a boating accident, any physician licensed to
11 practice medicine, licensed physician assistant, licensed
12 advanced practice nurse, registered nurse, or a phlebotomist
13 acting under the direction of a licensed physician shall
14 withdraw blood for testing purposes to ascertain the presence
15 of alcohol, other drug or drugs, or intoxicating compound or
16 compounds, upon the specific request of a law enforcement
17 officer. However, this testing shall not be performed until, in
18 the opinion of the medical personnel on scene, the withdrawal
19 can be made without interfering with or endangering the
20 well-being of the patient.

21 (c) A person who is a CDL holder requested to submit to a
22 test under subsection (a) of this Section shall be warned by
23 the law enforcement officer requesting the test that a refusal
24 to submit to the test, or submission to the test resulting in
25 an alcohol concentration of 0.08 or more, or any amount of a
26 drug, substance, or intoxicating compound resulting from the

1 unlawful use or consumption of cannabis listed in the Cannabis
2 Control Act, a controlled substance listed in the Illinois
3 Controlled Substances Act, an intoxicating compound listed in
4 the Use of Intoxicating Compounds Act, or methamphetamine as
5 listed in the Methamphetamine Control and Community Protection
6 Act as detected in the person's blood, other bodily substance,
7 or urine, may result in the suspension of the person's
8 privilege to operate a motor vehicle and may result in the
9 disqualification of the person's privilege to operate a
10 commercial motor vehicle, as provided in Section 6-514 of the
11 Illinois Vehicle Code. A person who is not a CDL holder
12 requested to submit to a test under subsection (a) of this
13 Section shall be warned by the law enforcement officer
14 requesting the test that a refusal to submit to the test, or
15 submission to the test resulting in an alcohol concentration of
16 0.08 or more, a tetrahydrocannabinol concentration in the
17 person's whole blood or other bodily substance as defined in
18 paragraph 6 of subsection (a) of Section 11-501.2 of the
19 Illinois Vehicle Code, or any amount of a drug, substance, or
20 intoxicating compound resulting from the unlawful use or
21 consumption of a controlled substance listed in the Illinois
22 Controlled Substances Act, an intoxicating compound listed in
23 the Use of Intoxicating Compounds Act, or methamphetamine as
24 listed in the Methamphetamine Control and Community Protection
25 Act as detected in the person's blood, other bodily substance,
26 or urine, may result in the suspension of the person's

1 privilege to operate a motor vehicle, ~~if the person is a CDL~~
2 ~~holder.~~ The length of the suspension shall be the same as
3 outlined in Section 6-208.1 of the Illinois Vehicle Code
4 regarding statutory summary suspensions.

5 (d) If the person is a CDL holder and refuses testing or
6 submits to a test which discloses an alcohol concentration of
7 0.08 or more, or any amount of a drug, substance, or
8 intoxicating compound in the person's blood, other bodily
9 substance, or urine resulting from the unlawful use or
10 consumption of cannabis listed in the Cannabis Control Act, a
11 controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act, the law
15 enforcement officer shall immediately submit a sworn report to
16 the Secretary of State on a form prescribed by the Secretary of
17 State, certifying that the test or tests were requested under
18 subsection (a) of this Section and the person refused to submit
19 to a test or tests or submitted to testing which disclosed an
20 alcohol concentration of 0.08 or more, or any amount of a drug,
21 substance, or intoxicating compound in the person's blood,
22 other bodily substance, or urine, resulting from the unlawful
23 use or consumption of cannabis listed in the Cannabis Control
24 Act, a 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. If the
2 person is not a CDL holder and refuses testing or submits to a
3 test which discloses an alcohol concentration of 0.08 or more,
4 a tetrahydrocannabinol concentration in the person's whole
5 blood or other bodily substance as defined in paragraph 6 of
6 subsection (a) of Section 11-501.2 of the Illinois Vehicle
7 Code, or any amount of a drug, substance, or intoxicating
8 compound in the person's blood, other bodily substance, or
9 urine resulting from the unlawful use or consumption of a
10 controlled substance listed in the Illinois Controlled
11 Substances Act, an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act, 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) of this Section and the person refused to submit
18 to a test or tests or submitted to testing which disclosed an
19 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
20 concentration in the person's whole blood or other bodily
21 substance as defined in paragraph 6 of subsection (a) of
22 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
23 a drug, substance, or intoxicating compound in the person's
24 blood or urine, resulting from the unlawful use or consumption
25 of a controlled substance listed in the Illinois Controlled
26 Substances Act, an intoxicating compound listed in the Use of

1 Intoxicating Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act.

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

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

13 In cases involving a person who is a CDL holder where the
14 blood alcohol concentration of 0.08 or more, or any amount of a
15 drug, substance, or intoxicating compound resulting from the
16 unlawful use or consumption of cannabis listed in the Cannabis
17 Control Act, a controlled substance listed in the Illinois
18 Controlled Substances Act, an intoxicating compound listed in
19 the Use of Intoxicating Compounds Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community Protection
21 Act, is established by a subsequent analysis of blood, other
22 bodily substance, or urine collected at the time of arrest, the
23 arresting officer shall give notice as provided in this Section
24 or by deposit in the United States mail of this notice in an
25 envelope with postage prepaid and addressed to the person at
26 his or her address as shown on the uniform citation and the

1 suspension and disqualification shall be effective on the 46th
2 day following the date notice was given. In cases involving a
3 person who is not a CDL holder where the blood alcohol
4 concentration of 0.08 or more, a tetrahydrocannabinol
5 concentration in the person's whole blood or other bodily
6 substance as defined in paragraph 6 of subsection (a) of
7 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
8 a drug, substance, or intoxicating compound resulting from the
9 unlawful use or consumption of a controlled substance listed in
10 the Illinois Controlled Substances Act, an intoxicating
11 compound listed in the Use of Intoxicating Compounds Act, or
12 methamphetamine as listed in the Methamphetamine Control and
13 Community Protection Act, is established by a subsequent
14 analysis of blood, other bodily substance, or urine collected
15 at the time of arrest, the arresting officer shall give notice
16 as provided in this Section or by deposit in the United States
17 mail of this notice in an envelope with postage prepaid and
18 addressed to the person at his or her address as shown on the
19 uniform citation and the suspension shall be effective on the
20 46th day following the date notice was given.

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

1 be completed in error, the notice of the suspension and
2 disqualification shall not be mailed to the person or entered
3 to the driving record, but rather the sworn report shall be
4 returned to the issuing law enforcement agency.

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

25 (f) For the purposes of this Section, a personal injury
26 shall include any type A injury as indicated on the accident

1 report completed by a law enforcement officer that requires
2 immediate professional attention in a doctor's office or a
3 medical facility. A type A injury shall include severely
4 bleeding wounds, distorted extremities, and injuries that
5 require the injured party to be carried from the scene.

6 (Source: P.A. 98-103, eff. 1-1-14.)

7 Section 20. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 115-15 as follows:

9 (725 ILCS 5/115-15)

10 Sec. 115-15. Laboratory reports.

11 (a) In any criminal prosecution for a violation of the
12 Cannabis Control Act, the Illinois Controlled Substances Act,
13 or the Methamphetamine Control and Community Protection Act, a
14 laboratory report from the Department of State Police, Division
15 of Forensic Services, that is signed and sworn to by the person
16 performing an analysis and that states (1) that the substance
17 that is the basis of the alleged violation has been weighed and
18 analyzed, and (2) the person's findings as to the contents,
19 weight and identity of the substance, and (3) that it contains
20 any amount of a controlled substance or cannabis is prima facie
21 evidence of the contents, identity and weight of the substance.
22 Attached to the report shall be a copy of a notarized statement
23 by the signer of the report giving the name of the signer and
24 stating (i) that he or she is an employee of the Department of

1 State Police, Division of Forensic Services, (ii) the name and
2 location of the laboratory where the analysis was performed,
3 (iii) that performing the analysis is a part of his or her
4 regular duties, and (iv) that the signer is qualified by
5 education, training and experience to perform the analysis. The
6 signer shall also allege that scientifically accepted tests
7 were performed with due caution and that the evidence was
8 handled in accordance with established and accepted procedures
9 while in the custody of the laboratory.

10 (a-5) In any criminal prosecution for reckless homicide
11 under Section 9-3 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or driving under the influence of alcohol, other
13 drug, or combination of both, in violation of Section 11-501 of
14 the Illinois Vehicle Code or in any civil action held under a
15 statutory summary suspension or revocation hearing under
16 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
17 report from the Department of State Police, Division of
18 Forensic Services, that is signed and sworn to by the person
19 performing an analysis, and that states that the sample of
20 blood, other bodily substance, or urine was tested for alcohol
21 or drugs, and contains the person's findings as to the presence
22 and amount of alcohol or drugs and type of drug is prima facie
23 evidence of the presence, content, and amount of the alcohol or
24 drugs analyzed in the blood, other bodily substance, or urine.
25 Attached to the report must be a copy of a notarized statement
26 by the signer of the report giving the name of the signer and

1 stating (1) that he or she is an employee of the Department of
2 State Police, Division of Forensic Services, (2) the name and
3 location of the laboratory where the analysis was performed,
4 (3) that performing the analysis is a part of his or her
5 regular duties, (4) that the signer is qualified by education,
6 training, and experience to perform the analysis, and (5) that
7 scientifically accepted tests were performed with due caution
8 and that the evidence was handled in accordance with
9 established and accepted procedures while in the custody of the
10 laboratory.

11 (b) The State's Attorney shall serve a copy of the report
12 on the attorney of record for the accused, or on the accused if
13 he or she has no attorney, before any proceeding in which the
14 report is to be used against the accused other than at a
15 preliminary hearing or grand jury hearing when the report may
16 be used without having been previously served upon the accused.

17 (c) The report shall not be prima facie evidence if the
18 accused or his or her attorney demands the testimony of the
19 person signing the report by serving the demand upon the
20 State's Attorney within 7 days from the accused or his or her
21 attorney's receipt of the report.

22 (Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

23 Section 25. The Unified Code of Corrections is amended by
24 changing Section 5-9-1.9 as follows:

1 (730 ILCS 5/5-9-1.9)

2 Sec. 5-9-1.9. DUI analysis fee.

3 (a) "Crime laboratory" means a not-for-profit laboratory
4 substantially funded by a single unit or combination of units
5 of local government or the State of Illinois that regularly
6 employs at least one person engaged in the DUI analysis of
7 blood, other bodily substance, and urine for criminal justice
8 agencies in criminal matters and provides testimony with
9 respect to such examinations.

10 "DUI analysis" means an analysis of blood, other bodily
11 substance, or urine for purposes of determining whether a
12 violation of Section 11-501 of the Illinois Vehicle Code has
13 occurred.

14 (b) When a person has been adjudged guilty of an offense in
15 violation of Section 11-501 of the Illinois Vehicle Code, in
16 addition to any other disposition, penalty, or fine imposed, a
17 crime laboratory DUI analysis fee of \$150 for each offense for
18 which the person was convicted shall be levied by the court for
19 each case in which a laboratory analysis occurred. Upon
20 verified petition of the person, the court may suspend payment
21 of all or part of the fee if it finds that the person does not
22 have the ability to pay the fee.

23 (c) In addition to any other disposition made under the
24 provisions of the Juvenile Court Act of 1987, any minor
25 adjudicated delinquent for an offense which if committed by an
26 adult would constitute a violation of Section 11-501 of the

1 Illinois Vehicle Code shall be assessed a crime laboratory DUI
2 analysis fee of \$150 for each adjudication. Upon verified
3 petition of the minor, the court may suspend payment of all or
4 part of the fee if it finds that the minor does not have the
5 ability to pay the fee. The parent, guardian, or legal
6 custodian of the minor may pay some or all of the fee on the
7 minor's behalf.

8 (d) All crime laboratory DUI analysis fees provided for by
9 this Section shall be collected by the clerk of the court and
10 forwarded to the appropriate crime laboratory DUI fund as
11 provided in subsection (f).

12 (e) Crime laboratory funds shall be established as follows:

13 (1) A unit of local government that maintains a crime
14 laboratory may establish a crime laboratory DUI fund within
15 the office of the county or municipal treasurer.

16 (2) Any combination of units of local government that
17 maintains a crime laboratory may establish a crime
18 laboratory DUI fund within the office of the treasurer of
19 the county where the crime laboratory is situated.

20 (3) The State Police DUI Fund is created as a special
21 fund in the State Treasury.

22 (f) The analysis fee provided for in subsections (b) and
23 (c) of this Section shall be forwarded to the office of the
24 treasurer of the unit of local government that performed the
25 analysis if that unit of local government has established a
26 crime laboratory DUI fund, or to the State Treasurer for

1 deposit into the State Police DUI Fund if the analysis was
2 performed by a laboratory operated by the Department of State
3 Police. If the analysis was performed by a crime laboratory
4 funded by a combination of units of local government, the
5 analysis fee shall be forwarded to the treasurer of the county
6 where the crime laboratory is situated if a crime laboratory
7 DUI fund has been established in that county. If the unit of
8 local government or combination of units of local government
9 has not established a crime laboratory DUI fund, then the
10 analysis fee shall be forwarded to the State Treasurer for
11 deposit into the State Police DUI Fund. The clerk of the
12 circuit court may retain the amount of \$10 from each collected
13 analysis fee to offset administrative costs incurred in
14 carrying out the clerk's responsibilities under this Section.

15 (g) Fees deposited into a crime laboratory DUI fund created
16 under paragraphs (1) and (2) of subsection (e) of this Section
17 shall be in addition to any allocations made pursuant to
18 existing law and shall be designated for the exclusive use of
19 the crime laboratory. These uses may include, but are not
20 limited to, the following:

21 (1) Costs incurred in providing analysis for DUI
22 investigations conducted within this State.

23 (2) Purchase and maintenance of equipment for use in
24 performing analyses.

25 (3) Continuing education, training, and professional
26 development of forensic scientists regularly employed by

1 these laboratories.

2 (h) Fees deposited in the State Police DUI Fund created
3 under paragraph (3) of subsection (e) of this Section shall be
4 used by State crime laboratories as designated by the Director
5 of State Police. These funds shall be in addition to any
6 allocations made according to existing law and shall be
7 designated for the exclusive use of State crime laboratories.
8 These uses may include those enumerated in subsection (g) of
9 this Section.

10 (Source: P.A. 91-822, eff. 6-13-00.)

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