



Sen. William R. Haine

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09900SB2980sam001

LRB099 19070 AXK 47332 a

1 AMENDMENT TO SENATE BILL 2980

2 AMENDMENT NO. _____. Amend Senate Bill 2980 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-501, 11-501.1 and 11-501.6 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

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

12 (1) the alcohol concentration in the person's blood or
13 breath is 0.08 or more based on the definition of blood and
14 breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that
2 renders the person incapable of driving safely;

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

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

9 (6) there is any amount of a drug, substance, or
10 compound in the person's breath, blood, or urine resulting
11 from the unlawful use or consumption of cannabis listed in
12 the Cannabis Control Act, a controlled substance listed in
13 the Illinois Controlled Substances Act, an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act,
15 or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act. Subject to all other
17 requirements and provisions under this Section, this
18 paragraph (6) does not apply to the lawful consumption of
19 cannabis by a qualifying patient licensed under the
20 Compassionate Use of Medical Cannabis Pilot Program Act who
21 is in possession of a valid registry card issued under that
22 Act, unless that person is impaired by the use of cannabis;
23 or -

24 (7) there is more than twice the prescribed amount of
25 drug, substance, or compound in the person's breath, blood,
26 or urine resulting from the use or consumption of a

1 controlled substance listed in the Illinois Controlled
2 Substances Act of the person's prescription for the
3 controlled substance. This paragraph (7) does not apply to
4 the lawful consumption of cannabis by a qualifying patient
5 licensed under the Compassionate Use of Medical Cannabis
6 Pilot Program Act who is in possession of a valid registry
7 card under that Act.

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

14 (c) Penalties.

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

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

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

1 a person under the age of 16 at the time of the violation.

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

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

17 (d) Aggravated driving under the influence of alcohol,
18 other drug or drugs, or intoxicating compound or compounds, or
19 any combination thereof.

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

25 (A) the person committed a violation of subsection

26 (a) or a similar provision for the third or subsequent

1 time;

2 (B) the person committed a violation of subsection
3 (a) while driving a school bus with one or more
4 passengers on board;

5 (C) the person in committing a violation of
6 subsection (a) was involved in a motor vehicle accident
7 that resulted in great bodily harm or permanent
8 disability or disfigurement to another, when the
9 violation was a proximate cause of the injuries;

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

21 (E) the person, in committing a violation of
22 subsection (a) while driving at any speed in a school
23 speed zone at a time when a speed limit of 20 miles per
24 hour was in effect under subsection (a) of Section
25 11-605 of this Code, was involved in a motor vehicle
26 accident that resulted in bodily harm, other than great

1 bodily harm or permanent disability or disfigurement,
2 to another person, when the violation of subsection (a)
3 was a proximate cause of the bodily harm;

4 (F) the person, in committing a violation of
5 subsection (a), was involved in a motor vehicle,
6 snowmobile, all-terrain vehicle, or watercraft
7 accident that resulted in the death of another person,
8 when the violation of subsection (a) was a proximate
9 cause of the death;

10 (G) the person committed a violation of subsection
11 (a) during a period in which the defendant's driving
12 privileges are revoked or suspended, where the
13 revocation or suspension was for a violation of
14 subsection (a) or a similar provision, Section
15 11-501.1, paragraph (b) of Section 11-401, or for
16 reckless homicide as defined in Section 9-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (H) the person committed the violation while he or
19 she did not possess a driver's license or permit or a
20 restricted driving permit or a judicial driving permit
21 or a monitoring device driving permit;

22 (I) the person committed the violation while he or
23 she knew or should have known that the vehicle he or
24 she was driving was not covered by a liability
25 insurance policy;

26 (J) the person in committing a violation of

1 subsection (a) was involved in a motor vehicle accident
2 that resulted in bodily harm, but not great bodily
3 harm, to the child under the age of 16 being
4 transported by the person, if the violation was the
5 proximate cause of the injury;

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

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

12 (2) (A) Except as provided otherwise, a person
13 convicted of aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof is guilty of a Class
16 4 felony.

17 (B) A third violation of this Section or a similar
18 provision is a Class 2 felony. If at the time of the third
19 violation the alcohol concentration in his or her blood,
20 breath, or urine was 0.16 or more based on the definition
21 of blood, breath, or urine units in Section 11-501.2, a
22 mandatory minimum of 90 days of imprisonment and a
23 mandatory minimum fine of \$2,500 shall be imposed in
24 addition to any other criminal or administrative sanction.
25 If at the time of the third violation, the defendant was
26 transporting a person under the age of 16, a mandatory fine

1 of \$25,000 and 25 days of community service in a program
2 benefiting children shall be imposed in addition to any
3 other criminal or administrative sanction.

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

18 (D) A fifth violation of this Section or a similar
19 provision is a Class 1 felony, for which a sentence of
20 probation or conditional discharge may not be imposed. If
21 at the time of the violation, the alcohol concentration in
22 the defendant's blood, breath, or urine was 0.16 or more
23 based on the definition of blood, breath, or urine units in
24 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
25 be imposed in addition to any other criminal or
26 administrative sanction. If at the time of the fifth

1 violation, the defendant was transporting a person under
2 the age of 16, a mandatory fine of \$25,000, and 25 days of
3 community service in a program benefiting children shall be
4 imposed in addition to any other criminal or administrative
5 sanction.

6 (E) A sixth or subsequent violation of this Section or
7 similar provision is a Class X felony. If at the time of
8 the violation, the alcohol concentration in the
9 defendant's blood, breath, or urine was 0.16 or more based
10 on the definition of blood, breath, or urine units in
11 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
12 be imposed in addition to any other criminal or
13 administrative sanction. If at the time of the violation,
14 the defendant was transporting a person under the age of
15 16, a mandatory fine of \$25,000 and 25 days of community
16 service in a program benefiting children shall be imposed
17 in addition to any other criminal or administrative
18 sanction.

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

23 (G) A violation of subparagraph (F) of paragraph (1) of
24 this subsection (d) is a Class 2 felony, for which the
25 defendant, unless the court determines that extraordinary
26 circumstances exist and require probation, shall be

1 sentenced to: (i) a term of imprisonment of not less than 3
2 years and not more than 14 years if the violation resulted
3 in the death of one person; or (ii) a term of imprisonment
4 of not less than 6 years and not more than 28 years if the
5 violation resulted in the deaths of 2 or more persons.

6 (H) For a violation of subparagraph (J) of paragraph
7 (1) of this subsection (d), a mandatory fine of \$2,500, and
8 25 days of community service in a program benefiting
9 children shall be imposed in addition to any other criminal
10 or administrative sanction.

11 (I) A violation of subparagraph (K) of paragraph (1) of
12 this subsection (d), is a Class 2 felony and a mandatory
13 fine of \$2,500, and 25 days of community service in a
14 program benefiting children shall be imposed in addition to
15 any other criminal or administrative sanction. If the child
16 being transported suffered bodily harm, but not great
17 bodily harm, in a motor vehicle accident, and the violation
18 was the proximate cause of that injury, a mandatory fine of
19 \$5,000 and 25 days of community service in a program
20 benefiting children shall be imposed in addition to any
21 other criminal or administrative sanction.

22 (J) A violation of subparagraph (D) of paragraph (1) of
23 this subsection (d) is a Class 3 felony, for which a
24 sentence of probation or conditional discharge may not be
25 imposed.

26 (3) Any person sentenced under this subsection (d) who

1 receives a term of probation or conditional discharge must
2 serve a minimum term of either 480 hours of community
3 service or 10 days of imprisonment as a condition of the
4 probation or conditional discharge in addition to any other
5 criminal or administrative sanction.

6 (e) Any reference to a prior violation of subsection (a) or
7 a similar provision includes any violation of a provision of a
8 local ordinance or a provision of a law of another state or an
9 offense committed on a military installation that is similar to
10 a violation of subsection (a) of this Section.

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

14 (g) Any penalty imposed for driving with a license that has
15 been revoked for a previous violation of subsection (a) of this
16 Section shall be in addition to the penalty imposed for any
17 subsequent violation of subsection (a).

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

21 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
22 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

23 (625 ILCS 5/11-501.1)

24 Sec. 11-501.1. Suspension of drivers license; statutory
25 summary alcohol, other drug or drugs, or intoxicating compound

1 or compounds related suspension or revocation; implied
2 consent.

3 (a) Any person who drives or is in actual physical control
4 of a motor vehicle upon the public highways of this State shall
5 be deemed to have given consent, subject to the provisions of
6 Section 11-501.2, to a chemical test or tests of blood, breath,
7 or urine for the purpose of determining the content of alcohol,
8 other drug or drugs, or intoxicating compound or compounds or
9 any combination thereof in the person's blood if arrested, as
10 evidenced by the issuance of a Uniform Traffic Ticket, for any
11 offense as defined in Section 11-501 or a similar provision of
12 a local ordinance, or if arrested for violating Section 11-401.
13 If a law enforcement officer has probable cause to believe the
14 person was under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds, or any combination
16 thereof, the law enforcement officer shall request a chemical
17 test or tests which shall be administered at the direction of
18 the arresting officer. The law enforcement agency employing the
19 officer shall designate which of the aforesaid tests shall be
20 administered. A urine test may be administered even after a
21 blood or breath test or both has been administered. For
22 purposes of this Section, an Illinois law enforcement officer
23 of this State who is investigating the person for any offense
24 defined in Section 11-501 may travel into an adjoining state,
25 where the person has been transported for medical care, to
26 complete an investigation and to request that the person submit

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

15 (a-5) (Blank).

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

22 (c) A person requested to submit to a test as provided
23 above shall be warned by the law enforcement officer requesting
24 the test that a refusal to submit to the test will result in
25 the statutory summary suspension of the person's privilege to
26 operate a motor vehicle, as provided in Section 6-208.1 of this

1 Code, and will also result in the disqualification of the
2 person's privilege to operate a commercial motor vehicle, as
3 provided in Section 6-514 of this Code, if the person is a CDL
4 holder. The person shall also be warned that a refusal to
5 submit to the test, when the person was involved in a motor
6 vehicle accident that caused personal injury or death to
7 another, will result in the statutory summary revocation of the
8 person's privilege to operate a motor vehicle, as provided in
9 Section 6-208.1, and will also result in the disqualification
10 of the person's privilege to operate a commercial motor
11 vehicle, as provided in Section 6-514 of this Code, if the
12 person is a CDL holder. The person shall also be warned by the
13 law enforcement officer that if the person submits to the test
14 or tests provided in paragraph (a) of this Section and the
15 alcohol concentration in the person's blood or breath is 0.08
16 or greater, or more than twice the prescribed amount of a
17 prescription for a controlled substance under paragraph (7) of
18 subsection (a) of Section 11-501 of this Code is detected in
19 the person's blood or urine, or any amount of a drug,
20 substance, or compound resulting from the unlawful use or
21 consumption of cannabis as covered by the Cannabis Control Act,
22 a controlled substance listed in the Illinois Controlled
23 Substances Act, an intoxicating compound listed in the Use of
24 Intoxicating Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act is
26 detected in the person's blood or urine, a statutory summary

1 suspension of the person's privilege to operate a motor
2 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
3 Code, 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 or breath is greater than 0.00 and less
14 than 0.08, a suspension of the person's privilege to operate a
15 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
16 of this Code, will be imposed. The results of this test shall
17 be admissible in a civil or criminal action or proceeding
18 arising from an arrest for an offense as defined in Section
19 11-501 of this Code or a similar provision of a local ordinance
20 or pursuant to Section 11-501.4 in prosecutions for reckless
21 homicide brought under the Criminal Code of 1961 or the
22 Criminal Code of 2012. These test results, however, shall be
23 admissible only in actions or proceedings directly related to
24 the incident upon which the test request was made.

25 A person requested to submit to a test shall also
26 acknowledge, in writing, receipt of the warning required under

1 this Section. If the person refuses to acknowledge receipt of
2 the warning, the law enforcement officer shall make a written
3 notation on the warning that the person refused to sign the
4 warning. A person's refusal to sign the warning shall not be
5 evidence that the person was not read the warning.

6 (d) If the person refuses testing or submits to a test that
7 discloses an alcohol concentration of 0.08 or more, or more
8 than twice the prescribed amount of a prescription for a
9 controlled substance under paragraph (7) of subsection (a) of
10 Section 11-501 of this Code, or any amount of a drug,
11 substance, or intoxicating compound in the person's breath,
12 blood, or urine resulting from the unlawful use or consumption
13 of cannabis listed in the Cannabis Control Act, a controlled
14 substance listed in the Illinois Controlled Substances Act, an
15 intoxicating compound listed in the Use of Intoxicating
16 Compounds Act, or methamphetamine as listed in the
17 Methamphetamine Control and Community Protection Act, the law
18 enforcement officer shall immediately submit a sworn report to
19 the circuit court of venue and the Secretary of State,
20 certifying that the test or tests was or were requested under
21 paragraph (a) and the person refused to submit to a test, or
22 tests, or submitted to testing that disclosed an alcohol, drug,
23 substance, or compound concentration at or greater than the
24 amount in this subsection (d) of 0.08 or more.

25 (e) Upon receipt of the sworn report of a law enforcement
26 officer submitted under paragraph (d), the Secretary of State

1 shall enter the statutory summary suspension or revocation and
2 disqualification for the periods specified in Sections 6-208.1
3 and 6-514, respectively, and effective as provided in paragraph
4 (g).

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

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

1 (1) In cases where the blood alcohol concentration of
2 0.08 or greater, or more than twice the prescribed amount
3 of a prescription for a controlled substance under
4 paragraph (7) of subsection (a) of Section 11-501 of this
5 Code, or any amount of a drug, substance, or compound
6 resulting from the unlawful use or consumption of cannabis
7 as covered by 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 is established by a subsequent analysis of blood or
13 urine collected at the time of arrest, the arresting
14 officer or arresting agency shall give notice as provided
15 in this Section or by deposit in the United States mail of
16 the notice in an envelope with postage prepaid and
17 addressed to the person at his address as shown on the
18 Uniform Traffic Ticket and the statutory summary
19 suspension and disqualification shall begin as provided in
20 paragraph (g). The officer shall confiscate any Illinois
21 driver's license or permit on the person at the time of
22 arrest. If the person has a valid driver's license or
23 permit, the officer shall issue the person a receipt, in a
24 form prescribed by the Secretary of State, that will allow
25 that person to drive during the periods provided for in
26 paragraph (g). The officer shall immediately forward the

1 driver's license or permit to the circuit court of venue
2 along with the sworn report provided for in paragraph (d).

3 (2) (Blank).

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

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

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

24 (i) As used in this Section, "personal injury" includes any
25 Type A injury as indicated on the traffic accident report
26 completed by a law enforcement officer that requires immediate

1 professional attention in either a doctor's office or a medical
2 facility. A Type A injury includes severely bleeding wounds,
3 distorted extremities, and injuries that require the injured
4 party to be carried from the scene.

5 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15;
6 99-467, eff. 1-1-16.)

7 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

10 (a) Any person who drives or is in actual control of a
11 motor vehicle upon the public highways of this State and who
12 has been involved in a personal injury or fatal motor vehicle
13 accident, shall be deemed to have given consent to a breath
14 test using a portable device as approved by the Department of
15 State Police or to a chemical test or tests of blood, breath,
16 or urine for the purpose of determining the content of alcohol,
17 other drug or drugs, or intoxicating compound or compounds of
18 such person's blood if arrested as evidenced by the issuance of
19 a Uniform Traffic Ticket for any violation of the Illinois
20 Vehicle Code or a similar provision of a local ordinance, with
21 the exception of equipment violations contained in Chapter 12
22 of this Code, or similar provisions of local ordinances. The
23 test 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. A urine test may be administered even after a
2 blood or breath test or both has been administered. Compliance
3 with this Section does not relieve such person from the
4 requirements of Section 11-501.1 of this Code.

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

20 (c) A person requested to submit to a test as provided
21 above shall be warned by the law enforcement officer requesting
22 the test that a refusal to submit to the test, or submission to
23 the test resulting in an alcohol concentration of 0.08 or more,
24 or more than twice the prescribed amount of a prescription for
25 a controlled substance under paragraph (7) of subsection (a) of
26 Section 11-501 of this Code as detected in the person's blood

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

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

23 (d) If the person refuses testing or submits to a test
24 which discloses an alcohol concentration of 0.08 or more, or
25 more than twice the prescribed amount of a prescription for a
26 controlled substance under paragraph (7) of subsection (a) of

1 Section 11-501 of this Code, or any amount of a drug,
2 substance, or intoxicating compound in such person's blood or
3 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 Act, an
6 intoxicating compound listed in the Use of Intoxicating
7 Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, the law
9 enforcement officer shall immediately submit a sworn report to
10 the Secretary of State on a form prescribed by the Secretary,
11 certifying that the test or tests were requested pursuant to
12 subsection (a) and the person refused to submit to a test or
13 tests or submitted to testing which disclosed an alcohol
14 concentration of 0.08 or more, or any amount of a drug,
15 substance, or intoxicating compound in such person's blood or
16 urine, resulting from the unlawful use or consumption of
17 cannabis listed in the Cannabis Control Act, a controlled
18 substance listed in the Illinois Controlled Substances Act, an
19 intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act.

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

1 the person.

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

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

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary shall also give notice of the suspension
24 and disqualification to the driver by mailing a notice of the
25 effective date of the suspension and disqualification to the
26 individual. However, should the sworn report be defective by

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

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

25 (f) (Blank).

26 (g) For the purposes of this Section, a personal injury

1 shall include any type A injury as indicated on the traffic
2 accident report completed by a law enforcement officer that
3 requires immediate professional attention in either a doctor's
4 office or a medical facility. A type A injury shall include
5 severely bleeding wounds, distorted extremities, and injuries
6 that require the injured party to be carried from the scene.
7 (Source: P.A. 99-467, eff. 1-1-16.)".