



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4333

Introduced 1/14/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-197.5	from Ch. 95 1/2, par. 1-203.1
625 ILCS 5/2-118.1	from Ch. 95 1/2, par. 2-118.1
625 ILCS 5/6-206	
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-517	from Ch. 95 1/2, par. 6-517
625 ILCS 5/6-520	from Ch. 95 1/2, par. 6-520
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
625 ILCS 5/11-501.1	
625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
625 ILCS 5/11-501.6	from Ch. 95 1/2, par. 11-501.6
625 ILCS 5/11-501.8	
625 ILCS 5/11-507	
625 ILCS 40/5-7.1	
625 ILCS 45/5-16	
625 ILCS 45/5-16c	
820 ILCS 305/11	from Ch. 48, par. 138.11

Amends the Illinois Vehicle Code. Provides that if, at the time an act is alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, there was an alcohol concentration of 0.05 (rather than 0.08) or more, it shall be presumed that the person was under the influence of alcohol. Makes conforming changes in the Act, the Snowmobile Registration and Safety Act, the Boat Registration and Safety Act, and the Workers' Compensation Act.

LRB104 16469 LNS 29864 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-197.5, 2-118.1, 6-206, 6-208.1, 6-517,
6 6-520, 11-500, 11-501, 11-501.1, 11-501.2, 11-501.6, 11-501.8,
7 and 11-507 as follows:

8 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

9 Sec. 1-197.5. Statutory summary alcohol or other drug
10 related suspension of driver's privileges. The withdrawal by
11 the Secretary of State of a person's license or privilege to
12 operate a motor vehicle on the public highways for the periods
13 provided in Section 6-208.1. Reinstatement after the
14 suspension period shall occur after all appropriate fees have
15 been paid. The bases for this withdrawal of driving privileges
16 shall be the individual's refusal to submit to or failure to
17 complete a chemical test or tests following an arrest for the
18 offense of driving under the influence of alcohol, other
19 drugs, or intoxicating compounds, or any combination thereof,
20 or submission to such a test or tests indicating an alcohol
21 concentration of 0.05 ~~0.08~~ or more as provided in Section
22 11-501.1 of this Code.

23 (Source: P.A. 96-607, eff. 8-24-09.)

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

2 Sec. 2-118.1. Opportunity for hearing; statutory summary
3 alcohol or other drug related suspension or revocation
4 pursuant to Section 11-501.1.

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

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

1 court in the same manner as in other civil proceedings.

2 The hearing may be conducted upon a review of the law
3 enforcement officer's own official reports; provided however,
4 that the person may subpoena the officer. Failure of the
5 officer to answer the subpoena shall be considered grounds for
6 a continuance if in the court's discretion the continuance is
7 appropriate.

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

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

15 2. Whether the officer had reasonable grounds to
16 believe that the person was driving or in actual physical
17 control of a motor vehicle upon a highway while under the
18 influence of alcohol, other drug, or combination of both;
19 and

20 3. Whether the person, after being advised by the
21 officer that the privilege to operate a motor vehicle
22 would be suspended or revoked if the person refused to
23 submit to and complete the test or tests, did refuse to
24 submit to or complete the test or tests to determine the
25 person's blood alcohol or drug concentration; or

26 4. Whether the person, after being advised by the

1 officer that the privilege to operate a motor vehicle
2 would be suspended if the person submits to a chemical
3 test, or tests, and the test discloses an alcohol
4 concentration of 0.05 ~~0.08~~ or more, a tetrahydrocannabinol
5 concentration as defined in paragraph 6 of subsection (a)
6 of Section 11-501.2 of this Code, or any amount of a drug,
7 substance, or compound in the person's blood, other bodily
8 substance, or urine resulting from the unlawful use or
9 consumption of a controlled substance listed in the
10 Illinois Controlled Substances Act, an intoxicating
11 compound as listed in the Use of Intoxicating Compounds
12 Act, or methamphetamine as listed in the Methamphetamine
13 Control and Community Protection Act, and the person did
14 submit to and complete the test or tests that determined
15 an alcohol concentration of 0.05 ~~0.08~~ or more.

16 4.2. (Blank).

17 4.5. (Blank).

18 5. If the person's driving privileges were revoked,
19 whether the person was involved in a motor vehicle crash
20 that caused Type A injury or death to another.

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

1 (Source: P.A. 102-982, eff. 7-1-23.)

2 (625 ILCS 5/6-206)

3 (Text of Section before amendment by P.A. 104-400)

4 Sec. 6-206. Discretionary authority to suspend or revoke
5 license or permit; right to a hearing.

6 (a) The Secretary of State is authorized to suspend or
7 revoke the driving privileges of any person without
8 preliminary hearing upon a showing of the person's records or
9 other sufficient evidence that the person:

10 1. Has committed an offense for which mandatory
11 revocation of a driver's license or permit is required
12 upon conviction;

13 2. Has been convicted of not less than 3 offenses
14 against traffic regulations governing the movement of
15 vehicles committed within any 12-month period. No
16 revocation or suspension shall be entered more than 6
17 months after the date of last conviction;

18 3. Has been repeatedly involved as a driver in motor
19 vehicle collisions or has been repeatedly convicted of
20 offenses against laws and ordinances regulating the
21 movement of traffic, to a degree that indicates lack of
22 ability to exercise ordinary and reasonable care in the
23 safe operation of a motor vehicle or disrespect for the
24 traffic laws and the safety of other persons upon the
25 highway;

1 4. Has by the unlawful operation of a motor vehicle
2 caused or contributed to a crash resulting in injury
3 requiring immediate professional treatment in a medical
4 facility or doctor's office to any person, except that any
5 suspension or revocation imposed by the Secretary of State
6 under the provisions of this subsection shall start no
7 later than 6 months after being convicted of violating a
8 law or ordinance regulating the movement of traffic, which
9 violation is related to the crash, or shall start not more
10 than one year after the date of the crash, whichever date
11 occurs later;

12 5. Has permitted an unlawful or fraudulent use of a
13 driver's license, identification card, or permit;

14 6. Has been lawfully convicted of an offense or
15 offenses in another state, including the authorization
16 contained in Section 6-203.1, which if committed within
17 this State would be grounds for suspension or revocation;

18 7. Has refused or failed to submit to an examination
19 provided for by Section 6-207 or has failed to pass the
20 examination;

21 8. Is ineligible for a driver's license or permit
22 under the provisions of Section 6-103;

23 9. Has made a false statement or knowingly concealed a
24 material fact or has used false information or
25 identification in any application for a license,
26 identification card, or permit;

1 10. Has possessed, displayed, or attempted to
2 fraudulently use any license, identification card, or
3 permit not issued to the person;

4 11. Has operated a motor vehicle upon a highway of
5 this State when the person's driving privilege or
6 privilege to obtain a driver's license or permit was
7 revoked or suspended unless the operation was authorized
8 by a monitoring device driving permit, judicial driving
9 permit issued prior to January 1, 2009, probationary
10 license to drive, or restricted driving permit issued
11 under this Code;

12 12. Has submitted to any portion of the application
13 process for another person or has obtained the services of
14 another person to submit to any portion of the application
15 process for the purpose of obtaining a license,
16 identification card, or permit for some other person;

17 13. Has operated a motor vehicle upon a highway of
18 this State when the person's driver's license or permit
19 was invalid under the provisions of Sections 6-107.1 and
20 6-110;

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
23 14B of the Illinois Identification Card Act or a similar
24 offense in another state if, at the time of the offense,
25 the person held an Illinois driver's license or
26 identification card;

1 15. Has been convicted of violating Section 21-2 of
2 the Criminal Code of 1961 or the Criminal Code of 2012
3 relating to criminal trespass to vehicles if the person
4 exercised actual physical control over the vehicle during
5 the commission of the offense, in which case the
6 suspension shall be for one year;

7 16. Has been convicted of violating Section 11-204 of
8 this Code relating to fleeing from a peace officer;

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the
11 person has not sought a hearing as provided for in Section
12 11-501.1;

13 18. (Blank);

14 19. Has committed a violation of paragraph (a) or (b)
15 of Section 6-101 relating to driving without a driver's
16 license;

17 20. Has been convicted of violating Section 6-104
18 relating to classification of driver's license;

19 21. Has been convicted of violating Section 11-402 of
20 this Code relating to leaving the scene of a crash
21 resulting in damage to a vehicle in excess of \$1,000, in
22 which case the suspension shall be for one year;

23 22. Has used a motor vehicle in violating paragraph
24 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
25 the Criminal Code of 1961 or the Criminal Code of 2012
26 relating to unlawful possession of weapons, in which case

1 the suspension shall be for one year;

2 23. Has, as a driver, been convicted of committing a
3 violation of paragraph (a) of Section 11-502 of this Code
4 for a second or subsequent time within one year of a
5 similar violation;

6 24. Has been convicted by a court-martial or punished
7 by non-judicial punishment by military authorities of the
8 United States at a military installation in Illinois or in
9 another state of or for a traffic-related offense that is
10 the same as or similar to an offense specified under
11 Section 6-205 or 6-206 of this Code;

12 25. Has permitted any form of identification to be
13 used by another in the application process in order to
14 obtain or attempt to obtain a license, identification
15 card, or permit;

16 26. Has altered or attempted to alter a license or has
17 possessed an altered license, identification card, or
18 permit;

19 27. (Blank);

20 28. Has been convicted for a first time of the illegal
21 possession, while operating or in actual physical control,
22 as a driver, of a motor vehicle, of any controlled
23 substance prohibited under the Illinois Controlled
24 Substances Act, any cannabis prohibited under the Cannabis
25 Control Act, or any methamphetamine prohibited under the
26 Methamphetamine Control and Community Protection Act, in

1 which case the person's driving privileges shall be
2 suspended for one year. Any defendant found guilty of this
3 offense while operating a motor vehicle shall have an
4 entry made in the court record by the presiding judge that
5 this offense did occur while the defendant was operating a
6 motor vehicle and order the clerk of the court to report
7 the violation to the Secretary of State;

8 29. Has been convicted of the following offenses that
9 were committed while the person was operating or in actual
10 physical control, as a driver, of a motor vehicle:
11 criminal sexual assault, predatory criminal sexual assault
12 of a child, aggravated criminal sexual assault, criminal
13 sexual abuse, aggravated criminal sexual abuse, juvenile
14 pimping, soliciting for a sexually exploited child,
15 promoting commercial sexual exploitation of a child as
16 described in subdivision (a)(1), (a)(2), or (a)(3) of
17 Section 11-14.4 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, and the manufacture, sale or
19 delivery of controlled substances or instruments used for
20 illegal drug use or abuse in which case the driver's
21 driving privileges shall be suspended for one year;

22 30. Has been convicted a second or subsequent time for
23 any combination of the offenses named in paragraph 29 of
24 this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 of this Code or Section 5-16c of the Boat
2 Registration and Safety Act or has submitted to a test
3 resulting in an alcohol concentration of 0.08 or more or
4 any amount of a drug, substance, or compound resulting
5 from the unlawful use or consumption of cannabis as listed
6 in the Cannabis Control Act, a controlled substance as
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound as listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act, in
11 which case the penalty shall be as prescribed in Section
12 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 relating to the aggravated discharge of a firearm if the
16 offender was located in a motor vehicle at the time the
17 firearm was discharged, in which case the suspension shall
18 be for 3 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this
22 Code or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code or a similar provision of a local ordinance;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24-month period. No revocation or
5 suspension shall be entered more than 6 months after the
6 date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code that resulted in damage to the
9 property of another or the death or injury of another;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance and the person was an occupant of a motor
13 vehicle at the time of the violation;

14 39. Has committed a second or subsequent violation of
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of
19 Section 11-605.1 of this Code, a similar provision of a
20 local ordinance, or a similar violation in any other state
21 within 2 years of the date of the previous violation, in
22 which case the suspension shall be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision

1 for a violation of subsection (a), (d), or (e) of Section
2 6-20 of the Liquor Control Act of 1934 or a similar
3 provision of a local ordinance and the person was an
4 occupant of a motor vehicle at the time of the violation,
5 in which case the suspension shall be for a period of 3
6 months;

7 44. Is under the age of 21 years at the time of arrest
8 and has been convicted of an offense against traffic
9 regulations governing the movement of vehicles after
10 having previously had his or her driving privileges
11 suspended or revoked pursuant to subparagraph 36 of this
12 Section;

13 45. Has, in connection with or during the course of a
14 formal hearing conducted under Section 2-118 of this Code:
15 (i) committed perjury; (ii) submitted fraudulent or
16 falsified documents; (iii) submitted documents that have
17 been materially altered; or (iv) submitted, as his or her
18 own, documents that were in fact prepared or composed for
19 another person;

20 46. Has committed a violation of subsection (j) of
21 Section 3-413 of this Code;

22 47. Has committed a violation of subsection (a) of
23 Section 11-502.1 of this Code;

24 48. Has submitted a falsified or altered medical
25 examiner's certificate to the Secretary of State or
26 provided false information to obtain a medical examiner's

1 certificate;

2 49. Has been convicted of a violation of Section
3 11-1002 or 11-1002.5 that resulted in a Type A injury to
4 another, in which case the driving privileges of the
5 person shall be suspended for 12 months;

6 50. Has committed a violation of subsection (b-5) of
7 Section 12-610.2 that resulted in great bodily harm,
8 permanent disability, or disfigurement, in which case the
9 driving privileges of the person shall be suspended for 12
10 months;

11 51. Has committed a violation of Section 10-15 Of the
12 Cannabis Regulation and Tax Act or a similar provision of
13 a local ordinance while in a motor vehicle; or

14 52. Has committed a violation of subsection (b) of
15 Section 10-20 of the Cannabis Regulation and Tax Act or a
16 similar provision of a local ordinance.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
18 and 27 of this subsection, license means any driver's license,
19 any traffic ticket issued when the person's driver's license
20 is deposited in lieu of bail, a suspension notice issued by the
21 Secretary of State, a duplicate or corrected driver's license,
22 a probationary driver's license, or a temporary driver's
23 license.

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be,
2 provided that a certified copy of a stay order of a court is
3 filed with the Secretary of State. If the conviction is
4 affirmed on appeal, the date of the conviction shall relate
5 back to the time the original judgment of conviction was
6 entered and the 6-month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's license
14 of a person under subsection 2 of paragraph (a) of this
15 Section, a person's privilege to operate a vehicle as an
16 occupation shall not be suspended, provided an affidavit is
17 properly completed, the appropriate fee received, and a permit
18 issued prior to the effective date of the suspension, unless 5
19 offenses were committed, at least 2 of which occurred while
20 operating a commercial vehicle in connection with the driver's
21 regular occupation. All other driving privileges shall be
22 suspended by the Secretary of State. Any driver prior to
23 operating a vehicle for occupational purposes only must submit
24 the affidavit on forms to be provided by the Secretary of State
25 setting forth the facts of the person's occupation. The
26 affidavit shall also state the number of offenses committed

1 while operating a vehicle in connection with the driver's
2 regular occupation. The affidavit shall be accompanied by the
3 driver's license. Upon receipt of a properly completed
4 affidavit, the Secretary of State shall issue the driver a
5 permit to operate a vehicle in connection with the driver's
6 regular occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended as set
9 forth in the notice that was mailed under this Section. If an
10 affidavit is received subsequent to the effective date of this
11 suspension, a permit may be issued for the remainder of the
12 suspension period.

13 The provisions of this subparagraph shall not apply to any
14 driver required to possess a CDL for the purpose of operating a
15 commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit
17 required herein shall be guilty of perjury under Section 6-302
18 and upon conviction thereof shall have all driving privileges
19 revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118 of
21 this Code, the Secretary of State shall either rescind or
22 continue an order of revocation or shall substitute an order
23 of suspension; or, good cause appearing therefor, rescind,
24 continue, change, or extend the order of suspension. If the
25 Secretary of State does not rescind the order, the Secretary
26 may upon application, to relieve undue hardship (as defined by

1 the rules of the Secretary of State), issue a restricted
2 driving permit granting the privilege of driving a motor
3 vehicle between the petitioner's residence and petitioner's
4 place of employment or within the scope of the petitioner's
5 employment-related duties, or to allow the petitioner to
6 transport himself or herself, or a family member of the
7 petitioner's household to a medical facility, to receive
8 necessary medical care, to allow the petitioner to transport
9 himself or herself to and from alcohol or drug remedial or
10 rehabilitative activity recommended by a licensed service
11 provider, or to allow the petitioner to transport himself or
12 herself or a family member of the petitioner's household to
13 classes, as a student, at an accredited educational
14 institution, or to allow the petitioner to transport children,
15 elderly persons, or persons with disabilities who do not hold
16 driving privileges and are living in the petitioner's
17 household to and from day care ~~daycare~~. The petitioner must
18 demonstrate that no alternative means of transportation is
19 reasonably available and that the petitioner will not endanger
20 the public safety or welfare.

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, or
25 Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar
2 out-of-state offense, or a combination of these offenses,
3 arising out of separate occurrences, that person, if
4 issued a restricted driving permit, may not operate a
5 vehicle unless it has been equipped with an ignition
6 interlock device as defined in Section 1-129.1.

7 (B) If a person's license or permit is revoked or
8 suspended 2 or more times due to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section
12 9-3 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, where the use of alcohol or other drugs is
14 recited as an element of the offense, or a similar
15 out-of-state offense; or

16 (ii) a statutory summary suspension or revocation
17 under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;

19 arising out of separate occurrences; that person, if
20 issued a restricted driving permit, may not operate a
21 vehicle unless it has been equipped with an ignition
22 interlock device as defined in Section 1-129.1.

23 (B-5) If a person's license or permit is revoked or
24 suspended due to a conviction for a violation of
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)
26 of Section 11-501 of this Code, or a similar provision of a

1 local ordinance or similar out-of-state offense, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (C) The person issued a permit conditioned upon the
6 use of an ignition interlock device must pay to the
7 Secretary of State DUI Administration Fund an amount not
8 to exceed \$30 per month. The Secretary shall establish by
9 rule the amount and the procedures, terms, and conditions
10 relating to these fees.

11 (D) If the restricted driving permit is issued for
12 employment purposes, then the prohibition against
13 operating a motor vehicle that is not equipped with an
14 ignition interlock device does not apply to the operation
15 of an occupational vehicle owned or leased by that
16 person's employer when used solely for employment
17 purposes. For any person who, within a 5-year period, is
18 convicted of a second or subsequent offense under Section
19 11-501 of this Code, or a similar provision of a local
20 ordinance or similar out-of-state offense, this employment
21 exemption does not apply until either a one-year period
22 has elapsed during which that person had his or her
23 driving privileges revoked or a one-year period has
24 elapsed during which that person had a restricted driving
25 permit which required the use of an ignition interlock
26 device on every motor vehicle owned or operated by that

1 person.

2 (E) In each case the Secretary may issue a restricted
3 driving permit for a period deemed appropriate, except
4 that all permits shall expire no later than 2 years from
5 the date of issuance. A restricted driving permit issued
6 under this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in
8 like manner and for like cause as a driver's license
9 issued under this Code may be cancelled, revoked, or
10 suspended; except that a conviction upon one or more
11 offenses against laws or ordinances regulating the
12 movement of traffic shall be deemed sufficient cause for
13 the revocation, suspension, or cancellation of a
14 restricted driving permit. The Secretary of State may, as
15 a condition to the issuance of a restricted driving
16 permit, require the applicant to participate in a
17 designated driver remedial or rehabilitative program. The
18 Secretary of State is authorized to cancel a restricted
19 driving permit if the permit holder does not successfully
20 complete the program.

21 (F) A person subject to the provisions of paragraph 4
22 of subsection (b) of Section 6-208 of this Code may make
23 application for a restricted driving permit at a hearing
24 conducted under Section 2-118 of this Code after the
25 expiration of 5 years from the effective date of the most
26 recent revocation or after 5 years from the date of

1 release from a period of imprisonment resulting from a
2 conviction of the most recent offense, whichever is later,
3 provided the person, in addition to all other requirements
4 of the Secretary, shows by clear and convincing evidence:

5 (i) a minimum of 3 years of uninterrupted
6 abstinence from alcohol and the unlawful use or
7 consumption of cannabis under the Cannabis Control
8 Act, a controlled substance under the Illinois
9 Controlled Substances Act, an intoxicating compound
10 under the Use of Intoxicating Compounds Act, or
11 methamphetamine under the Methamphetamine Control and
12 Community Protection Act; and

13 (ii) the successful completion of any
14 rehabilitative treatment and involvement in any
15 ongoing rehabilitative activity that may be
16 recommended by a properly licensed service provider
17 according to an assessment of the person's alcohol or
18 drug use under Section 11-501.01 of this Code.

19 In determining whether an applicant is eligible for a
20 restricted driving permit under this subparagraph (F), the
21 Secretary may consider any relevant evidence, including,
22 but not limited to, testimony, affidavits, records, and
23 the results of regular alcohol or drug tests. Persons
24 subject to the provisions of paragraph 4 of subsection (b)
25 of Section 6-208 of this Code and who have been convicted
26 of more than one violation of paragraph (3), paragraph

1 (4), or paragraph (5) of subsection (a) of Section 11-501
2 of this Code shall not be eligible to apply for a
3 restricted driving permit under this subparagraph (F).

4 A restricted driving permit issued under this
5 subparagraph (F) shall provide that the holder may only
6 operate motor vehicles equipped with an ignition interlock
7 device as required under paragraph (2) of subsection (c)
8 of Section 6-205 of this Code and subparagraph (A) of
9 paragraph 3 of subsection (c) of this Section. The
10 Secretary may revoke a restricted driving permit or amend
11 the conditions of a restricted driving permit issued under
12 this subparagraph (F) if the holder operates a vehicle
13 that is not equipped with an ignition interlock device, or
14 for any other reason authorized under this Code.

15 A restricted driving permit issued under this
16 subparagraph (F) shall be revoked, and the holder barred
17 from applying for or being issued a restricted driving
18 permit in the future, if the holder is convicted of a
19 violation of Section 11-501 of this Code, a similar
20 provision of a local ordinance, or a similar offense in
21 another state.

22 (c-3) In the case of a suspension under paragraph 43 of
23 subsection (a), reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 suspension is in effect, be privileged information and for use
26 only by the courts, police officers, prosecuting authorities,

1 the driver licensing administrator of any other state, the
2 Secretary of State, or the parent or legal guardian of a driver
3 under the age of 18. However, beginning January 1, 2008, if the
4 person is a CDL holder, the suspension shall also be made
5 available to the driver licensing administrator of any other
6 state, the U.S. Department of Transportation, and the affected
7 driver or motor carrier or prospective motor carrier upon
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of
10 subsection (a), the Secretary of State shall notify the person
11 by mail that his or her driving privileges and driver's
12 license will be suspended one month after the date of the
13 mailing of the notice.

14 (c-5) The Secretary of State may, as a condition of the
15 reissuance of a driver's license or permit to an applicant
16 whose driver's license or permit has been suspended before he
17 or she reached the age of 21 years pursuant to any of the
18 provisions of this Section, require the applicant to
19 participate in a driver remedial education course and be
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the
22 Driver License Compact.

23 (e) The Secretary of State shall not issue a restricted
24 driving permit to a person under the age of 16 years whose
25 driving privileges have been suspended or revoked under any
26 provisions of this Code.

1 (f) In accordance with 49 CFR 384, the Secretary of State
2 may not issue a restricted driving permit for the operation of
3 a commercial motor vehicle to a person holding a CDL whose
4 driving privileges have been suspended, revoked, cancelled, or
5 disqualified under any provisions of this Code.

6 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
7 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
8 7-1-23; 103-154, eff. 6-30-23; 103-822, eff. 1-1-25; 103-1071,
9 eff. 7-1-25; revised 10-27-25.)

10 (Text of Section after amendment by P.A. 104-400)

11 Sec. 6-206. Discretionary authority to suspend or revoke
12 license or permit; right to a hearing.

13 (a) The Secretary of State is authorized to suspend or
14 revoke the driving privileges of any person without
15 preliminary hearing upon a showing of the person's records or
16 other sufficient evidence that the person:

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required
19 upon conviction;

20 2. Has been convicted of not less than 3 offenses
21 against traffic regulations governing the movement of
22 vehicles committed within any 12-month period. No
23 revocation or suspension shall be entered more than 6
24 months after the date of last conviction;

25 3. Has been repeatedly involved as a driver in motor

1 vehicle collisions or has been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 4. Has by the unlawful operation of a motor vehicle
9 caused or contributed to a crash resulting in injury
10 requiring immediate professional treatment in a medical
11 facility or doctor's office to any person, except that any
12 suspension or revocation imposed by the Secretary of State
13 under the provisions of this subsection shall start no
14 later than 6 months after being convicted of violating a
15 law or ordinance regulating the movement of traffic, which
16 violation is related to the crash, or shall start not more
17 than one year after the date of the crash, whichever date
18 occurs later;

19 5. Has permitted an unlawful or fraudulent use of a
20 driver's license, identification card, or permit;

21 6. Has been lawfully convicted of an offense or
22 offenses in another state, including the authorization
23 contained in Section 6-203.1, which if committed within
24 this State would be grounds for suspension or revocation;

25 7. Has refused or failed to submit to an examination
26 provided for by Section 6-207 or has failed to pass the

1 examination;

2 8. Is ineligible for a driver's license or permit
3 under the provisions of Section 6-103;

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

8 10. Has possessed, displayed, or attempted to
9 fraudulently use any license, identification card, or
10 permit not issued to the person;

11 11. Has operated a motor vehicle upon a highway of
12 this State when the person's driving privilege or
13 privilege to obtain a driver's license or permit was
14 revoked or suspended unless the operation was authorized
15 by a monitoring device driving permit, judicial driving
16 permit issued prior to January 1, 2009, probationary
17 license to drive, or restricted driving permit issued
18 under this Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

24 13. Has operated a motor vehicle upon a highway of
25 this State when the person's driver's license or permit
26 was invalid under the provisions of Sections 6-107.1 and

1 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
4 14B of the Illinois Identification Card Act or a similar
5 offense in another state if, at the time of the offense,
6 the person held an Illinois driver's license or
7 identification card;

8 15. Has been convicted of violating Section 21-2 of
9 the Criminal Code of 1961 or the Criminal Code of 2012
10 relating to criminal trespass to vehicles if the person
11 exercised actual physical control over the vehicle during
12 the commission of the offense, in which case the
13 suspension shall be for one year;

14 16. Has been convicted of violating Section 11-204 of
15 this Code relating to fleeing from a peace officer;

16 17. Has refused to submit to a test, or tests, as
17 required under Section 11-501.1 of this Code and the
18 person has not sought a hearing as provided for in Section
19 11-501.1;

20 18. (Blank);

21 19. Has committed a violation of paragraph (a) or (b)
22 of Section 6-101 relating to driving without a driver's
23 license;

24 20. Has been convicted of violating Section 6-104
25 relating to classification of driver's license;

26 21. Has been convicted of violating Section 11-402 of

1 this Code relating to leaving the scene of a crash
2 resulting in damage to a vehicle in excess of \$1,000, in
3 which case the suspension shall be for one year;

4 22. Has used a motor vehicle in violating paragraph
5 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
6 the Criminal Code of 1961 or the Criminal Code of 2012
7 relating to unlawful possession of weapons, in which case
8 the suspension shall be for one year;

9 23. Has, as a driver, been convicted of committing a
10 violation of paragraph (a) of Section 11-502 of this Code
11 for a second or subsequent time within one year of a
12 similar violation;

13 24. Has been convicted by a court-martial or punished
14 by non-judicial punishment by military authorities of the
15 United States at a military installation in Illinois or in
16 another state of or for a traffic-related offense that is
17 the same as or similar to an offense specified under
18 Section 6-205 or 6-206 of this Code;

19 25. Has permitted any form of identification to be
20 used by another in the application process in order to
21 obtain or attempt to obtain a license, identification
22 card, or permit;

23 26. Has altered or attempted to alter a license or has
24 possessed an altered license, identification card, or
25 permit;

26 27. (Blank);

1 28. Has been convicted for a first time of the illegal
2 possession, while operating or in actual physical control,
3 as a driver, of a motor vehicle, of any controlled
4 substance prohibited under the Illinois Controlled
5 Substances Act, any cannabis prohibited under the Cannabis
6 Control Act, or any methamphetamine prohibited under the
7 Methamphetamine Control and Community Protection Act, in
8 which case the person's driving privileges shall be
9 suspended for one year. Any defendant found guilty of this
10 offense while operating a motor vehicle shall have an
11 entry made in the court record by the presiding judge that
12 this offense did occur while the defendant was operating a
13 motor vehicle and order the clerk of the court to report
14 the violation to the Secretary of State;

15 29. Has been convicted of the following offenses that
16 were committed while the person was operating or in actual
17 physical control, as a driver, of a motor vehicle:
18 criminal sexual assault, predatory criminal sexual assault
19 of a child, aggravated criminal sexual assault, criminal
20 sexual abuse, aggravated criminal sexual abuse, juvenile
21 pimping, soliciting for a sexually exploited child,
22 promoting commercial sexual exploitation of a child as
23 described in subdivision (a)(1), (a)(2), or (a)(3) of
24 Section 11-14.4 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, and the manufacture, sale or
26 delivery of controlled substances or instruments used for

1 illegal drug use or abuse in which case the driver's
2 driving privileges shall be suspended for one year;

3 30. Has been convicted a second or subsequent time for
4 any combination of the offenses named in paragraph 29 of
5 this subsection, in which case the person's driving
6 privileges shall be suspended for 5 years;

7 31. Has refused to submit to a test as required by
8 Section 11-501.6 of this Code or Section 5-16c of the Boat
9 Registration and Safety Act or has submitted to a test
10 resulting in an alcohol concentration of 0.05 ~~0.08~~ or more
11 or any amount of a drug, substance, or compound resulting
12 from the unlawful use or consumption of cannabis as listed
13 in the Cannabis Control Act, a controlled substance as
14 listed in the Illinois Controlled Substances Act, an
15 intoxicating compound as listed in the Use of Intoxicating
16 Compounds Act, or methamphetamine as listed in the
17 Methamphetamine Control and Community Protection Act, in
18 which case the penalty shall be as prescribed in Section
19 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012
22 relating to the aggravated discharge of a firearm if the
23 offender was located in a motor vehicle at the time the
24 firearm was discharged, in which case the suspension shall
25 be for 3 years;

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this
3 Code or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of
5 this Code or a similar provision of a local ordinance;

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code or a similar provision of a local ordinance;

8 36. Is under the age of 21 years at the time of arrest
9 and has been convicted of not less than 2 offenses against
10 traffic regulations governing the movement of vehicles
11 committed within any 24-month period. No revocation or
12 suspension shall be entered more than 6 months after the
13 date of last conviction;

14 37. Has committed a violation of subsection (c),
15 (c-5), or (c-10) of Section 11-907 of this Code that
16 resulted in damage to the property of another or the death
17 or injury of another;

18 38. Has been convicted of a violation of Section 6-20
19 of the Liquor Control Act of 1934 or a similar provision of
20 a local ordinance and the person was an occupant of a motor
21 vehicle at the time of the violation;

22 39. Has committed a second or subsequent violation of
23 Section 11-1201 of this Code;

24 40. Has committed a violation of subsection (a-1) of
25 Section 11-908 of this Code;

26 41. Has committed a second or subsequent violation of

1 Section 11-605.1 of this Code, a similar provision of a
2 local ordinance, or a similar violation in any other state
3 within 2 years of the date of the previous violation, in
4 which case the suspension shall be for 90 days;

5 42. Has committed a violation of subsection (a-1) of
6 Section 11-1301.3 of this Code or a similar provision of a
7 local ordinance;

8 43. Has received a disposition of court supervision
9 for a violation of subsection (a), (d), or (e) of Section
10 6-20 of the Liquor Control Act of 1934 or a similar
11 provision of a local ordinance and the person was an
12 occupant of a motor vehicle at the time of the violation,
13 in which case the suspension shall be for a period of 3
14 months;

15 44. Is under the age of 21 years at the time of arrest
16 and has been convicted of an offense against traffic
17 regulations governing the movement of vehicles after
18 having previously had his or her driving privileges
19 suspended or revoked pursuant to subparagraph 36 of this
20 Section;

21 45. Has, in connection with or during the course of a
22 formal hearing conducted under Section 2-118 of this Code:
23 (i) committed perjury; (ii) submitted fraudulent or
24 falsified documents; (iii) submitted documents that have
25 been materially altered; or (iv) submitted, as his or her
26 own, documents that were in fact prepared or composed for

1 another person;

2 46. Has committed a violation of subsection (j) of
3 Section 3-413 of this Code;

4 47. Has committed a violation of subsection (a) of
5 Section 11-502.1 of this Code;

6 48. Has submitted a falsified or altered medical
7 examiner's certificate to the Secretary of State or
8 provided false information to obtain a medical examiner's
9 certificate;

10 49. Has been convicted of a violation of Section
11 11-1002 or 11-1002.5 that resulted in a Type A injury to
12 another, in which case the driving privileges of the
13 person shall be suspended for 12 months;

14 50. Has committed a violation of subsection (b-5) of
15 Section 12-610.2 that resulted in great bodily harm,
16 permanent disability, or disfigurement, in which case the
17 driving privileges of the person shall be suspended for 12
18 months;

19 51. Has committed a violation of Section 10-15 Of the
20 Cannabis Regulation and Tax Act or a similar provision of
21 a local ordinance while in a motor vehicle; or

22 52. Has committed a violation of subsection (b) of
23 Section 10-20 of the Cannabis Regulation and Tax Act or a
24 similar provision of a local ordinance.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license
2 is deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license, or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be,
10 provided that a certified copy of a stay order of a court is
11 filed with the Secretary of State. If the conviction is
12 affirmed on appeal, the date of the conviction shall relate
13 back to the time the original judgment of conviction was
14 entered and the 6-month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's license
22 of a person under subsection 2 of paragraph (a) of this
23 Section, a person's privilege to operate a vehicle as an
24 occupation shall not be suspended, provided an affidavit is
25 properly completed, the appropriate fee received, and a permit
26 issued prior to the effective date of the suspension, unless 5

1 offenses were committed, at least 2 of which occurred while
2 operating a commercial vehicle in connection with the driver's
3 regular occupation. All other driving privileges shall be
4 suspended by the Secretary of State. Any driver prior to
5 operating a vehicle for occupational purposes only must submit
6 the affidavit on forms to be provided by the Secretary of State
7 setting forth the facts of the person's occupation. The
8 affidavit shall also state the number of offenses committed
9 while operating a vehicle in connection with the driver's
10 regular occupation. The affidavit shall be accompanied by the
11 driver's license. Upon receipt of a properly completed
12 affidavit, the Secretary of State shall issue the driver a
13 permit to operate a vehicle in connection with the driver's
14 regular occupation only. Unless the permit is issued by the
15 Secretary of State prior to the date of suspension, the
16 privilege to drive any motor vehicle shall be suspended as set
17 forth in the notice that was mailed under this Section. If an
18 affidavit is received subsequent to the effective date of this
19 suspension, a permit may be issued for the remainder of the
20 suspension period.

21 The provisions of this subparagraph shall not apply to any
22 driver required to possess a CDL for the purpose of operating a
23 commercial motor vehicle.

24 Any person who falsely states any fact in the affidavit
25 required herein shall be guilty of perjury under Section 6-302
26 and upon conviction thereof shall have all driving privileges

1 revoked without further rights.

2 3. At the conclusion of a hearing under Section 2-118 of
3 this Code, the Secretary of State shall either rescind or
4 continue an order of revocation or shall substitute an order
5 of suspension; or, good cause appearing therefor, rescind,
6 continue, change, or extend the order of suspension. If the
7 Secretary of State does not rescind the order, the Secretary
8 may upon application, to relieve undue hardship (as defined by
9 the rules of the Secretary of State), issue a restricted
10 driving permit granting the privilege of driving a motor
11 vehicle between the petitioner's residence and petitioner's
12 place of employment or within the scope of the petitioner's
13 employment-related duties, or to allow the petitioner to
14 transport himself or herself, or a family member of the
15 petitioner's household to a medical facility, to receive
16 necessary medical care, to allow the petitioner to transport
17 himself or herself to and from alcohol or drug remedial or
18 rehabilitative activity recommended by a licensed service
19 provider, or to allow the petitioner to transport himself or
20 herself or a family member of the petitioner's household to
21 classes, as a student, at an accredited educational
22 institution, or to allow the petitioner to transport children,
23 elderly persons, or persons with disabilities who do not hold
24 driving privileges and are living in the petitioner's
25 household to and from day care ~~daycare~~. The petitioner must
26 demonstrate that no alternative means of transportation is

1 reasonably available and that the petitioner will not endanger
2 the public safety or welfare.

3 (A) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating
5 Section 11-501 of this Code or a similar provision of a
6 local ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, where the use of alcohol or other drugs is
9 recited as an element of the offense, or a similar
10 out-of-state offense, or a combination of these offenses,
11 arising out of separate occurrences, that person, if
12 issued a restricted driving permit, may not operate a
13 vehicle unless it has been equipped with an ignition
14 interlock device as defined in Section 1-129.1.

15 (B) If a person's license or permit is revoked or
16 suspended 2 or more times due to any combination of:

17 (i) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense or Section
20 9-3 of the Criminal Code of 1961 or the Criminal Code
21 of 2012, where the use of alcohol or other drugs is
22 recited as an element of the offense, or a similar
23 out-of-state offense; or

24 (ii) a statutory summary suspension or revocation
25 under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

1 arising out of separate occurrences; that person, if
2 issued a restricted driving permit, may not operate a
3 vehicle unless it has been equipped with an ignition
4 interlock device as defined in Section 1-129.1.

5 (B-5) If a person's license or permit is revoked or
6 suspended due to a conviction for a violation of
7 subparagraph (C) or (F) of paragraph (1) of subsection (d)
8 of Section 11-501 of this Code, or a similar provision of a
9 local ordinance or similar out-of-state offense, that
10 person, if issued a restricted driving permit, may not
11 operate a vehicle unless it has been equipped with an
12 ignition interlock device as defined in Section 1-129.1.

13 (C) The person issued a permit conditioned upon the
14 use of an ignition interlock device must pay to the
15 Secretary of State DUI Administration Fund an amount not
16 to exceed \$30 per month. The Secretary shall establish by
17 rule the amount and the procedures, terms, and conditions
18 relating to these fees.

19 (D) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that
24 person's employer when used solely for employment
25 purposes. For any person who, within a 5-year period, is
26 convicted of a second or subsequent offense under Section

1 11-501 of this Code, or a similar provision of a local
2 ordinance or similar out-of-state offense, this employment
3 exemption does not apply until either a one-year period
4 has elapsed during which that person had his or her
5 driving privileges revoked or a one-year period has
6 elapsed during which that person had a restricted driving
7 permit which required the use of an ignition interlock
8 device on every motor vehicle owned or operated by that
9 person.

10 (E) In each case the Secretary may issue a restricted
11 driving permit for a period deemed appropriate, except
12 that all permits shall expire no later than 2 years from
13 the date of issuance. A restricted driving permit issued
14 under this Section shall be subject to cancellation,
15 revocation, and suspension by the Secretary of State in
16 like manner and for like cause as a driver's license
17 issued under this Code may be cancelled, revoked, or
18 suspended; except that a conviction upon one or more
19 offenses against laws or ordinances regulating the
20 movement of traffic shall be deemed sufficient cause for
21 the revocation, suspension, or cancellation of a
22 restricted driving permit. The Secretary of State may, as
23 a condition to the issuance of a restricted driving
24 permit, require the applicant to participate in a
25 designated driver remedial or rehabilitative program. The
26 Secretary of State is authorized to cancel a restricted

1 driving permit if the permit holder does not successfully
2 complete the program.

3 (F) A person subject to the provisions of paragraph 4
4 of subsection (b) of Section 6-208 of this Code may make
5 application for a restricted driving permit at a hearing
6 conducted under Section 2-118 of this Code after the
7 expiration of 5 years from the effective date of the most
8 recent revocation or after 5 years from the date of
9 release from a period of imprisonment resulting from a
10 conviction of the most recent offense, whichever is later,
11 provided the person, in addition to all other requirements
12 of the Secretary, shows by clear and convincing evidence:

13 (i) a minimum of 3 years of uninterrupted
14 abstinence from alcohol and the unlawful use or
15 consumption of cannabis under the Cannabis Control
16 Act, a controlled substance under the Illinois
17 Controlled Substances Act, an intoxicating compound
18 under the Use of Intoxicating Compounds Act, or
19 methamphetamine under the Methamphetamine Control and
20 Community Protection Act; and

21 (ii) the successful completion of any
22 rehabilitative treatment and involvement in any
23 ongoing rehabilitative activity that may be
24 recommended by a properly licensed service provider
25 according to an assessment of the person's alcohol or
26 drug use under Section 11-501.01 of this Code.

1 In determining whether an applicant is eligible for a
2 restricted driving permit under this subparagraph (F), the
3 Secretary may consider any relevant evidence, including,
4 but not limited to, testimony, affidavits, records, and
5 the results of regular alcohol or drug tests. Persons
6 subject to the provisions of paragraph 4 of subsection (b)
7 of Section 6-208 of this Code and who have been convicted
8 of more than one violation of paragraph (3), paragraph
9 (4), or paragraph (5) of subsection (a) of Section 11-501
10 of this Code shall not be eligible to apply for a
11 restricted driving permit under this subparagraph (F).

12 A restricted driving permit issued under this
13 subparagraph (F) shall provide that the holder may only
14 operate motor vehicles equipped with an ignition interlock
15 device as required under paragraph (2) of subsection (c)
16 of Section 6-205 of this Code and subparagraph (A) of
17 paragraph 3 of subsection (c) of this Section. The
18 Secretary may revoke a restricted driving permit or amend
19 the conditions of a restricted driving permit issued under
20 this subparagraph (F) if the holder operates a vehicle
21 that is not equipped with an ignition interlock device, or
22 for any other reason authorized under this Code.

23 A restricted driving permit issued under this
24 subparagraph (F) shall be revoked, and the holder barred
25 from applying for or being issued a restricted driving
26 permit in the future, if the holder is convicted of a

1 violation of Section 11-501 of this Code, a similar
2 provision of a local ordinance, or a similar offense in
3 another state.

4 (c-3) In the case of a suspension under paragraph 43 of
5 subsection (a), reports received by the Secretary of State
6 under this Section shall, except during the actual time the
7 suspension is in effect, be privileged information and for use
8 only by the courts, police officers, prosecuting authorities,
9 the driver licensing administrator of any other state, the
10 Secretary of State, or the parent or legal guardian of a driver
11 under the age of 18. However, beginning January 1, 2008, if the
12 person is a CDL holder, the suspension shall also be made
13 available to the driver licensing administrator of any other
14 state, the U.S. Department of Transportation, and the affected
15 driver or motor carrier or prospective motor carrier upon
16 request.

17 (c-4) In the case of a suspension under paragraph 43 of
18 subsection (a), the Secretary of State shall notify the person
19 by mail that his or her driving privileges and driver's
20 license will be suspended one month after the date of the
21 mailing of the notice.

22 (c-5) The Secretary of State may, as a condition of the
23 reissuance of a driver's license or permit to an applicant
24 whose driver's license or permit has been suspended before he
25 or she reached the age of 21 years pursuant to any of the
26 provisions of this Section, require the applicant to

1 participate in a driver remedial education course and be
2 retested under Section 6-109 of this Code.

3 (d) This Section is subject to the provisions of the
4 Driver License Compact.

5 (e) The Secretary of State shall not issue a restricted
6 driving permit to a person under the age of 16 years whose
7 driving privileges have been suspended or revoked under any
8 provisions of this Code.

9 (f) In accordance with 49 CFR 384, the Secretary of State
10 may not issue a restricted driving permit for the operation of
11 a commercial motor vehicle to a person holding a CDL whose
12 driving privileges have been suspended, revoked, cancelled, or
13 disqualified under any provisions of this Code.

14 (Source: P.A. 103-154, eff. 6-30-23; 103-822, eff. 1-1-25;
15 103-1071, eff. 7-1-25; 104-400, eff. 6-1-26; revised
16 10-27-25.)

17 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

18 Sec. 6-208.1. Period of statutory summary alcohol, other
19 drug, or intoxicating compound related suspension or
20 revocation.

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

1 1. twelve months from the effective date of the
2 statutory summary suspension for a refusal or failure to
3 complete a test or tests to determine the alcohol, other
4 drug, or intoxicating compound concentration under Section
5 11-501.1, if the person was not involved in a motor
6 vehicle crash that caused personal injury or death to
7 another; or

8 2. six months from the effective date of the statutory
9 summary suspension imposed following the person's
10 submission to a chemical test which disclosed an alcohol
11 concentration of 0.05 ~~0.08~~ or more, the presence of
12 cannabis as listed in the Cannabis Control Act with a
13 tetrahydrocannabinol concentration as defined in paragraph
14 6 of subsection (a) of Section 11-501.2 of this Code, or
15 any amount of a drug, substance, or intoxicating compound
16 in such person's breath, blood, other bodily substance, or
17 urine resulting from the unlawful use or consumption of a
18 controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use
20 of Intoxicating Compounds Act, or methamphetamine as
21 listed in the Methamphetamine Control and Community
22 Protection Act, pursuant to Section 11-501.1; or

23 3. three years from the effective date of the
24 statutory summary suspension for any person other than a
25 first offender who refuses or fails to complete a test or
26 tests to determine the alcohol, drug, or intoxicating

1 compound concentration pursuant to Section 11-501.1; or

2 4. one year from the effective date of the summary
3 suspension imposed for any person other than a first
4 offender following submission to a chemical test which
5 disclosed an alcohol concentration of 0.05 ~~0.08~~ or more
6 pursuant to Section 11-501.1, the presence of cannabis as
7 listed in the Cannabis Control Act with a
8 tetrahydrocannabinol concentration as defined in paragraph
9 6 of subsection (a) of Section 11-501.2 of this Code, or
10 any amount of a drug, substance or compound in such
11 person's blood, other bodily substance, or urine resulting
12 from the unlawful use or consumption of a controlled
13 substance listed in the Illinois Controlled Substances
14 Act, an intoxicating compound listed in the Use of
15 Intoxicating Compounds Act, or methamphetamine as listed
16 in the Methamphetamine Control and Community Protection
17 Act; or

18 5. (Blank).

19 (b) Following a statutory summary suspension of the
20 privilege to drive a motor vehicle under Section 11-501.1,
21 driving privileges shall be restored unless the person is
22 otherwise suspended, revoked, or cancelled by this Code. If
23 the court has reason to believe that the person's driving
24 privilege should not be restored, the court shall notify the
25 Secretary of State prior to the expiration of the statutory
26 summary suspension so appropriate action may be taken pursuant

1 to this Code.

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

6 (d) Where a driving privilege has been summarily suspended
7 or revoked under Section 11-501.1 and the person is
8 subsequently convicted of violating Section 11-501, or a
9 similar provision of a local ordinance, for the same incident,
10 any period served on statutory summary suspension or
11 revocation shall be credited toward the minimum period of
12 revocation of driving privileges imposed pursuant to Section
13 6-205.

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

20 (f) (Blank).

21 (g) (Blank).

22 (h) (Blank).

23 (Source: P.A. 102-982, eff. 7-1-23.)

24 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

1 (a) Any person driving a commercial motor vehicle who is
2 requested by a police officer, pursuant to Section 6-516, to
3 submit to a chemical test or tests to determine the alcohol
4 concentration or any amount of a drug, substance, or compound
5 resulting from the unlawful use or consumption of cannabis
6 listed in the Cannabis Control Act, a controlled substance
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act in such
11 person's system, must be warned by the police officer
12 requesting the test or tests that a refusal to submit to the
13 test or tests will result in that person being immediately
14 placed out-of-service for a period of 24 hours and being
15 disqualified from operating a commercial motor vehicle for a
16 period of not less than 12 months; the person shall also be
17 warned that if such person submits to testing which discloses
18 an alcohol concentration of greater than 0.00 but less than
19 0.04 or any amount of a drug, substance, or compound in such
20 person's blood, other bodily substance, or urine resulting
21 from the unlawful use or consumption of cannabis listed in the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, an intoxicating compound
24 listed in the Use of Intoxicating Compounds Act, or
25 methamphetamine as listed in the Methamphetamine Control and
26 Community Protection Act, such person shall be placed

1 immediately out-of-service for a period of 24 hours; if the
2 person submits to testing which discloses an alcohol
3 concentration of 0.04 or more or any amount of a drug,
4 substance, or compound in such person's blood, other bodily
5 substance, or urine resulting from the unlawful use or
6 consumption of cannabis listed in the Cannabis Control Act, a
7 controlled substance listed in the Illinois Controlled
8 Substances Act, an intoxicating compound listed in the Use of
9 Intoxicating Compounds Act, or methamphetamine as listed in
10 the Methamphetamine Control and Community Protection Act, such
11 person shall be placed immediately out-of-service and
12 disqualified from driving a commercial motor vehicle for a
13 period of at least 12 months; also the person shall be warned
14 that if such testing discloses an alcohol concentration of
15 0.05 ~~0.08~~, or more or any amount of a drug, substance, or
16 compound in such person's blood, other bodily substance, or
17 urine resulting from the unlawful use or consumption of
18 cannabis listed in the Cannabis Control Act, a controlled
19 substance listed in the Illinois Controlled Substances Act, an
20 intoxicating compound listed in the Use of Intoxicating
21 Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, in
23 addition to the person being immediately placed out-of-service
24 and disqualified for 12 months as provided in this UCDLA, the
25 results of such testing shall also be admissible in
26 prosecutions for violations of Section 11-501 of this Code, or

1 similar violations of local ordinances, however, such results
2 shall not be used to impose any driving sanctions pursuant to
3 Section 11-501.1 of this Code.

4 The person shall also be warned that any disqualification
5 imposed pursuant to this Section, shall be for life for any
6 such offense or refusal, or combination thereof; including a
7 conviction for violating Section 11-501 while driving a
8 commercial motor vehicle, or similar provisions of local
9 ordinances, committed a second time involving separate
10 incidents.

11 A person requested to submit to a test shall also
12 acknowledge, in writing, receipt of the warning required under
13 this Section. If the person refuses to acknowledge receipt of
14 the warning, the police officer shall make a written notation
15 on the warning that the person refused to sign the warning. A
16 person's refusal to sign the warning shall not be evidence
17 that the person was not read the warning.

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

17 (c) The police officer submitting the Sworn Report under
18 this Section shall serve notice of the CDL disqualification on
19 the person and such CDL disqualification shall be effective as
20 provided in paragraph (d). In cases where the blood alcohol
21 concentration of 0.04 or more, or any amount of a drug,
22 substance, or compound in such person's blood, other bodily
23 substance, or urine resulting from the unlawful use or
24 consumption of cannabis listed in the Cannabis Control Act, a
25 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
2 the Methamphetamine Control and Community Protection Act, is
3 established by subsequent analysis of blood, other bodily
4 substance, or urine collected at the time of the request, the
5 police officer shall give notice as provided in this Section
6 or by deposit in the United States mail of such notice as
7 provided in this Section or by deposit in the United States
8 mail of such notice in an envelope with postage prepaid and
9 addressed to such person's domiciliary address as shown on the
10 Sworn Report and the CDL disqualification shall begin as
11 provided in paragraph (d).

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

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

25 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

1 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)

2 Sec. 6-520. CDL disqualification or out-of-service order;
3 hearing.

4 (a) A disqualification of commercial driving privileges by
5 the Secretary of State, pursuant to this UCDLA, shall not
6 become effective until the person is notified in writing, by
7 the Secretary, of the impending disqualification and advised
8 that a CDL hearing may be requested of the Secretary if the
9 stop or arrest occurred in a commercial motor vehicle.

10 (b) Upon receipt of: the notice of a CDL disqualification
11 not based upon a conviction; an out-of-service order; or
12 notification that a CDL disqualification is forthcoming, the
13 person may make a written petition in a form, approved by the
14 Secretary of State, for a CDL hearing with the Secretary if the
15 stop or arrest occurred in a commercial motor vehicle. Such
16 petition must state the grounds upon which the person seeks to
17 have the CDL disqualification rescinded or the out-of-service
18 order removed from the person's driving record. Within 10 days
19 after the receipt of such petition, it shall be reviewed by the
20 Director of the Department of Administrative Hearings, Office
21 of the Secretary of State, or by an appointed designee. If it
22 is determined that the petition on its face does not state
23 grounds upon which the relief may be based, the petition for a
24 CDL hearing shall be denied and the disqualification shall
25 become effective as if no petition had been filed and the
26 out-of-service order shall be sustained. If such petition is

1 so denied, the person may submit another petition.

2 (c) The scope of a CDL hearing, for any disqualification
3 imposed pursuant to paragraphs (1) and (2) of subsection (a)
4 of Section 6-514, resulting from the operation of a commercial
5 motor vehicle, shall be limited to the following issues:

6 1. Whether the person was operating a commercial motor
7 vehicle;

8 2. Whether, after making the initial stop, the police
9 officer had probable cause to issue a Sworn Report;

10 3. Whether the person was verbally warned of the
11 ensuing consequences prior to submitting to any type of
12 chemical test or tests to determine such person's blood
13 concentration of alcohol, other drug, or both;

14 4. Whether the person did refuse to submit to or
15 failed to complete the chemical testing or did submit to
16 such test or tests and such test or tests disclosed an
17 alcohol concentration of at least 0.04 or any amount of a
18 drug, substance, or compound resulting from the unlawful
19 use or consumption of cannabis listed in the Cannabis
20 Control Act or a controlled substance listed in the
21 Illinois Controlled Substances Act or methamphetamine as
22 listed in the Methamphetamine Control and Community
23 Protection Act in the person's system;

24 5. Whether the person was warned that if the test or
25 tests disclosed an alcohol concentration of 0.05 ~~0.08~~ or
26 more or any amount of a drug, substance, or compound

1 resulting from the unlawful use or consumption of cannabis
2 listed in the Cannabis Control Act or a controlled
3 substance listed in the Illinois Controlled Substances Act
4 or methamphetamine as listed in the Methamphetamine
5 Control and Community Protection Act, such results could
6 be admissible in a subsequent prosecution under Section
7 11-501 of this Code or similar provision of local
8 ordinances; and

9 6. Whether such results could not be used to impose
10 any driver's license sanctions pursuant to Section
11 11-501.1.

12 Upon the conclusion of the above CDL hearing, the CDL
13 disqualification imposed shall either be sustained or
14 rescinded.

15 (d) The scope of a CDL hearing for any out-of-service
16 sanction, imposed pursuant to Section 6-515, shall be limited
17 to the following issues:

18 1. Whether the person was driving a commercial motor
19 vehicle;

20 2. Whether, while driving such commercial motor
21 vehicle, the person had alcohol or any amount of a drug,
22 substance, or compound resulting from the unlawful use or
23 consumption of cannabis listed in the Cannabis Control Act
24 or a controlled substance listed in the Illinois
25 Controlled Substances Act or methamphetamine as listed in
26 the Methamphetamine Control and Community Protection Act

1 in such person's system;

2 3. Whether the person was verbally warned of the
3 ensuing consequences prior to being asked to submit to any
4 type of chemical test or tests to determine such person's
5 alcohol, other drug, or both, concentration; and

6 4. Whether, after being so warned, the person did
7 refuse to submit to or failed to complete such chemical
8 test or tests or did submit to such test or tests and such
9 test or tests disclosed an alcohol concentration greater
10 than 0.00 or any amount of a drug, substance, or compound
11 resulting from the unlawful use or consumption of cannabis
12 listed in the Cannabis Control Act or a controlled
13 substance listed in the Illinois Controlled Substances Act
14 or methamphetamine as listed in the Methamphetamine
15 Control and Community Protection Act.

16 Upon the conclusion of the above CDL hearing, the
17 out-of-service sanction shall either be sustained or removed
18 from the person's driving record.

19 (e) If any person petitions for a hearing relating to any
20 CDL disqualification based upon a conviction, as defined in
21 this UCDLA, said hearing shall not be conducted as a CDL
22 hearing, but shall be conducted as any other driver's license
23 hearing, whether formal or informal, as promulgated in the
24 rules and regulations of the Secretary.

25 (f) Any evidence of alcohol or other drug consumption, for
26 the purposes of this UCDLA, shall be sufficient probable cause

1 for requesting the driver to submit to a chemical test or tests
2 to determine the presence of alcohol, other drug, or both in
3 the person's system and the subsequent issuance of an
4 out-of-service order or a Sworn Report by a police officer.

5 (g) For the purposes of this UCCLA, a CDL "hearing" shall
6 mean a hearing before the Office of the Secretary of State in
7 accordance with Section 2-118 of this Code, for the purpose of
8 resolving differences or disputes specifically related to the
9 scope of the issues identified in this Section relating to the
10 operation of a commercial motor vehicle. These proceedings
11 will be a matter of record and a final appealable order issued.
12 The petition for a CDL hearing shall not stay or delay the
13 effective date of the impending disqualification.

14 (h) The CDL hearing may be conducted upon a review of the
15 police officer's own official reports; provided however, that
16 the petitioner may subpoena the officer. Failure of the
17 officer to answer the subpoena shall be grounds for a
18 continuance.

19 (i) Any CDL disqualification based upon a statutory
20 summary suspension or revocation resulting from an arrest of a
21 CDL holder while operating a non-commercial motor vehicle, may
22 only be contested by filing a petition to contest the
23 statutory summary suspension or revocation in the appropriate
24 circuit court as provided for in Section 2-118.1 of this Code.

25 (Source: P.A. 95-382, eff. 8-23-07; 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
11 not had a driver's license suspension pursuant to paragraph 6
12 of 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 0.05
18 ~~0.08~~ or more, or any amount of a drug, substance, or compound
19 in such person's blood, other bodily substance, or urine
20 resulting from the unlawful use or consumption of cannabis
21 listed in the Cannabis Control Act, a controlled substance
22 listed in the Illinois Controlled Substances Act, or 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 and was
26 subsequently found not guilty of violating Section 11-501, or

1 a similar provision of a local ordinance.

2 (Source: P.A. 99-697, eff. 7-29-16.)

3 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

4 Sec. 11-501. Driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof.

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

9 (1) the alcohol concentration in the person's blood,
10 other bodily substance, or breath is 0.05 ~~0.08~~ or more
11 based on the definition of blood and breath units in
12 Section 11-501.2;

13 (2) under the influence of alcohol;

14 (3) under the influence of any intoxicating compound
15 or combination of intoxicating compounds to a degree that
16 renders the person incapable of driving safely;

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

20 (5) under the combined influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds to a
22 degree that renders the person incapable of safely
23 driving;

24 (6) there is any amount of a drug, substance, or
25 compound in the person's breath, blood, other bodily

1 substance, or urine resulting from the unlawful use or
2 consumption of a controlled substance listed in the
3 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; or

7 (7) the person has, within 2 hours of driving or being
8 in actual physical control of a vehicle, a
9 tetrahydrocannabinol concentration in the person's whole
10 blood or other bodily substance as defined in paragraph 6
11 of subsection (a) of Section 11-501.2 of this Code.
12 Subject to all other requirements and provisions under
13 this Section, this paragraph (7) does not apply to the
14 lawful consumption of cannabis by a qualifying patient
15 licensed under the Compassionate Use of Medical Cannabis
16 Program Act who is in possession of a valid registry card
17 issued under that Act, unless that person is impaired by
18 the use of cannabis.

19 (b) The fact that any person charged with violating this
20 Section is or has been legally entitled to use alcohol,
21 cannabis under the Compassionate Use of Medical Cannabis
22 Program Act, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof, shall not constitute a
24 defense against any charge of violating this Section.

25 (c) Penalties.

26 (1) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this
2 Section is guilty of a Class A misdemeanor.

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

8 (3) A person who violates subsection (a) is subject to
9 6 months of imprisonment, an additional mandatory minimum
10 fine of \$1,000, and 25 days of community service in a
11 program benefiting children if the person was transporting
12 a person under the age of 16 at the time of the violation.

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

21 (5) A person who violates subsection (a) a second
22 time, if at the time of the second violation the alcohol
23 concentration in his or her blood, breath, other bodily
24 substance, or urine was 0.16 or more based on the
25 definition of blood, breath, other bodily substance, or
26 urine units in Section 11-501.2, shall be subject, in

1 addition to any other penalty that may be imposed, to a
2 mandatory minimum of 2 days of imprisonment and a
3 mandatory minimum fine of \$1,250.

4 (d) Aggravated driving under the influence of alcohol,
5 other drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof.

7 (1) Every person convicted of committing a violation
8 of this Section shall be guilty of aggravated driving
9 under the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination
11 thereof if:

12 (A) the person committed a violation of subsection
13 (a) or a similar provision for the third or subsequent
14 time;

15 (B) the person committed a violation of subsection
16 (a) while driving a school bus with one or more
17 passengers on board;

18 (C) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle crash
20 that resulted in great bodily harm or permanent
21 disability or disfigurement to another, when the
22 violation was a proximate cause of the injuries;

23 (D) the person committed a violation of subsection
24 (a) and has been previously convicted of violating
25 Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012 or a similar provision of a law

1 of another state relating to reckless homicide in
2 which the person was determined to have been under the
3 influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds as an element of
5 the offense or the person has previously been
6 convicted under subparagraph (C) or subparagraph (F)
7 of this paragraph (1);

8 (E) the person, in committing a violation of
9 subsection (a) while driving at any speed in a school
10 speed zone at a time when a speed limit of 20 miles per
11 hour was in effect under subsection (a) of Section
12 11-605 of this Code, was involved in a motor vehicle
13 crash that resulted in bodily harm, other than great
14 bodily harm or permanent disability or disfigurement,
15 to another person, when the violation of subsection
16 (a) was a proximate cause of the bodily harm;

17 (F) the person, in committing a violation of
18 subsection (a), was involved in a motor vehicle crash
19 or snowmobile, all-terrain vehicle, or watercraft
20 accident that resulted in the death of another person,
21 when the violation of subsection (a) was a proximate
22 cause of the death;

23 (G) the person committed a violation of subsection
24 (a) during a period in which the defendant's driving
25 privileges are revoked or suspended, where the
26 revocation or suspension was for a violation of

1 subsection (a) or a similar provision, Section
2 11-501.1, paragraph (b) of Section 11-401, or for
3 reckless homicide as defined in Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012;

5 (H) the person committed the violation while he or
6 she did not possess a driver's license or permit or a
7 restricted driving permit or a judicial driving permit
8 or a monitoring device driving permit;

9 (I) the person committed the violation while he or
10 she knew or should have known that the vehicle he or
11 she was driving was not covered by a liability
12 insurance policy;

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

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

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

25 (2) (A) Except as provided otherwise, a person
26 convicted of aggravated driving under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof is guilty of a Class
3 4 felony.

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

18 (C) A fourth violation of this Section or a similar
19 provision is a Class 2 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, other bodily substance, or
23 urine was 0.16 or more based on the definition of blood,
24 breath, other bodily substance, or urine units in Section
25 11-501.2, a mandatory minimum fine of \$5,000 shall be
26 imposed in addition to any other criminal or

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

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

22 (E) A sixth or subsequent violation of this Section or
23 similar provision is a Class X felony. If at the time of
24 the violation, the alcohol concentration in the
25 defendant's blood, breath, other bodily substance, or
26 urine was 0.16 or more based on the definition of blood,

1 breath, other bodily substance, or urine units in Section
2 11-501.2, a mandatory minimum fine of \$5,000 shall be
3 imposed in addition to any other criminal or
4 administrative sanction. If at the time of the violation,
5 the defendant was transporting a person under the age of
6 16, a mandatory fine of \$25,000 and 25 days of community
7 service in a program benefiting children shall be imposed
8 in addition to any other criminal or administrative
9 sanction.

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

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

23 (H) For a violation of subparagraph (J) of paragraph
24 (1) of this subsection (d), a mandatory fine of \$2,500,
25 and 25 days of community service in a program benefiting
26 children shall be imposed in addition to any other

1 criminal or administrative sanction.

2 (I) A violation of subparagraph (K) of paragraph (1)
3 of this subsection (d), is a Class 2 felony and a mandatory
4 fine of \$2,500, and 25 days of community service in a
5 program benefiting children shall be imposed in addition
6 to any other criminal or administrative sanction. If the
7 child being transported suffered bodily harm, but not
8 great bodily harm, in a motor vehicle crash, and the
9 violation was the proximate cause of that injury, a
10 mandatory fine of \$5,000 and 25 days of community service
11 in a program benefiting children shall be imposed in
12 addition to any other criminal or administrative sanction.

13 (J) A violation of subparagraph (D) of paragraph (1)
14 of this subsection (d) is a Class 3 felony, for which a
15 sentence of probation or conditional discharge may not be
16 imposed.

17 (3) Any person sentenced under this subsection (d) who
18 receives a term of probation or conditional discharge must
19 serve a minimum term of either 480 hours of community
20 service or 10 days of imprisonment as a condition of the
21 probation or conditional discharge in addition to any
22 other criminal or administrative sanction.

23 (e) Any reference to a prior violation of subsection (a)
24 or a similar provision includes any violation of a provision
25 of a local ordinance or a provision of a law of another state
26 or an offense committed on a military installation that is

1 similar to a violation of subsection (a) of this Section.

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

5 (g) Any penalty imposed for driving with a license that
6 has been revoked for a previous violation of subsection (a) of
7 this Section shall be in addition to the penalty imposed for
8 any subsequent violation of subsection (a).

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

12 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)

13 (625 ILCS 5/11-501.1)

14 Sec. 11-501.1. Suspension of drivers license; statutory
15 summary alcohol, other drug or drugs, or intoxicating compound
16 or compounds related suspension or revocation; implied
17 consent.

18 (a) Any person who drives or is in actual physical control
19 of a motor vehicle upon the public highways of this State shall
20 be deemed to have given consent, subject to the provisions of
21 Section 11-501.2, to a chemical test or tests of blood,
22 breath, other bodily substance, or urine for the purpose of
23 determining the content of alcohol, other drug or drugs, or
24 intoxicating compound or compounds or any combination thereof
25 in the person's blood if arrested, as evidenced by the

1 issuance of a Uniform Traffic Ticket, for any offense as
2 defined in Section 11-501 or a similar provision of a local
3 ordinance, or if arrested for violating Section 11-401. If a
4 law enforcement officer has probable cause to believe the
5 person was under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or any combination
7 thereof, the law enforcement officer shall request a chemical
8 test or tests which shall be administered at the direction of
9 the arresting officer. The law enforcement agency employing
10 the officer shall designate which of the aforesaid tests shall
11 be administered. Up to 2 additional tests of urine or other
12 bodily substance may be administered even after a blood or
13 breath test or both has been administered. For purposes of
14 this Section, an Illinois law enforcement officer of this
15 State who is investigating the person for any offense defined
16 in Section 11-501 may travel into an adjoining state, where
17 the person has been transported for medical care, to complete
18 an investigation and to request that the person submit to the
19 test or tests set forth in this Section. The requirements of
20 this Section that the person be arrested are inapplicable, but
21 the officer shall issue the person a Uniform Traffic Ticket
22 for an offense as defined in Section 11-501 or a similar
23 provision of a local ordinance prior to requesting that the
24 person submit to the test or tests. The issuance of the Uniform
25 Traffic Ticket shall not constitute an arrest, but shall be
26 for the purpose of notifying the person that he or she is

1 subject to the provisions of this Section and of the officer's
2 belief of the existence of probable cause to arrest. Upon
3 returning to this State, the officer shall file the Uniform
4 Traffic Ticket with the Circuit Clerk of the county where the
5 offense was committed, and shall seek the issuance of an
6 arrest warrant or a summons for the person.

7 (a-5) (Blank).

8 (b) Any person who is dead, unconscious, or who is
9 otherwise in a condition rendering the person incapable of
10 refusal, shall be deemed not to have withdrawn the consent
11 provided by paragraph (a) of this Section and the test or tests
12 may be administered, subject to the provisions of Section
13 11-501.2.

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

1 motor vehicle, as provided in Section 6-208.1, and will also
2 result in the disqualification of the person's privilege to
3 operate a commercial motor vehicle, as provided in Section
4 6-514 of this Code, if the person is a CDL holder. The person
5 shall also be warned by the law enforcement officer that if the
6 person submits to the test or tests provided in paragraph (a)
7 of this Section and the alcohol concentration in the person's
8 blood, other bodily substance, or breath is 0.05 ~~0.08~~ or
9 greater, or testing discloses the presence of cannabis as
10 listed in the Cannabis Control Act with a tetrahydrocannabinol
11 concentration as defined in paragraph 6 of subsection (a) of
12 Section 11-501.2 of this Code, or any amount of a drug,
13 substance, or compound resulting from the unlawful use or
14 consumption of a controlled substance listed in the Illinois
15 Controlled Substances Act, an intoxicating compound listed in
16 the Use of Intoxicating Compounds Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community Protection
18 Act is detected in the person's blood, other bodily substance
19 or urine, a statutory summary suspension of the person's
20 privilege to operate a motor vehicle, as provided in Sections
21 6-208.1 and 11-501.1 of this Code, will be imposed. If the
22 person is also a CDL holder, he or she shall be warned by the
23 law enforcement officer that if the person submits to the test
24 or tests provided in paragraph (a) of this Section and the
25 alcohol concentration in the person's blood, other bodily
26 substance, or breath is 0.05 ~~0.08~~ or greater, or any amount of

1 a drug, substance, or compound resulting from the unlawful use
2 or 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
6 the Methamphetamine Control and Community Protection Act is
7 detected in the person's blood, other bodily substance, or
8 urine, a disqualification of the person's privilege to operate
9 a commercial motor vehicle, as provided in Section 6-514 of
10 this Code, will be imposed.

11 A person who is under the age of 21 at the time the person
12 is requested to submit to a test as provided above shall, in
13 addition to the warnings provided for in this Section, be
14 further warned by the law enforcement officer requesting the
15 test that if the person submits to the test or tests provided
16 in paragraph (a) of this Section and the alcohol concentration
17 in the person's blood, other bodily substance, or breath is
18 greater than 0.00 and less than 0.05 ~~0.08~~, a suspension of the
19 person's privilege to operate a motor vehicle, as provided
20 under Sections 6-208.2 and 11-501.8 of this Code, will be
21 imposed. The results of this test shall be admissible in a
22 civil or criminal action or proceeding arising from an arrest
23 for an offense as defined in Section 11-501 of this Code or a
24 similar provision of a local ordinance or pursuant to Section
25 11-501.4 in prosecutions for reckless homicide brought under
26 the Criminal Code of 1961 or the Criminal Code of 2012. These

1 test results, however, shall be admissible only in actions or
2 proceedings directly related to the incident upon which the
3 test request was made.

4 A person requested to submit to a test shall also
5 acknowledge, in writing, receipt of the warning required under
6 this Section. If the person refuses to acknowledge receipt of
7 the warning, the law enforcement officer shall make a written
8 notation on the warning that the person refused to sign the
9 warning. A person's refusal to sign the warning shall not be
10 evidence that the person was not read the warning.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of 0.05 ~~0.08~~ or more, or
13 testing discloses the presence of cannabis as listed in the
14 Cannabis Control Act with a tetrahydrocannabinol concentration
15 as defined in paragraph 6 of subsection (a) of Section
16 11-501.2 of this Code, or any amount of a drug, substance, or
17 intoxicating compound in the person's breath, blood, other
18 bodily substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the Illinois
20 Controlled Substances Act, an intoxicating compound listed in
21 the Use of Intoxicating Compounds Act, or methamphetamine as
22 listed in the Methamphetamine Control and Community Protection
23 Act, the law enforcement officer shall immediately submit a
24 sworn report to the circuit court of venue and the Secretary of
25 State, certifying that the test or tests was or were requested
26 under paragraph (a) and the person refused to submit to a test,

1 or tests, or submitted to testing that disclosed an alcohol
2 concentration of 0.05 ~~0.08~~ or more, testing discloses the
3 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
6 Code, or any amount of a drug, substance, or intoxicating
7 compound in the person's breath, blood, other bodily
8 substance, or urine resulting from the unlawful use or
9 consumption of a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act. If the person is also a CDL holder and refuses testing or
14 submits to a test that discloses an alcohol concentration of
15 0.05 ~~0.08~~ or more, or any amount of a drug, substance, or
16 intoxicating compound in the person's breath, blood, other
17 bodily substance, or urine resulting from the unlawful use or
18 consumption of cannabis listed in the Cannabis Control Act, a
19 controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use of
21 Intoxicating Compounds Act, or methamphetamine as listed in
22 the Methamphetamine Control and Community Protection Act, the
23 law enforcement officer shall also immediately submit a sworn
24 report to the circuit court of venue and the Secretary of
25 State, certifying that the test or tests was or were requested
26 under paragraph (a) and the person refused to submit to a test,

1 or tests, or submitted to testing that disclosed an alcohol
2 concentration of 0.05 ~~0.08~~ or more, or any amount of a drug,
3 substance, or intoxicating compound in the person's breath,
4 blood, other bodily substance, or urine resulting from the
5 unlawful use or consumption of cannabis listed in the Cannabis
6 Control Act, a controlled substance listed in the Illinois
7 Controlled Substances Act, an intoxicating compound listed in
8 the Use of Intoxicating Compounds Act, or methamphetamine as
9 listed in the Methamphetamine Control and Community Protection
10 Act.

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

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

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

9 (f) The law enforcement officer submitting the sworn
10 report under paragraph (d) shall serve immediate notice of the
11 statutory summary suspension or revocation on the person and
12 the suspension or revocation and disqualification shall be
13 effective as provided in paragraph (g).

14 (1) In cases involving a person who is not a CDL holder
15 where the blood alcohol concentration of 0.05 ~~0.08~~ or
16 greater or any amount of a drug, substance, or compound
17 resulting from the unlawful use or consumption of a
18 controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use
20 of Intoxicating Compounds Act, or methamphetamine as
21 listed in the Methamphetamine Control and Community
22 Protection Act is established by a subsequent analysis of
23 blood, other bodily substance, or urine or analysis of
24 whole blood or other bodily substance establishes a
25 tetrahydrocannabinol concentration as defined in paragraph
26 6 of subsection (a) of Section 11-501.2 of this Code,

1 collected at the time of arrest, the arresting officer or
2 arresting agency shall give notice as provided in this
3 Section or by deposit in the United States mail of the
4 notice in an envelope with postage prepaid and addressed
5 to the person at his or her address as shown on the Uniform
6 Traffic Ticket and the statutory summary suspension shall
7 begin as provided in paragraph (g).

8 (1.3) In cases involving a person who is a CDL holder
9 where the blood alcohol concentration of 0.05 ~~0.08~~ or
10 greater or any amount of a drug, substance, or compound
11 resulting from the unlawful use or consumption of cannabis
12 as covered by the Cannabis Control Act, a controlled
13 substance listed in the Illinois Controlled Substances
14 Act, an intoxicating compound listed in the Use of
15 Intoxicating Compounds Act, or methamphetamine as listed
16 in the Methamphetamine Control and Community Protection
17 Act is established by a subsequent analysis of blood,
18 other bodily substance, or urine collected at the time of
19 arrest, the arresting officer or arresting agency shall
20 give notice as provided in this Section or by deposit in
21 the United States mail of the notice in an envelope with
22 postage prepaid and addressed to the person at his or her
23 address as shown on the Uniform Traffic Ticket and the
24 statutory summary suspension and disqualification shall
25 begin as provided in paragraph (g).

26 (1.5) The officer shall confiscate any Illinois

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

9 (2) (Blank).

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

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

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

1 record; instead, the sworn report shall be forwarded to the
2 court of venue with a copy returned to the issuing agency
3 identifying any defect.

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

11 (Source: P.A. 104-260, eff. 8-15-25.)

12 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

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

24 1. Chemical analyses of the person's blood, urine,
25 breath, or other bodily substance to be considered valid

1 under the provisions of this Section shall have been
2 performed according to standards promulgated by the
3 Illinois State Police by a licensed physician, registered
4 nurse, trained phlebotomist, licensed paramedic, or other
5 individual possessing a valid permit issued by that
6 Department for this purpose. The Director of the Illinois
7 State Police is authorized to approve satisfactory
8 techniques or methods, to ascertain the qualifications and
9 competence of individuals to conduct such analyses, to
10 issue permits which shall be subject to termination or
11 revocation at the discretion of that Department and to
12 certify the accuracy of breath testing equipment. The
13 Illinois State Police shall prescribe regulations as
14 necessary to implement this Section.

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

1 When a blood test of a person who has been taken to an
2 adjoining state for medical treatment is requested by an
3 Illinois law enforcement officer, the blood may be
4 withdrawn only by a physician authorized to practice
5 medicine in the adjoining state, a licensed physician
6 assistant, a licensed advanced practice registered nurse,
7 a registered nurse, a trained phlebotomist acting under
8 the direction of the physician, or licensed paramedic. The
9 law enforcement officer requesting the test shall take
10 custody of the blood sample, and the blood sample shall be
11 analyzed by a laboratory certified by the Illinois State
12 Police for that purpose.

13 3. The person tested may have a physician, or a
14 qualified technician, chemist, registered nurse, or other
15 qualified person of their own choosing administer a
16 chemical test or tests in addition to any administered at
17 the direction of a law enforcement officer. The failure or
18 inability to obtain an additional test by a person shall
19 not preclude the admission of evidence relating to the
20 test or tests taken at the direction of a law enforcement
21 officer.

22 4. Upon the request of the person who shall submit to a
23 chemical test or tests at the request of a law enforcement
24 officer, full information concerning the test or tests
25 shall be made available to the person or such person's
26 attorney.

1 5. Alcohol concentration shall mean either grams of
2 alcohol per 100 milliliters of blood or grams of alcohol
3 per 210 liters of breath.

4 6. Tetrahydrocannabinol concentration means either 5
5 nanograms or more of delta-9-tetrahydrocannabinol per
6 milliliter of whole blood or 10 nanograms or more of
7 delta-9-tetrahydrocannabinol per milliliter of other
8 bodily substance.

9 (a-5) Law enforcement officials may use validated roadside
10 chemical tests or standardized field sobriety tests approved
11 by the National Highway Traffic Safety Administration when
12 conducting investigations of a violation of Section 11-501 or
13 similar local ordinance by drivers suspected of driving under
14 the influence of cannabis. The General Assembly finds that (i)
15 validated roadside chemical tests are effective means to
16 determine if a person is under the influence of cannabis and
17 (ii) standardized field sobriety tests approved by the
18 National Highway Traffic Safety Administration are divided
19 attention tasks that are intended to determine if a person is
20 under the influence of cannabis. The purpose of these tests is
21 to determine the effect of the use of cannabis on a person's
22 capacity to think and act with ordinary care and therefore
23 operate a motor vehicle safely. Therefore, the results of
24 these validated roadside chemical tests and standardized field
25 sobriety tests, appropriately administered, shall be
26 admissible in the trial of any civil or criminal action or

1 proceeding arising out of an arrest for a cannabis-related
2 offense as defined in Section 11-501 or a similar local
3 ordinance or proceedings under Section 2-118.1 or 2-118.2.
4 Where a test is made the following provisions shall apply:

5 1. 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 the standardized
9 field sobriety test or tests administered at the direction
10 of a law enforcement officer. The failure or inability to
11 obtain an additional test by a person does not preclude
12 the admission of evidence relating to the test or tests
13 taken at the direction of a law enforcement officer.

14 2. Upon the request of the person who shall submit to
15 validated roadside chemical tests or a standardized field
16 sobriety 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 the person's
19 attorney.

20 3. At the trial of any civil or criminal action or
21 proceeding arising out of an arrest for an offense as
22 defined in Section 11-501 or a similar local ordinance or
23 proceedings under Section 2-118.1 or 2-118.2 in which the
24 results of these validated roadside chemical tests or
25 standardized field sobriety tests are admitted, the person
26 may present and the trier of fact may consider evidence

1 that the person lacked the physical capacity to perform
2 the validated roadside chemical tests or standardized
3 field sobriety tests.

4 (b) Upon the trial of any civil or criminal action or
5 proceeding arising out of acts alleged to have been committed
6 by any person while driving or in actual physical control of a
7 vehicle while under the influence of alcohol, the
8 concentration of alcohol in the person's blood or breath at
9 the time alleged as shown by analysis of the person's blood,
10 urine, breath, or other bodily substance shall give rise to
11 the following presumptions:

12 1. If there was at that time an alcohol concentration
13 of less than 0.05 ~~or less~~, it shall be presumed that the
14 person was not under the influence of alcohol.

15 2. (Blank). ~~If there was at that time an alcohol~~
16 ~~concentration in excess of 0.05 but less than 0.08, such~~
17 ~~facts shall not give rise to any presumption that the~~
18 ~~person was or was not under the influence of alcohol, but~~
19 ~~such fact may be considered with other competent evidence~~
20 ~~in determining whether the person was under the influence~~
21 ~~of alcohol.~~

22 3. If there was at that time an alcohol concentration
23 of 0.05 ~~0.08~~ or more, it shall be presumed that the person
24 was under the influence of alcohol.

25 4. The foregoing provisions of this Section shall not
26 be construed as limiting the introduction of any other

1 relevant evidence bearing upon the question whether the
2 person was under the influence of alcohol.

3 (b-5) Upon the trial of any civil or criminal action or
4 proceeding arising out of acts alleged to have been committed
5 by any person while driving or in actual physical control of a
6 vehicle while under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds or any combination
8 thereof, the concentration of cannabis in the person's whole
9 blood or other bodily substance at the time alleged as shown by
10 analysis of the person's blood or other bodily substance shall
11 give rise to the following presumptions:

12 1. If there was a tetrahydrocannabinol concentration
13 of 5 nanograms or more in whole blood or 10 nanograms or
14 more in an other bodily substance as defined in this
15 Section, it shall be presumed that the person was under
16 the influence of cannabis.

17 2. If there was at that time a tetrahydrocannabinol
18 concentration of less than 5 nanograms in whole blood or
19 less than 10 nanograms in an other bodily substance, such
20 facts shall not give rise to any presumption that the
21 person was or was not under the influence of cannabis, but
22 such fact may be considered with other competent evidence
23 in determining whether the person was under the influence
24 of cannabis.

25 (c) 1. If a person under arrest refuses to submit to a
26 chemical test under the provisions of Section 11-501.1,

1 evidence of refusal shall be admissible in any civil or
2 criminal action or proceeding arising out of acts alleged to
3 have been committed while the person under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof was driving or in actual
6 physical control of a motor vehicle.

7 2. Notwithstanding any ability to refuse under this Code
8 to submit to these tests or any ability to revoke the implied
9 consent to these tests, if a law enforcement officer has
10 probable cause to believe that a motor vehicle driven by or in
11 actual physical control of a person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof has caused the death or
14 personal injury to another, the law enforcement officer shall
15 request, and that person shall submit, upon the request of a
16 law enforcement officer, to a chemical test or tests of his or
17 her blood, breath, other bodily substance, or urine for the
18 purpose of determining the alcohol content thereof or the
19 presence of any other drug or combination of both.

20 This provision does not affect the applicability of or
21 imposition of driver's license sanctions under Section
22 11-501.1 of this Code.

23 3. For purposes of this Section, a personal injury
24 includes any Type A injury as indicated on the traffic crash
25 report completed by a law enforcement officer that requires
26 immediate professional attention in either a doctor's office

1 or a medical facility. A Type A injury includes severe
2 bleeding wounds, distorted extremities, and injuries that
3 require the injured party to be carried from the scene.

4 (d) If a person refuses validated roadside chemical tests
5 or standardized field sobriety tests under Section 11-501.9 of
6 this Code, evidence of refusal shall be admissible in any
7 civil or criminal action or proceeding arising out of acts
8 committed while the person was driving or in actual physical
9 control of a vehicle and alleged to have been impaired by the
10 use of cannabis.

11 (e) Illinois State Police compliance with the changes in
12 this amendatory Act of the 99th General Assembly concerning
13 testing of other bodily substances and tetrahydrocannabinol
14 concentration by Illinois State Police laboratories is subject
15 to appropriation and until the Illinois State Police adopt
16 standards and completion validation. Any laboratories that
17 test for the presence of cannabis or other drugs under this
18 Article, the Snowmobile Registration and Safety Act, or the
19 Boat Registration and Safety Act must comply with ISO/IEC
20 17025:2005.

21 (Source: P.A. 101-27, eff. 6-25-19; 102-538, eff. 8-20-21;
22 102-982, eff. 7-1-23.)

23 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

24 Sec. 11-501.6. Driver involvement in personal injury or
25 fatal motor vehicle crash; chemical test.

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

23 (b) Any person who is dead, unconscious or who is
24 otherwise in a condition rendering such person incapable of
25 refusal shall be deemed not to have withdrawn the consent
26 provided by subsection (a) of this Section. In addition, if a

1 driver of a vehicle is receiving medical treatment as a result
2 of a motor vehicle crash, any physician licensed to practice
3 medicine, licensed physician assistant, licensed advanced
4 practice registered nurse, registered nurse or a phlebotomist
5 acting under the direction of a licensed physician shall
6 withdraw blood for testing purposes to ascertain the presence
7 of alcohol, other drug or drugs, or intoxicating compound or
8 compounds, upon the specific request of a law enforcement
9 officer. However, no such testing shall be performed until, in
10 the opinion of the medical personnel on scene, the withdrawal
11 can be made without interfering with or endangering the
12 well-being of the patient.

13 (c) A person requested to submit to a test as provided
14 above shall be warned by the law enforcement officer
15 requesting the test that a refusal to submit to the test, or
16 submission to the test resulting in an alcohol concentration
17 of 0.05 ~~0.08~~ or more, or testing discloses the presence of
18 cannabis as listed in the Cannabis Control Act with a
19 tetrahydrocannabinol concentration as defined in paragraph 6
20 of subsection (a) of Section 11-501.2 of this Code, or any
21 amount of a drug, substance, or intoxicating compound
22 resulting from the unlawful use or consumption of a controlled
23 substance listed in the Illinois Controlled Substances Act, an
24 intoxicating compound listed in the Use of Intoxicating
25 Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act as

1 detected in such person's blood, other bodily substance, or
2 urine, may result in the suspension of such person's privilege
3 to operate a motor vehicle. If the person is also a CDL holder,
4 he or she shall be warned by the law enforcement officer
5 requesting the test that a refusal to submit to the test, or
6 submission to the test resulting in an alcohol concentration
7 of 0.05 ~~0.08~~ or more, or any amount of a drug, substance, or
8 intoxicating compound resulting from the unlawful use or
9 consumption of cannabis, as covered by the Cannabis Control
10 Act, a 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
13 the Methamphetamine Control and Community Protection Act as
14 detected in the person's blood, other bodily substance, or
15 urine, may result in the disqualification of the person's
16 privilege to operate a commercial motor vehicle, as provided
17 in Section 6-514 of this Code. The length of the suspension
18 shall be the same as outlined in Section 6-208.1 of this Code
19 regarding statutory summary suspensions.

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

1 (d) If the person refuses testing or submits to a test
2 which discloses an alcohol concentration of 0.05 ~~0.08~~ or more,
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
6 Code, or any amount of a drug, substance, or intoxicating
7 compound in such person's blood or urine resulting from the
8 unlawful use or consumption of a controlled substance listed
9 in the Illinois Controlled Substances Act, an intoxicating
10 compound listed in the Use of Intoxicating Compounds Act, or
11 methamphetamine as listed in the Methamphetamine Control and
12 Community Protection Act, the law enforcement officer shall
13 immediately submit a sworn report to the Secretary of State on
14 a form prescribed by the Secretary, certifying that the test
15 or tests were requested under subsection (a) and the person
16 refused to submit to a test or tests or submitted to testing
17 which disclosed an alcohol concentration of 0.05 ~~0.08~~ or more,
18 the presence of cannabis as listed in the Cannabis Control Act
19 with a tetrahydrocannabinol concentration as defined in
20 paragraph 6 of subsection (a) of Section 11-501.2 of this
21 Code, or any amount of a drug, substance, or intoxicating
22 compound in such person's blood, other bodily substance, or
23 urine, resulting from the unlawful use or consumption of a
24 controlled substance listed in the Illinois Controlled
25 Substances Act, an intoxicating compound listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed in

1 the Methamphetamine Control and Community Protection Act. If
2 the person is also a CDL holder and refuses testing or submits
3 to a test which discloses an alcohol concentration of 0.05
4 ~~0.08~~ or more, or any amount of a drug, substance, or
5 intoxicating compound in the person's blood, other bodily
6 substance, or urine resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act, a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in
11 the Methamphetamine Control and Community Protection Act, the
12 law enforcement officer shall immediately submit a sworn
13 report to the Secretary of State on a form prescribed by the
14 Secretary, certifying that the test or tests were requested
15 under subsection (a) and the person refused to submit to a test
16 or tests or submitted to testing which disclosed an alcohol
17 concentration of 0.05 ~~0.08~~ or more, or any amount of a drug,
18 substance, or intoxicating compound in such person's blood,
19 other bodily substance, or urine, resulting from the unlawful
20 use or consumption of cannabis listed in the Cannabis Control
21 Act, a controlled substance listed in the Illinois Controlled
22 Substances Act, an intoxicating compound listed in the Use of
23 Intoxicating Compounds Act, or methamphetamine as listed in
24 the Methamphetamine Control and Community Protection Act.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary shall enter the suspension and

1 disqualification to the individual's driving record and the
2 suspension and disqualification shall be effective on the 46th
3 day following the date notice of the suspension was given to
4 the person.

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

9 In cases involving a person who is not a CDL holder where
10 the blood alcohol concentration of 0.05 ~~0.08~~ or more, or blood
11 testing discloses the presence of cannabis as listed in the
12 Cannabis Control Act with a tetrahydrocannabinol concentration
13 as defined in paragraph 6 of subsection (a) of Section
14 11-501.2 of this Code, or any amount of a drug, substance, or
15 intoxicating compound resulting from the unlawful use or
16 consumption of a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act, is established by a subsequent analysis of blood, other
21 bodily substance, or urine collected at the time of arrest,
22 the arresting officer shall give notice as provided in this
23 Section or by deposit in the United States mail of such notice
24 in an envelope with postage prepaid and addressed to such
25 person at his or her address as shown on the Uniform Traffic
26 Ticket and the suspension shall be effective on the 46th day

1 following the date notice was given.

2 In cases involving a person who is a CDL holder where the
3 blood alcohol concentration of 0.05 ~~0.08~~ or more, or any
4 amount of a drug, substance, or intoxicating compound
5 resulting from the unlawful use or consumption of cannabis as
6 listed in the Cannabis Control Act, a controlled substance
7 listed in the Illinois Controlled Substances Act, an
8 intoxicating compound listed in the Use of Intoxicating
9 Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act, is
11 established by a subsequent analysis of blood, other bodily
12 substance, or urine collected at the time of arrest, the
13 arresting officer shall give notice as provided in this
14 Section or by deposit in the United States mail of such notice
15 in an envelope with postage prepaid and addressed to the
16 person at his or her address as shown on the Uniform Traffic
17 Ticket and the suspension and disqualification shall be
18 effective on the 46th day following the date notice was given.

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

1 to the driving record, but rather the sworn report shall be
2 returned to the issuing law enforcement agency.

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

22 (f) (Blank).

23 (g) For the purposes of this Section, a personal injury
24 shall include any type A injury as indicated on the traffic
25 crash report completed by a law enforcement officer that
26 requires immediate professional attention in either a doctor's

1 office or a medical facility. A type A injury shall include
2 severely bleeding wounds, distorted extremities, and injuries
3 that require the injured party to be carried from the scene.
4 (Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23.)

5 (625 ILCS 5/11-501.8)

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

8 (a) A person who is less than 21 years of age and who
9 drives or is in actual physical control of a motor vehicle upon
10 the public highways of this State shall be deemed to have given
11 consent to a chemical test or tests of blood, breath, other
12 bodily substance, or urine for the purpose of determining the
13 alcohol content of the person's blood if arrested, as
14 evidenced by the issuance of a Uniform Traffic Ticket for any
15 violation of the Illinois Vehicle Code or a similar provision
16 of a local ordinance, if a police officer has probable cause to
17 believe that the driver has consumed any amount of an
18 alcoholic beverage based upon evidence of the driver's
19 physical condition or other first hand knowledge of the police
20 officer. The test or tests shall be administered at the
21 direction of the arresting officer. The law enforcement agency
22 employing the officer shall designate which of the aforesaid
23 tests shall be administered. Up to 2 additional tests of urine
24 or other bodily substance may be administered even after a
25 blood or breath test or both has been administered.

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

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

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

1 blood for the purpose of determining the alcohol content
2 therein. This limitation does not apply to the taking of
3 breath, other bodily substance, or urine specimens.

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

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

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

20 (vi) If a driver is receiving medical treatment as a
21 result of a motor vehicle crashes, a physician licensed to
22 practice medicine, licensed physician assistant, licensed
23 advanced practice registered nurse, registered nurse, or
24 other qualified person trained in venipuncture and acting
25 under the direction of a licensed physician shall withdraw
26 blood for testing purposes to ascertain the presence of

1 alcohol upon the specific request of a law enforcement
2 officer. However, that testing shall not be performed
3 until, in the opinion of the medical personnel on scene,
4 the withdrawal can be made without interfering with or
5 endangering the well-being of the patient.

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

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

24 (d) If the person refuses testing or submits to a test that
25 discloses an alcohol concentration of more than 0.00, the law
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary of
2 State, certifying that the test or tests were requested under
3 subsection (a) and the person refused to submit to a test or
4 tests or submitted to testing which disclosed an alcohol
5 concentration of more than 0.00. The law enforcement officer
6 shall submit the same sworn report when a person under the age
7 of 21 submits to testing under Section 11-501.1 of this Code
8 and the testing discloses an alcohol concentration of more
9 than 0.00 and less than 0.05 ~~0.08~~.

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

1 of 18 years that holds an instruction permit or a graduated
2 driver's license, regardless of whether the suspension is in
3 effect.

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

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

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

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

15 (1) whether the police officer had probable cause to
16 believe that the person was driving or in actual physical
17 control of a motor vehicle upon the public highways of the
18 State and the police officer had reason to believe that
19 the person was in violation of any provision of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance; and

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

25 (3) whether the police officer had probable cause to
26 believe that the driver had consumed any amount of an

1 alcoholic beverage based upon the driver's physical
2 actions or other first-hand knowledge of the police
3 officer; and

4 (4) whether the person, after being advised by the
5 officer that the privilege to operate a motor vehicle
6 would be suspended if the person refused to submit to and
7 complete the test or tests, did refuse to submit to or
8 complete the test or tests to determine the person's
9 alcohol concentration; and

10 (5) whether the person, after being advised by the
11 officer that the privileges to operate a motor vehicle
12 would be suspended if the person submits to a chemical
13 test or tests and the test or tests disclose an alcohol
14 concentration of more than 0.00, did submit to and
15 complete the test or tests that determined an alcohol
16 concentration of more than 0.00; and

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

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

25 At the conclusion of the hearing held under Section 2-118
26 of this Code, the Secretary of State may rescind, continue, or

1 modify the suspension and disqualification. If the Secretary
2 of State does not rescind the suspension and disqualification,
3 a restricted driving permit may be granted by the Secretary of
4 State upon application being made and good cause shown. A
5 restricted driving permit may be granted to relieve undue
6 hardship by allowing driving for employment, educational, and
7 medical purposes as outlined in item (3) of part (c) of Section
8 6-206 of this Code. The provisions of item (3) of part (c) of
9 Section 6-206 of this Code and of subsection (f) of that
10 Section shall apply. The Secretary of State shall promulgate
11 rules providing for participation in an alcohol education and
12 awareness program or activity, a drug education and awareness
13 program or activity, or both as a condition to the issuance of
14 a restricted driving permit for suspensions imposed under this
15 Section.

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

1 (g) This Section applies only to drivers who are under age
2 21 at the time of the issuance of a Uniform Traffic Ticket for
3 a violation of the Illinois Vehicle Code or a similar
4 provision of a local ordinance, and a chemical test request is
5 made under this Section.

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

14 (Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23.)

15 (625 ILCS 5/11-507)

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

19 (a) A person shall not accompany or provide instruction,
20 pursuant to subsection (a) of Section 6-107.1 of this Code, to
21 a driver who is a minor and driving a motor vehicle pursuant to
22 an instruction permit under Section 6-107.1 of this Code,
23 while:

24 (1) the alcohol concentration in the person's blood,
25 other bodily substance, or breath is 0.05 ~~0.08~~ or more

1 based on the definition of blood and breath units in
2 Section 11-501.2 of this Code;

3 (2) under the influence of alcohol;

4 (3) under the influence of any intoxicating compound
5 or combination of intoxicating compounds to a degree that
6 renders the person incapable of properly supervising or
7 providing instruction to the minor driver;

8 (4) under the influence of any other drug or
9 combination of drugs to a degree that renders the person
10 incapable of properly supervising or providing instruction
11 to the minor driver;

12 (5) under the combined influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds to a
14 degree that renders the person incapable of properly
15 supervising or providing instruction to the minor driver;

16 or

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

26 (b) A person found guilty of violating this Section is

1 guilty of an offense against the regulations governing the
2 movement of vehicles.

3 (Source: P.A. 99-697, eff. 7-29-16.)

4 Section 10. The Snowmobile Registration and Safety Act is
5 amended by changing Section 5-7.1 as follows:

6 (625 ILCS 40/5-7.1)

7 Sec. 5-7.1. Implied consent.

8 (a) A person who operates or is in actual physical control
9 of a snowmobile in this State is deemed to have given consent
10 to a chemical test or tests of blood, breath, other bodily
11 substance, or urine for the purpose of determining the content
12 of alcohol, other drug or drugs, intoxicating compound or
13 compounds, or a combination of them in that person's blood or
14 other bodily substance, if arrested for a violation of Section
15 5-7. The chemical test or tests shall be administered at the
16 direction of the arresting officer. The law enforcement agency
17 employing the officer shall designate which tests shall be
18 administered. Up to 2 additional tests of urine or other
19 bodily substance may be administered even after a blood or
20 breath test or both has been administered.

21 (a-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 5-7 may travel into
24 an adjoining state, where the person has been transported for

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

16 (a-2) Notwithstanding any ability to refuse under this Act
17 to submit to these tests or any ability to revoke the implied
18 consent to these tests, if a law enforcement officer has
19 probable cause to believe that a snowmobile operated by or
20 under actual physical control of a person under the influence
21 of alcohol, other drug or drugs, intoxicating compound or
22 compounds, or any combination of them has caused the death or
23 personal injury to another, that person shall submit, upon the
24 request of a law enforcement officer, to a chemical test or
25 tests of his or her blood, breath, other bodily substance, or
26 urine for the purpose of determining the alcohol content or

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

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

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

16 (d) 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 tests may be
19 given, but the law enforcement officer shall file with the
20 clerk of the circuit court for the county in which the arrest
21 was made, and with the Department of Natural Resources, a
22 sworn statement naming the person refusing to take and
23 complete the chemical test or tests requested under the
24 provisions of this Section. The sworn statement shall identify
25 the arrested person, the person's current residence address
26 and shall specify that a refusal by that person to take the

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

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

21 If the person desires a hearing, the person shall file a
22 complaint in the circuit court in the county where that person
23 was arrested within 28 days from the date of the notice. The
24 hearing shall proceed in the court in the same manner as other
25 civil proceedings. The hearing shall cover only the following
26 issues: (1) whether the person was placed under arrest for an

1 offense as defined in Section 5-7 or a similar provision of a
2 local ordinance as evidenced by the issuance of a uniform
3 citation; (2) whether the arresting officer had reasonable
4 grounds to believe that the person was operating a snowmobile
5 while under the influence of alcohol, other drug or drugs, an
6 intoxicating compound or compounds, or a combination of them;
7 and (3) whether that person refused to submit to and complete
8 the chemical test or tests upon the request of the law
9 enforcement officer. Whether the person was informed that the
10 person's privilege to operate a snowmobile would be suspended
11 if that person refused to submit to the chemical test or tests
12 may not be an issue in the hearing.

13 If the person fails to request a hearing in writing within
14 28 days of the date of the notice, or if a hearing is held and
15 the court finds against the person on the issues before the
16 court, the clerk shall immediately notify the Department of
17 Natural Resources, and the Department shall suspend the
18 snowmobile operation privileges of that person for at least 2
19 years.

20 (f) (Blank).

21 (f-1) If the person is a CDL holder and submits to a test
22 that discloses an alcohol concentration of 0.05 ~~0.08~~ or more,
23 or any amount of a drug, substance, or intoxicating compound
24 in the person's breath, blood, other bodily substance, or
25 urine resulting from the unlawful use of cannabis listed in
26 the Cannabis Control Act, a controlled substance listed in the

1 Illinois Controlled Substances Act, methamphetamine as listed
2 in the Methamphetamine Control and Community Protection Act,
3 or an intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, the law enforcement officer shall immediately
5 submit a sworn report to the circuit clerk of venue and the
6 Department of Natural Resources, certifying that the test or
7 tests was or were requested under subsection (a-1) of this
8 Section and the person submitted to testing that disclosed an
9 alcohol concentration of 0.05 ~~0.08~~ or more, or any amount of a
10 drug, substance, or intoxicating compound in the person's
11 breath, blood, other bodily substance, or urine resulting from
12 the unlawful use or consumption of cannabis listed in the
13 Cannabis Control Act, a controlled substance listed in the
14 Illinois Controlled Substances Act, methamphetamine as listed
15 in the Methamphetamine Control and Community Protection Act,
16 or an intoxicating compound listed in the Use of Intoxicating
17 Compounds Act. If the person is not a CDL holder and submits to
18 a test that discloses an alcohol concentration of 0.05 ~~0.08~~ or
19 more, a tetrahydrocannabinol concentration in the person's
20 whole blood or other bodily substance as defined in paragraph
21 6 of subsection (a) of Section 11-501.2 of the Illinois
22 Vehicle Code, or any amount of a drug, substance, or
23 intoxicating compound in the person's blood, other bodily
24 substance, or urine resulting from the unlawful use or
25 consumption of a controlled substance listed in the Illinois
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as
2 listed in the Methamphetamine Control and Community Protection
3 Act, the law enforcement officer shall immediately submit a
4 sworn report to the circuit clerk of venue and the Department
5 of Natural Resources, certifying that the test or tests was or
6 were requested under subsection (a-1) and the person submitted
7 to testing that disclosed an alcohol concentration of 0.05
8 ~~0.08~~ or more, a tetrahydrocannabinol concentration in the
9 person's whole blood or other bodily substance as defined in
10 paragraph 6 of subsection (a) of Section 11-501.2 of the
11 Illinois Vehicle Code, or any amount of a drug, substance, or
12 intoxicating compound in such person's blood, other bodily
13 substance, or urine, resulting from the unlawful use or
14 consumption of a controlled substance listed in the Illinois
15 Controlled Substances Act, an intoxicating compound listed in
16 the Use of Intoxicating Compounds Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community Protection
18 Act.

19 In cases involving a person who is a CDL holder where the
20 blood alcohol concentration of 0.05 ~~0.08~~ or greater or any
21 amount of drug, substance, or compound resulting from the
22 unlawful use of cannabis, a controlled substance,
23 methamphetamine, or an intoxicating compound is established by
24 a subsequent analysis of blood, other bodily substance, or
25 urine collected at the time of arrest, the arresting officer
26 or arresting agency shall immediately submit a sworn report to

1 the circuit clerk of venue and the Department of Natural
2 Resources upon receipt of the test results. In cases involving
3 a person who is not a CDL holder where the blood alcohol
4 concentration of 0.05 ~~0.08~~ or greater, 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
8 of drug, substance, or compound resulting from the unlawful
9 use of a controlled substance, methamphetamine, or an
10 intoxicating compound is established by a subsequent analysis
11 of blood, other bodily substance, or urine collected at the
12 time of arrest, the arresting officer or arresting agency
13 shall immediately submit a sworn report to the circuit clerk
14 of venue and the Department of Natural Resources upon receipt
15 of the test results.

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

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

22 (Source: P.A. 99-697, eff. 7-29-16.)

23 Section 15. The Boat Registration and Safety Act is
24 amended by changing Sections 5-16 and 5-16c as follows:

1 (625 ILCS 45/5-16)

2 Sec. 5-16. Operating a watercraft under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof.

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

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

12 (b) Under the influence of alcohol;

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

16 (c-1) Under the influence of any intoxicating compound
17 or combination of intoxicating compounds to a degree that
18 renders the person incapable of safely operating any
19 watercraft;

20 (d) Under the combined influence of alcohol and any
21 other drug or drugs to a degree which renders such person
22 incapable of safely operating a watercraft;

23 (d-3) The person who is not a CDL holder has a
24 tetrahydrocannabinol concentration in the person's whole
25 blood or other bodily substance at which driving a motor
26 vehicle is prohibited under subdivision (7) of subsection

1 (a) of Section 11-501 of the Illinois Vehicle Code;

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

7 (e) There is any amount of a drug, substance, or
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, methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, or
13 an intoxicating compound listed in the Use of Intoxicating
14 Compounds Act.

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

20 3. Every person convicted of violating this Section shall
21 be guilty of a Class A misdemeanor, except as otherwise
22 provided in this Section.

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

25 (a) He or she has a previous conviction under this
26 Section;

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

8 (c) The offense occurred during a period in which his
9 or her privileges to operate a watercraft are revoked or
10 suspended, and the revocation or suspension was for a
11 violation of this Section or was imposed under subsection
12 (B).

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

19 5.1. A person convicted of violating this Section or a
20 similar provision of a local ordinance who had a child under
21 the age of 16 aboard the watercraft at the time of offense is
22 subject to a mandatory minimum fine of \$500 and to a mandatory
23 minimum of 5 days of community service in a program benefiting
24 children. The assignment under this paragraph 5.1 is not
25 subject to suspension and the person is not eligible for
26 probation in order to reduce the assignment.

1 5.2. A person found guilty of violating this Section, if
2 his or her operation of a watercraft while in violation of this
3 Section proximately caused any incident resulting in an
4 appropriate emergency response, is liable for the expense of
5 an emergency response as provided in subsection (m) of Section
6 11-501 of the Illinois Vehicle Code.

7 5.3. In addition to any other penalties and liabilities, a
8 person who is found guilty of violating this Section,
9 including any person placed on court supervision, shall be
10 fined \$100, payable to the circuit clerk, who shall distribute
11 the money to the law enforcement agency that made the arrest or
12 as provided in subsection (c) of Section 10-5 of the Criminal
13 and Traffic Assessment Act if the arresting agency is a State
14 agency, unless more than one agency is responsible for the
15 arrest, in which case the amount shall be remitted to each unit
16 of government equally. Any moneys received by a law
17 enforcement agency under this paragraph 5.3 shall be used to
18 purchase law enforcement equipment or to provide law
19 enforcement training that will assist in the prevention of
20 alcohol related criminal violence throughout the State. Law
21 enforcement equipment shall include, but is not limited to,
22 in-car video cameras, radar and laser speed detection devices,
23 and alcohol breath testers.

24 6. (a) In addition to any criminal penalties imposed, the
25 Department of Natural Resources shall suspend the watercraft
26 operation privileges of any person convicted or found guilty

1 of a misdemeanor under this Section, a similar provision of a
2 local ordinance, or Title 46 of the U.S. Code of Federal
3 Regulations for a period of one year, except that a first time
4 offender is exempt from this mandatory one year suspension.

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

11 (b) In addition to any criminal penalties imposed, the
12 Department of Natural Resources shall suspend the watercraft
13 operation privileges of any person convicted of a felony under
14 this Section, a similar provision of a local ordinance, or
15 Title 46 of the U.S. Code of Federal Regulations for a period
16 of 3 years.

17 (B) 1. Any person who operates or is in actual physical
18 control of any watercraft upon the waters of this State shall
19 be deemed to have given consent to a chemical test or tests of
20 blood, breath, other bodily substance, or urine for the
21 purpose of determining the content of alcohol, other drug or
22 drugs, intoxicating compound or compounds, or combination
23 thereof in the person's blood or other bodily substance if
24 arrested for any offense of subsection (A) above. The chemical
25 test or tests shall be administered at the direction of the
26 arresting officer. The law enforcement agency employing the

1 officer shall designate which of the tests shall be
2 administered. Up to 2 additional tests of urine or other
3 bodily substance may be administered even after a blood or
4 breath test or both has been administered.

5 1.1. For the purposes of this Section, an Illinois Law
6 Enforcement officer of this State who is investigating the
7 person for any offense defined in Section 5-16 may travel into
8 an adjoining state, where the person has been transported for
9 medical care to complete an investigation, and may request
10 that the person submit to the test or tests set forth in this
11 Section. The requirements of this Section that the person be
12 arrested are inapplicable, but the officer shall issue the
13 person a uniform citation for an offense as defined in Section
14 5-16 or a similar provision of a local ordinance prior to
15 requesting that the person submit to the test or tests. The
16 issuance of the uniform citation shall not constitute an
17 arrest, but shall be for the purpose of notifying the person
18 that he or she is subject to the provisions of this Section and
19 of the officer's belief in the existence of probable cause to
20 arrest. Upon returning to this State, the officer shall file
21 the uniform citation with the circuit clerk of the county
22 where the offense was committed and shall seek the issuance of
23 an arrest warrant or a summons for the person.

24 1.2. Notwithstanding any ability to refuse under this Act
25 to submit to these tests or any ability to revoke the implied
26 consent to these tests, if a law enforcement officer has

1 probable cause to believe that a watercraft operated by or
2 under actual physical control of a person under the influence
3 of alcohol, other drug or drugs, intoxicating compound or
4 compounds, or any combination of them has caused the death of
5 or personal injury to another, that person shall submit, upon
6 the request of a law enforcement officer, to a chemical test or
7 tests of his or her blood, breath, other bodily substance, or
8 urine for the purpose of determining the alcohol content or
9 the presence of any other drug, intoxicating compound, or
10 combination of them. For the purposes of this Section, a
11 personal injury includes severe bleeding wounds, distorted
12 extremities, and injuries that require the injured party to be
13 carried from the scene for immediate professional attention in
14 either a doctor's office or a medical facility.

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

19 3. A person requested to submit to a chemical test as
20 provided above shall be verbally advised by the law
21 enforcement officer requesting the test that a refusal to
22 submit to the test will result in suspension of such person's
23 privilege to operate a watercraft for a minimum of 2 years.
24 Following this warning, if a person under arrest refuses upon
25 the request of a law enforcement officer to submit to a test
26 designated by the officer, no test shall be given, but the law

1 enforcement officer shall file with the clerk of the circuit
2 court for the county in which the arrest was made, and with the
3 Department of Natural Resources, a sworn statement naming the
4 person refusing to take and complete the chemical test or
5 tests requested under the provisions of this Section. Such
6 sworn statement shall identify the arrested person, such
7 person's current residence address and shall specify that a
8 refusal by such person to take the chemical test or tests was
9 made. Such sworn statement shall include a statement that the
10 arresting officer had reasonable cause to believe the person
11 was operating or was in actual physical control of the
12 watercraft within this State while under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds, or combination thereof and that such chemical test
15 or tests were made as an incident to and following the lawful
16 arrest for an offense as defined in this Section or a similar
17 provision of a local ordinance, and that the person after
18 being arrested for an offense arising out of acts alleged to
19 have been committed while so operating a watercraft refused to
20 submit to and complete a chemical test or tests as requested by
21 the law enforcement officer.

22 3.1. The law enforcement officer submitting the sworn
23 statement as provided in paragraph 3 of this subsection (B)
24 shall serve immediate written notice upon the person refusing
25 the chemical test or tests that the person's privilege to
26 operate a watercraft within this State will be suspended for a

1 period of 2 years unless, within 28 days from the date of the
2 notice, the person requests in writing a hearing on the
3 suspension.

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

21 If the person fails to request in writing a hearing within
22 28 days from the date of notice, or if a hearing is held and
23 the court finds against the person on the issues before the
24 court, the clerk shall immediately notify the Department of
25 Natural Resources, and the Department shall suspend the
26 watercraft operation privileges of the person for at least 2

1 years.

2 3.2. If the person is a CDL holder and submits to a test
3 that discloses an alcohol concentration of 0.05 ~~0.08~~ or more,
4 or any amount of a drug, substance or intoxicating compound in
5 the person's breath, blood, other bodily substance, or urine
6 resulting from the unlawful use of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, methamphetamine as listed
9 in the Methamphetamine Control and Community Protection Act,
10 or an intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, the law enforcement officer shall immediately
12 submit a sworn report to the circuit clerk of venue and the
13 Department of Natural Resources, certifying that the test or
14 tests were requested under paragraph 1 of this subsection (B)
15 and the person submitted to testing that disclosed an alcohol
16 concentration of 0.05 ~~0.08~~ or more or any amount of a drug,
17 substance or intoxicating compound in the person's breath,
18 blood, other bodily substance, or urine resulting from the
19 unlawful use of cannabis listed in the Cannabis Control Act, a
20 controlled substance listed in the Illinois Controlled
21 Substances Act, methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, or an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act. If the person is not a CDL holder and submits to
25 a test that discloses an alcohol concentration of 0.05 ~~0.08~~ or
26 more, a tetrahydrocannabinol concentration in the person's

1 whole blood or other bodily substance as defined in paragraph
2 6 of subsection (a) of Section 11-501.2 of the Illinois
3 Vehicle Code, or any amount of a drug, substance or
4 intoxicating compound in the person's breath, blood, other
5 bodily substance, or urine resulting from the unlawful use of
6 a controlled substance listed in the Illinois Controlled
7 Substances Act, methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, or an
9 intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, the law enforcement officer shall immediately
11 submit a sworn report to the circuit clerk of venue and the
12 Department of Natural Resources, certifying that the test or
13 tests were requested under paragraph 1 of this subsection (B)
14 and the person submitted to testing that disclosed an alcohol
15 concentration of 0.05 ~~0.08~~ or more, a tetrahydrocannabinol
16 concentration in the person's whole blood or other bodily
17 substance as defined in paragraph 6 of subsection (a) of
18 Section 11-501.2 of the Illinois Vehicle Code, or any amount
19 of a drug, substance or intoxicating compound in the person's
20 breath, blood, other bodily substance, or urine resulting from
21 the unlawful use of a controlled substance listed in the
22 Illinois Controlled Substances Act, methamphetamine as listed
23 in the Methamphetamine Control and Community Protection Act,
24 or an intoxicating compound listed in the Use of Intoxicating
25 Compounds Act.

26 In cases involving a person who is a CDL holder where the

1 blood alcohol concentration of 0.05 ~~0.08~~ or greater or any
2 amount of drug, substance or compound resulting from the
3 unlawful use of cannabis, a controlled substance,
4 methamphetamine, or an intoxicating compound is established by
5 a subsequent analysis of blood, other bodily substance, or
6 urine collected at the time of arrest, the arresting officer
7 or arresting agency shall immediately submit a sworn report to
8 the circuit clerk of venue and the Department of Natural
9 Resources upon receipt of the test results. In cases involving
10 a person who is not a CDL holder where the blood alcohol
11 concentration of 0.05 ~~0.08~~ or greater, 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 amount
15 of drug, substance, or compound resulting from the unlawful
16 use of a controlled substance, methamphetamine, or an
17 intoxicating compound is established by a subsequent analysis
18 of blood, other bodily substance, or urine collected at the
19 time of arrest, the arresting officer or arresting agency
20 shall immediately submit a sworn report to the circuit clerk
21 of venue and the Department of Natural Resources upon receipt
22 of the test results.

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

26 5. The provisions of Section 11-501.2 of the Illinois

1 Vehicle Code, as amended, concerning the certification and use
2 of chemical tests apply to the use of such tests under this
3 Section.

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

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

1 (E) The owner of any watercraft or any person given
2 supervisory authority over a watercraft, may not knowingly
3 permit a watercraft to be operated by any person under the
4 influence of alcohol, other drug or drugs, intoxicating
5 compound or compounds, or combination thereof.

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

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

18 (Source: P.A. 102-145, eff. 7-23-21.)

19 (625 ILCS 45/5-16c)

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

22 (a) Any person who operates or is in actual physical
23 control of a motorboat within this State and who has been
24 involved in a personal injury or fatal boating accident shall
25 be deemed to have given consent to a breath test using a

1 portable device as approved by the Illinois State Police or to
2 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, or intoxicating compound or
5 compounds of the person's blood if arrested as evidenced by
6 the issuance of a uniform citation for a violation of the Boat
7 Registration and Safety Act or a similar provision of a local
8 ordinance, with the exception of equipment violations
9 contained in Article IV of this Act or similar provisions of
10 local ordinances. The test or tests shall be administered at
11 the direction of the arresting officer. The law enforcement
12 agency employing the officer shall designate which of the
13 aforesaid tests shall be administered. Up to 2 additional
14 tests of urine or other bodily substance may be administered
15 even after a blood or breath test or both has been
16 administered. Compliance with this Section does not relieve
17 the person from the requirements of any other Section of this
18 Act.

19 (b) Any person who is dead, unconscious, or who is
20 otherwise in a condition rendering that person incapable of
21 refusal shall be deemed not to have withdrawn the consent
22 provided by subsection (a) of this Section. In addition, if an
23 operator of a motorboat is receiving medical treatment as a
24 result of a boating accident, any physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice registered nurse, registered nurse, or a

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

9 (c) A person who is a CDL holder requested to submit to a
10 test under subsection (a) of this Section shall be warned by
11 the law enforcement officer requesting the test that a refusal
12 to submit to the test, or submission to the test resulting in
13 an alcohol concentration of 0.05 ~~0.08~~ or more, or any amount of
14 a drug, substance, or intoxicating compound resulting from the
15 unlawful use or consumption of cannabis listed in the Cannabis
16 Control Act, a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act as detected in the person's blood, other bodily substance,
21 or urine, may result in the suspension of the person's
22 privilege to operate a motor vehicle and may result in the
23 disqualification of the person's privilege to operate a
24 commercial motor vehicle, as provided in Section 6-514 of the
25 Illinois Vehicle Code. A person who is not a CDL holder
26 requested to submit to a test under subsection (a) of this

1 Section shall be warned by the law enforcement officer
2 requesting the test that a refusal to submit to the test, or
3 submission to the test resulting in an alcohol concentration
4 of 0.05 ~~0.08~~ or more, a tetrahydrocannabinol concentration in
5 the person's whole blood or other bodily substance as defined
6 in paragraph 6 of subsection (a) of Section 11-501.2 of the
7 Illinois Vehicle Code, or any amount of a drug, substance, or
8 intoxicating compound resulting from the unlawful use or
9 consumption of a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act as detected in the person's blood, other bodily substance,
14 or urine, may result in the suspension of the person's
15 privilege to operate a motor vehicle. The length of the
16 suspension shall be the same as outlined in Section 6-208.1 of
17 the Illinois Vehicle Code regarding statutory summary
18 suspensions.

19 (d) If the person is a CDL holder and refuses testing or
20 submits to a test which discloses an alcohol concentration of
21 0.05 ~~0.08~~ or more, or any amount of a drug, substance, or
22 intoxicating compound in the person's blood, other bodily
23 substance, or urine resulting from the unlawful use or
24 consumption of cannabis listed in the Cannabis Control Act, a
25 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
2 the Methamphetamine Control and Community Protection Act, the
3 law enforcement officer shall immediately submit a sworn
4 report to the Secretary of State on a form prescribed by the
5 Secretary of State, certifying that the test or tests were
6 requested under subsection (a) of this Section and the person
7 refused to submit to a test or tests or submitted to testing
8 which disclosed an alcohol concentration of 0.05 ~~0.08~~ or more,
9 or any amount of a drug, substance, or intoxicating compound
10 in the person's blood, other bodily substance, or urine,
11 resulting from the unlawful use or consumption of cannabis
12 listed in the Cannabis Control Act, a controlled substance
13 listed in the Illinois Controlled Substances Act, an
14 intoxicating compound listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act. If the
17 person is not a CDL holder and refuses testing or submits to a
18 test which discloses an alcohol concentration of 0.05 ~~0.08~~ or
19 more, a tetrahydrocannabinol concentration in the person's
20 whole blood or other bodily substance as defined in paragraph
21 6 of subsection (a) of Section 11-501.2 of the Illinois
22 Vehicle Code, or any amount of a drug, substance, or
23 intoxicating compound in the person's blood, other bodily
24 substance, or urine resulting from the unlawful use or
25 consumption of a controlled substance listed in the Illinois
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as
2 listed in the Methamphetamine Control and Community Protection
3 Act, the law enforcement officer shall immediately submit a
4 sworn report to the Secretary of State on a form prescribed by
5 the Secretary of State, certifying that the test or tests were
6 requested under subsection (a) of this Section and the person
7 refused to submit to a test or tests or submitted to testing
8 which disclosed an alcohol concentration of 0.05 ~~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 or urine, resulting from the
14 unlawful use or consumption of a controlled substance listed
15 in the Illinois Controlled Substances Act, an intoxicating
16 compound listed in the Use of Intoxicating Compounds Act, or
17 methamphetamine as listed in the Methamphetamine Control and
18 Community Protection Act.

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

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

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

3 In cases involving a person who is a CDL holder where the
4 blood alcohol concentration of 0.05 ~~0.08~~ or more, or any
5 amount of a drug, substance, or intoxicating compound
6 resulting from the unlawful use or consumption of cannabis
7 listed in the Cannabis Control Act, a controlled substance
8 listed in the Illinois Controlled Substances Act, an
9 intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, is
12 established by a subsequent analysis of blood, other bodily
13 substance, or urine collected at the time of arrest, the
14 arresting officer shall give notice as provided in this
15 Section or by deposit in the United States mail of this notice
16 in an envelope with postage prepaid and addressed to the
17 person at his or her address as shown on the uniform citation
18 and the suspension and disqualification shall be effective on
19 the 46th day following the date notice was given. In cases
20 involving a person who is not a CDL holder where the blood
21 alcohol concentration of 0.05 ~~0.08~~ or more, a
22 tetrahydrocannabinol concentration in the person's whole blood
23 or other bodily substance as defined in paragraph 6 of
24 subsection (a) of Section 11-501.2 of the Illinois Vehicle
25 Code, or any amount of a drug, substance, or intoxicating
26 compound resulting from the unlawful use or consumption of a

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

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

23 (e) A person may contest this suspension of his or her
24 driving privileges and disqualification of his or her CDL
25 privileges by requesting an administrative hearing with the
26 Secretary of State in accordance with Section 2-118 of the

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

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

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 Section 20. The Workers' Compensation Act is amended by
2 changing Section 11 as follows:

3 (820 ILCS 305/11) (from Ch. 48, par. 138.11)

4 Sec. 11. Measure of responsibility. Except as provided in
5 Section 1.2, the compensation herein provided, together with
6 the provisions of this Act, shall be the measure of the
7 responsibility of any employer engaged in any of the
8 enterprises or businesses enumerated in Section 3 of this Act,
9 or of any employer who is not engaged in any such enterprises
10 or businesses, but who has elected to provide and pay
11 compensation for accidental injuries sustained by any employee
12 arising out of and in the course of the employment according to
13 the provisions of this Act, and whose election to continue
14 under this Act, has not been nullified by any action of his
15 employees as provided for in this Act.

16 Accidental injuries incurred while participating in
17 voluntary recreational programs including but not limited to
18 athletic events, parties and picnics do not arise out of and in
19 the course of the employment even though the employer pays
20 some or all of the cost thereof. This exclusion shall not apply
21 in the event that the injured employee was ordered or assigned
22 by his employer to participate in the program.

23 Notwithstanding any other defense, accidental injuries
24 incurred while the employee is engaged in the active
25 commission of and as a proximate result of the active

1 commission of (a) a forcible felony, (b) aggravated driving
2 under the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof, or (c) reckless homicide and for which the employee
5 was convicted do not arise out of and in the course of
6 employment if the commission of that forcible felony,
7 aggravated driving under the influence, or reckless homicide
8 caused an accident resulting in the death or severe injury of
9 another person. If an employee is acquitted of a forcible
10 felony, aggravated driving under the influence, or reckless
11 homicide that caused an accident resulting in the death or
12 severe injury of another person or if these charges are
13 dismissed, there shall be no presumption that the employee is
14 eligible for benefits under this Act. No employee shall be
15 entitled to additional compensation under Sections 19(k) or
16 19(l) of this Act or attorney's fees under Section 16 of this
17 Act when the employee has been charged with a forcible felony,
18 aggravated driving under the influence, or reckless homicide
19 that caused an accident resulting in the death or severe
20 injury of another person and the employer terminates benefits
21 or refuses to pay benefits to the employee until the
22 termination of any pending criminal proceedings.

23 Accidental injuries incurred while participating as a
24 patient in a drug or alcohol rehabilitation program do not
25 arise out of and in the course of employment even though the
26 employer pays some or all of the costs thereof.

1 Any injury to or disease or death of an employee arising
2 from the administration of a vaccine, including without
3 limitation smallpox vaccine, to prepare for, or as a response
4 to, a threatened or potential bioterrorist incident to the
5 employee as part of a voluntary inoculation program in
6 connection with the person's employment or in connection with
7 any governmental program or recommendation for the inoculation
8 of workers in the employee's occupation, geographical area, or
9 other category that includes the employee is deemed to arise
10 out of and in the course of the employment for all purposes
11 under this Act. This paragraph added by this amendatory Act of
12 the 93rd General Assembly is declarative of existing law and
13 is not a new enactment.

14 No compensation shall be payable if (i) the employee's
15 intoxication is the proximate cause of the employee's
16 accidental injury or (ii) at the time the employee incurred
17 the accidental injury, the employee was so intoxicated that
18 the intoxication constituted a departure from the employment.
19 Admissible evidence of the concentration of (1) alcohol, (2)
20 cannabis as defined in the Cannabis Control Act, (3) a
21 controlled substance listed in the Illinois Controlled
22 Substances Act, or (4) an intoxicating compound listed in the
23 Use of Intoxicating Compounds Act in the employee's blood,
24 breath, or urine at the time the employee incurred the
25 accidental injury shall be considered in any hearing under
26 this Act to determine whether the employee was intoxicated at

1 the time the employee incurred the accidental injuries. If at
2 the time of the accidental injuries, there was 0.05% ~~0.08%~~ or
3 more by weight of alcohol in the employee's blood, breath, or
4 urine or if there is any evidence of impairment due to the
5 unlawful or unauthorized use of (1) cannabis as defined in the
6 Cannabis Control Act, (2) a controlled substance listed in the
7 Illinois Controlled Substances Act, or (3) an intoxicating
8 compound listed in the Use of Intoxicating Compounds Act or if
9 the employee refuses to submit to testing of blood, breath, or
10 urine, then there shall be a rebuttable presumption that the
11 employee was intoxicated and that the intoxication was the
12 proximate cause of the employee's injury. The employee may
13 overcome the rebuttable presumption by the preponderance of
14 the admissible evidence that the intoxication was not the sole
15 proximate cause or proximate cause of the accidental injuries.
16 Percentage by weight of alcohol in the blood shall be based on
17 grams of alcohol per 100 milliliters of blood. Percentage by
18 weight of alcohol in the breath shall be based upon grams of
19 alcohol per 210 liters of breath. Any testing that has not been
20 performed by an accredited or certified testing laboratory
21 shall not be admissible in any hearing under this Act to
22 determine whether the employee was intoxicated at the time the
23 employee incurred the accidental injury.

24 All sample collection and testing for alcohol and drugs
25 under this Section shall be performed in accordance with rules
26 to be adopted by the Commission. These rules shall ensure:

1 (1) compliance with the National Labor Relations Act
2 regarding collective bargaining agreements or regulations
3 promulgated by the United States Department of
4 Transportation;

5 (2) that samples are collected and tested in
6 conformance with national and State legal and regulatory
7 standards for the privacy of the individual being tested,
8 and in a manner reasonably calculated to prevent
9 substitutions or interference with the collection or
10 testing of reliable sample;

11 (3) that split testing procedures are utilized;

12 (4) that sample collection is documented, and the
13 documentation procedures include:

14 (A) the labeling of samples in a manner so as to
15 reasonably preclude the probability of erroneous
16 identification of test result; and

17 (B) an opportunity for the employee to provide
18 notification of any information which he or she
19 considers relevant to the test, including
20 identification of currently or recently used
21 prescription or nonprescription drugs and other
22 relevant medical information;

23 (5) that sample collection, storage, and
24 transportation to the place of testing is performed in a
25 manner so as to reasonably preclude the probability of
26 sample contamination or adulteration; and

1 (6) that chemical analyses of blood, urine, breath, or
2 other bodily substance are performed according to
3 nationally scientifically accepted analytical methods and
4 procedures.

5 The changes to this Section made by Public Act 97-18 apply
6 only to accidental injuries that occur on or after September
7 1, 2011.

8 (Source: P.A. 101-6, eff. 5-17-19.)

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