



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1930

Introduced 2/6/2025, by Sen. Mary Edly-Allen

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that any person who drives or is in actual control of a motor vehicle upon the public highways of the State and who has been involved in a personal injury or fatal motor vehicle crash shall be deemed to have given consent to provide access to any electronic communication device that was in the motor vehicle and within that person's reach at the time of the accident for the purpose of determining whether the person was unlawfully using the device. Provides that a person requested to provide access to an electronic communication device shall be warned that a refusal to provide such access, or if the device's data shows a violation, may result in the suspension of such person's privilege to operate a motor vehicle, and if the person is also a CDL holder, he or she shall be warned that a refusal to provide access to an electronic communication device, or if the device's data shows a violation, may result in the disqualification of the person's privilege to operate a commercial motor vehicle. Provides that if the person refuses to provide access to the electronic communication device or provides such access and the device's data shows a violation, the law enforcement officer shall immediately submit a sworn report to the Secretary of State certifying that access to the electronic communication device was requested and the person refused or the device showed a violation. Provides that upon receipt of the sworn report of a law enforcement officer, the Secretary shall enter the suspension and disqualification to the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. Allows a driver to contest the suspension of his or her driving privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary. Provides that in all cases involving a fatal motor vehicle crash where the person refuses to provide law enforcement with access to his or her electronic communication device or provides such access and the device's data shows a violation, the Secretary shall notify the local State's Attorney of the refusal or violation. Provides that the amendatory Act may be referred to as Nancy's Law.

LRB104 10910 LNS 20992 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 1. References to Act. This Act may be referred to  
5 as Nancy's Law.

6 Section 5. The Illinois Vehicle Code is amended by adding  
7 Section 11-501.11 as follows:

8 (625 ILCS 5/11-501.11 new)

9 Sec. 11-501.11. Driver involvement in serious personal  
10 injury or fatal motor vehicle crash; electronic communication  
11 devices.

12 (a) Any person who drives or is in actual control of a  
13 motor vehicle upon the public highways of this State and who  
14 has been involved in a personal injury or fatal motor vehicle  
15 crash shall be deemed to have given consent to provide access  
16 to any electronic communication device that was in the motor  
17 vehicle and within that person's reach at the time of the  
18 accident for the purpose of determining whether the person was  
19 unlawfully using the device under Section 12-610.2, if  
20 arrested as evidenced by the issuance of a Uniform Traffic  
21 Ticket for any violation of this Code or a similar provision of  
22 a local ordinance, with the exception of equipment violations

1 contained in Chapter 12 of this Code, or similar provisions of  
2 local ordinances.

3 (b) Any person who is dead, unconscious, or who is  
4 otherwise in a condition rendering such person incapable of  
5 refusal shall be deemed not to have withdrawn the consent  
6 provided by subsection (a).

7 (c) A person requested to provide access to an electronic  
8 communication device as provided for in subsection (a) shall  
9 be warned by the law enforcement officer requesting the access  
10 to the device that a refusal to provide such access, or if the  
11 device's data shows a violation of Section 12-610.2, may  
12 result in the suspension of such person's privilege to operate  
13 a motor vehicle.

14 If the person is also a CDL holder, he or she shall be  
15 warned by the law enforcement officer that a refusal to  
16 provide access to an electronic communication device, or if  
17 the device's data shows a violation of Section 12-610.2, may  
18 result in the disqualification of the person's privilege to  
19 operate a commercial motor vehicle.

20 (d) A person requested to provide access to an electronic  
21 communication device as provided for in subsection (a) shall  
22 also acknowledge, in writing, receipt of the warning required  
23 under subsection (c). If the person refuses to acknowledge  
24 receipt of the warning, the law enforcement officer shall make  
25 a written notation on the warning that the person refused to  
26 sign the warning. A person's refusal to sign the warning shall

1 not be evidence that the person was not read the warning.

2 (e) If the person refuses to provide access to the  
3 electronic communication device as provided for by subsection  
4 (a) or provides such access and the device's data shows a  
5 violation of Section 12-610.2, the law enforcement officer  
6 shall immediately submit a sworn report to the Secretary of  
7 State, on a form prescribed by the Secretary, certifying that  
8 access to the electronic communication device was requested  
9 and the person refused or the device showed a violation of  
10 Section 12-610.2.

11 If the person is also a CDL holder and refuses to provide  
12 access to the electronic communication device as provided for  
13 by subsection (a) or provides such access and the device's  
14 data shows a violation of Section 12-610.2, the law  
15 enforcement officer shall immediately submit a sworn report to  
16 the Secretary, on a form prescribed by the Secretary,  
17 certifying that access to the electronic communication device  
18 was requested and the person refused or the device showed a  
19 violation of Section 12-610.2.

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

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this suspension on the person  
2 and such suspension and disqualification shall be effective on  
3 the 46th day following the date notice was given. The  
4 arresting officer shall give notice as provided in this  
5 Section or by deposit in the United States mail of such notice  
6 in an envelope with postage prepaid and addressed to such  
7 person at his or her address as shown on the Uniform Traffic  
8 Ticket and the suspension shall be effective on the 46th day  
9 following the date notice was given. In cases involving a  
10 person who is a CDL holder, the arresting officer shall give  
11 notice as provided in this Section or by deposit in the United  
12 States mail of such notice in an envelope with postage prepaid  
13 and addressed to the person at his or her address as shown on  
14 the Uniform Traffic Ticket and the suspension and  
15 disqualification shall be effective on the 46th day following  
16 the date notice was given.

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

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

26       (h) In all cases involving a fatal motor vehicle crash

1 where the person refuses to provide law enforcement with  
2 access to his or her electronic communication device as  
3 provided for in subsection (a) or provides such access and the  
4 device's data shows a violation of Section 12-610.2, the  
5 Secretary shall notify the local State's Attorney of the  
6 refusal or violation of Section 12-610.2. The State's Attorney  
7 shall consider this information in deciding whether to seek a  
8 subpoena for the information, data, or metadata contained on  
9 the electronic communication device or pursue criminal  
10 charges.

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Statutes amended in order of appearance

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625 ILCS 5/11-501.11 new