

1 AN ACT in regard to vehicles.

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 Section 11-501.1 as follows:

6 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

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

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

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

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

20 (c) A person requested to submit to a test as provided
21 above shall be warned by the law enforcement officer
22 requesting the test that a refusal to submit to the test will
23 result in the statutory summary suspension of the person's
24 privilege to operate a motor vehicle as provided in Section
25 6-208.1 of this Code. The person shall also be warned by the
26 law enforcement officer that if the person submits to the
27 test or tests provided in paragraph (a) of this Section and
28 the alcohol concentration in the person's blood or breath is
29 0.08 or greater, or any amount of a drug, substance, or
30 compound resulting from the unlawful use or consumption of
31 cannabis as covered by the Cannabis Control Act, a controlled
32 substance listed in the Illinois Controlled Substances Act,
33 or an intoxicating compound listed in the Use of Intoxicating
34 Compounds Act is detected in the person's blood or urine, a

1 statutory summary suspension of the person's privilege to
2 operate a motor vehicle, as provided in Sections 6-208.1 and
3 11-501.1 of this Code, will be imposed.

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

22 (d) If the person refuses testing or submits to a test
23 that discloses an alcohol concentration of 0.08 or more, or
24 any amount of a drug, substance, or intoxicating compound in
25 the person's breath, blood, or urine resulting from the
26 unlawful use or consumption of cannabis listed in the
27 Cannabis Control Act, a controlled substance listed in the
28 Illinois Controlled Substances Act, or an intoxicating
29 compound listed in the Use of Intoxicating Compounds Act, the
30 law enforcement officer shall immediately submit a sworn
31 report to the circuit court of venue and the Secretary of
32 State, certifying that the test or tests was or were
33 requested under paragraph (a) and the person refused to
34 submit to a test, or tests, or submitted to testing that

1 disclosed an alcohol concentration of 0.08 or more.

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

7 If the person is a first offender as defined in Section
8 11-500 of this Code, and is not convicted of a violation of
9 Section 11-501 of this Code or a similar provision of a local
10 ordinance, then reports received by the Secretary of State
11 under this Section shall, except during the actual time the
12 Statutory Summary Suspension is in effect, be privileged
13 information and for use only by the courts, police officers,
14 prosecuting authorities or the Secretary of State.

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

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

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

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

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

25 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;
26 91-357, eff. 7-29-99.)