

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 1-197.5, 2-118.1, 11-500, and 11-501 and adding
6 Section 6-100.5 as follows:

7 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

8 Sec. 1-197.5. Statutory summary alcohol or other drug
9 related suspension of driver's privileges. The withdrawal by
10 the circuit court of a person's license or privilege to operate
11 a motor vehicle on the public highways for the periods provided
12 in Section 6-208.1. Reinstatement after the suspension period
13 shall occur after all appropriate fees have been paid, unless
14 the court notifies the Secretary of State that the person
15 should be disqualified. The bases for this withdrawal of
16 driving privileges shall be the individual's refusal to submit
17 to or failure to complete a chemical test or tests following an
18 arrest for the offense of driving or operating under the
19 influence of alcohol, other drugs, or intoxicating compounds,
20 or any combination thereof, or submission to such a test or
21 tests indicating an alcohol concentration of 0.08 or more as
22 provided in Section 11-501.1 of this Code, Section 5-7.1 of the
23 Snowmobile Registration and Safety Act, or Section 5-16 of the

1 Boat Registration and Safety Act.

2 (Source: P.A. 92-834, eff. 8-22-02.)

3 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

4 Sec. 2-118.1. Opportunity for hearing; statutory summary
5 alcohol or other drug related suspension.

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

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18 suspension rescinded.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

1 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 would
22 be suspended if the person refused to submit to and
23 complete the test or tests, did refuse to submit to or
24 complete the test or tests to determine the person's
25 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 would
2 be suspended if the person submits to a chemical test, or
3 tests, and the test discloses an alcohol concentration of
4 0.08 or more, or any amount of a drug, substance, or
5 compound in the person's blood or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act, and the person did
12 submit to and complete the test or tests that determined an
13 alcohol concentration of 0.08 or more.

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

20 (c) For purposes of this Section:

21 (1) A violation of Section 5-7 of the Snowmobile
22 Registration and Safety Act or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 5-16 of the Boat Registration and Safety Act or a
25 similar provision of a local ordinance or a similar
26 out-of-state offense shall be deemed to be the same as a

1 violation of Section 11-501 of this Code.

2 (2) A suspension for refusal to submit to a chemical
3 test under Section 5-7.1 of the Snowmobile Registration and
4 Safety Act or Section 5-16 of the Boat Registration and
5 Safety Act shall be deemed to be the same as a statutory
6 summary suspension for refusal to submit to a chemical test
7 under Section 11-501.1 or 11-501.8 of this Code.

8 (3) A refusal to submit to a chemical test under
9 Section 5-7.1 of the Snowmobile Registration and Safety Act
10 or Section 5-16 of the Boat Registration and Safety Act
11 shall be deemed to be the same as a refusal to submit to a
12 chemical test under Section 11-501.1 or 11-501.8 of this
13 Code.

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

15 (625 ILCS 5/6-100.5 new)

16 Sec. 6-100.5. Snowmobile Registration and Safety Act; Boat
17 Registration and Safety Act. For purposes of this Chapter:

18 (1) A violation of Section 5-7 of the Snowmobile
19 Registration and Safety Act or a similar provision of a
20 local ordinance or a similar out-of-state offense, or
21 Section 5-16 of the Boat Registration and Safety Act or a
22 similar provision of a local ordinance or a similar
23 out-of-state offense shall be deemed to be the same as a
24 violation of Section 11-501 of this Code.

25 (2) A suspension for refusal to submit to a chemical

1 test under Section 5-7.1 of the Snowmobile Registration and
2 Safety Act or Section 5-16 of the Boat Registration and
3 Safety Act shall be deemed to be the same as a statutory
4 summary suspension for refusal to submit to a chemical test
5 under Section 11-501.1 or 11-501.8 of this Code.

6 (3) A refusal to submit to a chemical test under
7 Section 5-7.1 of the Snowmobile Registration and Safety Act
8 or Section 5-16 of the Boat Registration and Safety Act
9 shall be deemed to be the same as a refusal to submit to a
10 chemical test under Section 11-501.1 or 11-501.8 of this
11 Code.

12 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

13 Sec. 11-500. First offender. ~~Definitions.~~

14 (a) For the purposes of interpreting Sections 6-206.1 and
15 6-208.1 of this Code, Section 5-7 of the Snowmobile
16 Registration and Safety Act, and Section 5-16 of the Boat
17 Registration and Safety Act, "first offender" shall mean any
18 person who has not, within 5 years prior to the date of the
19 current offense, had:

20 (1) a previous conviction or court assigned
21 supervision for violating:

22 (A) Section 11-501~~7~~ or a similar provision of a
23 local ordinance; ~~or~~

24 (B) a conviction in any other state for a violation
25 of driving while under the influence or a similar

1 offense where the cause of action is the same or
2 substantially similar to this Code, Section 5-7 of the
3 Snowmobile Registration and Safety Act, or Section
4 5-16 of the Boat Registration and Safety Act;

5 (C) similar offenses committed on a military
6 installation;

7 (D) Section 5-7 of the Snowmobile Registration and
8 Safety Act or a similar provision of a local ordinance;

9 (E) Section 5-16 of the Boat Registration and
10 Safety Act or a similar provision of a local ordinance;

11 or

12 (F) Title 46 of the U.S. Code of Federal
13 Regulations where the presence of alcohol, other drug
14 or drugs, intoxicating compound or compounds, or
15 combination thereof in the person's blood is an element
16 of the offense.

17 (2) or any person who has not had a driver's license,
18 snowmobile operating privileges, or boating operating
19 privileges suspension for violating:

20 (A) Section 11-501.1 of this Code;

21 (B) Section 5-7.1 of the Snowmobile Registration
22 and Safety Act; or

23 (C) subsection (B) of Section 5-16 of the Boat
24 Registration and Safety Act.

25 (b) The definition of "first offender" in subsection (a)
26 does not include within 5 years prior to the date of the

1 ~~current offense, except in~~ cases where the person driver
2 submitted to chemical testing resulting in an alcohol
3 concentration of 0.08 or more, or any amount of a drug,
4 substance, or compound in such person's blood or urine
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, or 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 and was
11 subsequently found not guilty of violating Section 11-501, or a
12 similar provision of a local ordinance, Section 5-7 of the
13 Snowmobile Registration and Safety Act or similar provision of
14 a local ordinance, or Section 5-16 of the Boat Registration and
15 Safety Act or similar provision of a local ordinance.

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

17 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

21 (a) A person shall not drive or be in actual physical
22 control of any motor vehicle, as defined in Section 1-146,
23 within this State while:

24 (1) the alcohol concentration in the person's blood or
25 breath is 0.08 or more based on the definition of blood and

1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

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

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

9 (5) under the combined influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds to a degree
11 that renders the person incapable of safely driving; or

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

20 (b) The fact that any person charged with violating this
21 Section is or has been legally entitled to use alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or any
23 combination thereof, shall not constitute a defense against any
24 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 or urine was 0.16 or more based on the definition of blood,
16 breath, or urine units in Section 11-501.2, shall be
17 subject, in addition to any other penalty that may be
18 imposed, to a mandatory minimum of 100 hours of community
19 service and a mandatory minimum fine of \$500.

20 (5) A person who violates subsection (a) a second time,
21 if at the time of the second violation the alcohol
22 concentration in his or her blood, breath, or urine was
23 0.16 or more based on the definition of blood, breath, or
24 urine units in Section 11-501.2, shall be subject, in
25 addition to any other penalty that may be imposed, to a
26 mandatory minimum of 2 days of imprisonment and a mandatory

1 minimum fine of \$1,250.

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

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

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

13 (B) the person committed a violation of subsection
14 (a) while driving a school bus with persons 18 years of
15 age or younger on board;

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

21 (D) the person committed a violation of subsection
22 (a) for a second time and has been previously convicted
23 of violating Section 9-3 of the Criminal Code of 1961
24 or a similar provision of a law of another state
25 relating to reckless homicide in which the person was
26 determined to have been under the influence of alcohol,

1 other drug or drugs, or intoxicating compound or
2 compounds as an element of the offense or the person
3 has previously been convicted under subparagraph (C)
4 or subparagraph (F) of this paragraph (1);

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

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

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

1 Criminal Code of 1961;

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

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

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

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

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

24 (B) A third violation of this Section or a similar
25 provision is a Class 2 felony. If at the time of the third
26 violation the alcohol concentration in his or her blood,

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

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

25 (D) A fifth violation of this Section or a similar
26 provision is a Class 1 felony, for which a sentence of

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

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

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to
2 a term of imprisonment, shall be sentenced to not less than
3 one year nor more than 12 years.

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

13 (H) For a violation of subparagraph (J) of paragraph
14 (1) of this subsection (d), a mandatory fine of \$2,500, and
15 25 days of community service in a program benefiting
16 children shall be imposed in addition to any other criminal
17 or administrative sanction.

18 (I) A violation of subparagraph (K) of paragraph (1) of
19 this subsection (d), is a Class 2 felony and a mandatory
20 fine of \$2,500, and 25 days of community service in a
21 program benefiting children shall be imposed in addition to
22 any other criminal or administrative sanction. If the child
23 being transported suffered bodily harm, but not great
24 bodily harm, in a motor vehicle accident, and the violation
25 was the proximate cause of that injury, a mandatory fine of
26 \$5,000 and 25 days of community service in a program

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

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

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

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

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

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

24 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,
25 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,
26 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;

1 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08;
2 95-778, eff. 8-4-08; 95-876, eff. 8-21-08.)

3 Section 10. The Snowmobile Registration and Safety Act is
4 amended by changing Sections 5-7 and 5-7.1 as follows:

5 (625 ILCS 40/5-7)

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

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

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

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

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

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

24 4. The person is under the combined influence of

1 alcohol and any other drug or drugs or intoxicating
2 compound or compounds to a degree that renders that person
3 incapable of safely operating a snowmobile; or

4 5. There is any amount of a drug, substance, or
5 compound in that person's breath, blood, or urine resulting
6 from the unlawful use or consumption of cannabis listed in
7 the Cannabis Control Act, controlled substance listed in
8 the Illinois Controlled Substances Act, or intoxicating
9 compound listed in the use of Intoxicating Compounds Act.

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

15 (c) Every person convicted of violating this Section or a
16 similar provision of a local ordinance is guilty of a Class A
17 misdemeanor, except as otherwise provided in this Section.

18 (c-1) As used in this Section, "first ~~time~~ offender" has
19 the meaning ascribed to that term in Section 11-500 of the
20 Illinois Vehicle Code. ~~means any person who has not had a~~
21 ~~previous conviction or been assigned supervision for violating~~
22 ~~this Section or a similar provision of a local ordinance, or~~
23 ~~any person who has not had a suspension imposed under~~
24 ~~subsection (c) of Section 5-7.1.~~

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

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

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

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

7 1. The person has a previous conviction under this
8 Section;

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

16 3. The offense occurred during a period in which the
17 person's privileges to operate a snowmobile are revoked or
18 suspended, and the revocation or suspension was for a
19 violation of this Section or was imposed under Section
20 5-7.1.

21 (e) Every person convicted of violating this Section is
22 guilty of a Class 2 felony if the offense results in the death
23 of a person. A person guilty of a Class 2 felony under this
24 subsection (e), if sentenced to a term of imprisonment, shall
25 be sentenced to a term of not less than 3 years and not more
26 than 14 years.

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

10 (e-2) Every person found guilty of violating this Section,
11 whose operation of a snowmobile while in violation of this
12 Section proximately caused any incident resulting in an
13 appropriate emergency response, shall be liable for the expense
14 of an emergency response as provided in subsection (m) of
15 Section 11-501 of the Illinois Vehicle Code.

16 (e-3) In addition to any other penalties and liabilities, a
17 person who is found guilty of violating this Section, including
18 any person placed on court supervision, shall be fined \$100,
19 payable to the circuit clerk, who shall distribute the money to
20 the law enforcement agency that made the arrest. In the event
21 that more than one agency is responsible for the arrest, the
22 \$100 shall be shared equally. Any moneys received by a law
23 enforcement agency under this subsection (e-3) shall be used to
24 purchase law enforcement equipment or to provide law
25 enforcement training that will assist in the prevention of
26 alcohol related criminal violence throughout the State. Law

1 enforcement equipment shall include, but is not limited to,
2 in-car video cameras, radar and laser speed detection devices,
3 and alcohol breath testers.

4 (f) In addition to any criminal penalties imposed, the
5 Department of Natural Resources shall suspend the snowmobile
6 operation privileges of a person convicted or found guilty of a
7 misdemeanor under this Section for a period of one year, except
8 that first ~~first-time~~ offenders are exempt from this mandatory
9 one year suspension.

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

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

15 (625 ILCS 40/5-7.1)

16 Sec. 5-7.1. Implied consent.

17 (a) A person who operates or is in actual physical control
18 of a snowmobile in this State is deemed to have given consent
19 to a chemical test or tests of blood, breath, or urine for the
20 purpose of determining the content of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or a combination of
22 them in that person's blood if arrested for a violation of
23 Section 5-7. The chemical test or tests shall be administered
24 at the direction of the arresting officer. The law enforcement
25 agency employing the officer shall designate which tests shall

1 be administered. A urine test may be administered even after a
2 blood or breath test or both has been administered.

3 (a-1) For the purposes of this Section, an Illinois law
4 enforcement officer of this State who is investigating the
5 person for any offense defined in Section 5-7 may travel into
6 an adjoining state, where the person has been transported for
7 medical care to complete an investigation and to request that
8 the person submit to the test or tests set forth in this
9 Section. The requirements of this Section that the person be
10 arrested are inapplicable, but the officer shall issue the
11 person a uniform citation for an offense as defined in Section
12 5-7 or a similar provision of a local ordinance prior to
13 requesting that the person submit to the test or tests. The
14 issuance of the uniform citation shall not constitute an
15 arrest, but shall be for the purpose of notifying the person
16 that he or she is subject to the provisions of this Section and
17 of the officer's belief of the existence of probable cause to
18 arrest. Upon returning to this State, the officer shall file
19 the uniform citation with the circuit clerk of the county where
20 the offense was committed and shall seek the issuance of an
21 arrest warrant or a summons for the person.

22 (a-2) Notwithstanding any ability to refuse under this Act
23 to submit to these tests or any ability to revoke the implied
24 consent to these tests, if a law enforcement officer has
25 probable cause to believe that a snowmobile operated by or
26 under actual physical control of a person under the influence

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

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

16 (c) A person requested to submit to a test as provided in
17 this Section shall be verbally advised by the law enforcement
18 officer requesting the test that a refusal to submit to the
19 test will result in suspension of that person's privilege to
20 operate a snowmobile for a minimum of 2 years, and the
21 statutory summary suspension of the person's privilege to
22 operate a motor vehicle, as provided in Section 6-208.1 of the
23 Illinois Vehicle Code, and will also result in the
24 disqualification of the person's privilege to operate a
25 commercial motor vehicle, as provided in Section 6-514 of the
26 Illinois Vehicle Code, if the person is a CDL holder. The

1 person shall also be warned by the law enforcement officer that
2 if the person submits to the test or tests provided in
3 paragraph (a) of this Section and the alcohol concentration in
4 the person's blood or breath is 0.08 or greater, or any amount
5 of a drug, substance, or compound resulting from the unlawful
6 use or consumption of cannabis as covered by the Cannabis
7 Control Act, a controlled substance listed in the Illinois
8 Controlled Substances Act, an intoxicating compound listed in
9 the Use of Intoxicating Compounds Act, or methamphetamine as
10 listed in the Methamphetamine Control and Community Protection
11 Act is detected in the person's blood or urine, a statutory
12 summary suspension of the person's privilege to operate a motor
13 vehicle, as provided in Sections 6-208.1 and 11-501.1 of the
14 Illinois Vehicle Code, and a disqualification of the person's
15 privilege to operate a commercial motor vehicle, as provided in
16 Section 6-514 of the Illinois Vehicle Code, if the person is a
17 CDL holder, will be imposed.

18 A person who is under the age of 21 at the time the person
19 is requested to submit to a test as provided above shall, in
20 addition to the warnings provided for in this Section, be
21 further warned by the law enforcement officer requesting the
22 test that if the person submits to the test or tests provided
23 in paragraph (a) of this Section and the alcohol concentration
24 in the person's blood or breath is greater than 0.00 and less
25 than 0.08, a suspension of the person's privilege to operate a
26 motor vehicle, as provided under Sections 6-208.2 and 11-501.8

1 of the Illinois Vehicle Code, will be imposed. The results of
2 this test shall be admissible in a civil or criminal action or
3 proceeding arising from an arrest for an offense as defined in
4 Section 5-7 of this Act or a similar provision of a local
5 ordinance or pursuant to Section 11-501.4 of the Illinois
6 Vehicle Code in prosecutions for reckless homicide brought
7 under the Criminal Code of 1961. These test results, however,
8 shall be admissible only in actions or proceedings directly
9 related to the incident upon which the test request was made.

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

1 requested as an incident to and following the lawful arrest for
2 an offense as defined in Section 5-7 or a similar provision of
3 a local ordinance, and that the person, after being arrested
4 for an offense arising out of acts alleged to have been
5 committed while operating a snowmobile, refused to submit to
6 and complete a chemical test or tests as requested by the law
7 enforcement officer.

8 (e) The law enforcement officer submitting the sworn
9 statement shall serve immediate written notice upon the person
10 refusing the chemical test or tests that the person's privilege
11 to operate a snowmobile within this State will be suspended for
12 a period of 2 years, a statutory summary suspension of the
13 person's privilege to operate a motor vehicle, as provided in
14 Sections 6-208.1 and 6-208.2 of the Illinois Vehicle Code will
15 be imposed, and a disqualification of the person's privilege to
16 operate a commercial motor vehicle, as provided in Section
17 6-514 of the Illinois Vehicle Code, if the person is a CDL
18 holder, will be imposed unless, within 28 days from the date of
19 the notice, the person requests in writing a hearing on the
20 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 If the person fails to request in writing a hearing within
21 28 days from the date of notice, or if a hearing is held and the
22 court finds against the person on the issues before the court,
23 the clerk shall immediately notify the Secretary of State, and
24 the Secretary of State shall impose a statutory summary
25 suspension of the person's privilege to operate a motor
26 vehicle, as provided in Sections 6-208.1 and 6-208.2 of the

1 Illinois Vehicle Code, and a disqualification of the person's
2 privilege to operate a commercial motor vehicle, as provided in
3 Section 6-514 of the Illinois Vehicle Code, if the person is a
4 CDL holder.

5 (f) (Blank).

6 (f-1) If the person submits to a test that discloses an
7 alcohol concentration of 0.08 or more, or any amount of a drug,
8 substance, or intoxicating compound in the person's breath,
9 blood, or urine resulting from the unlawful use of cannabis
10 listed in the Cannabis Control Act, a controlled substance
11 listed in the Illinois Controlled Substances Act, or an
12 intoxicating compound listed in the Use of Intoxicating
13 Compounds Act, the law enforcement officer shall immediately
14 submit a sworn report to the circuit clerk of venue and the
15 Department of Natural Resources, certifying that the test or
16 tests was or were requested under subsection (a-1) of this
17 Section and the person submitted to testing that disclosed an
18 alcohol concentration of 0.08 or more.

19 In cases where the blood alcohol concentration of 0.08 or
20 greater or any amount of drug, substance, or compound resulting
21 from the unlawful use of cannabis, a controlled substance, or
22 an intoxicating compound is established by a subsequent
23 analysis of blood or urine collected at the time of arrest, the
24 arresting officer or arresting agency shall immediately submit
25 a sworn report to the circuit clerk of venue and the Department
26 of Natural Resources upon receipt of the test results.

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

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

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

8 Section 15. The Boat Registration and Safety Act is amended
9 by changing Section 5-16 as follows:

10 (625 ILCS 45/5-16)

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

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

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

21 (b) Under the influence of alcohol;

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

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

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

8 (e) There is any amount of a drug, substance, or
9 compound in the person's blood or urine resulting from
10 the unlawful use or consumption of cannabis listed in
11 the Cannabis Control Act, a controlled substance
12 listed in the Illinois Controlled Substances Act, or an
13 intoxicating compound listed in the Use of
14 Intoxicating Compounds Act.

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

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

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

25 (a) He 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
3 harm or permanent disability or disfigurement, when
4 the violation was a proximate cause of the injuries. A
5 person guilty of a Class 4 felony under this
6 subparagraph (b), if sentenced to a term of
7 imprisonment, shall be sentenced to a term of not less
8 than one year nor more than 12 years; or

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

14 5. Every person convicted of violating this Section
15 shall be guilty of a Class 2 felony if the offense results
16 in the death of a person. A person guilty of a Class 2
17 felony under this paragraph 5, if sentenced to a term of
18 imprisonment, shall be sentenced to a term of not less than
19 3 years and not more than 14 years.

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

1 is not eligible for probation in order to reduce the
2 assignment.

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

9 5.3. In addition to any other penalties and
10 liabilities, a person who is found guilty of violating this
11 Section, including any person placed on court supervision,
12 shall be fined \$100, payable to the circuit clerk, who
13 shall distribute the money to the law enforcement agency
14 that made the arrest. In the event that more than one
15 agency is responsible for the arrest, the \$100 shall be
16 shared equally. Any moneys received by a law enforcement
17 agency under this paragraph 5.3 shall be used to purchase
18 law enforcement equipment or to provide law enforcement
19 training that will assist in the prevention of alcohol
20 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
23 devices, and alcohol breath testers.

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

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

6 As used in this subdivision (A)6(a), "first ~~time~~
7 offender" has the meaning ascribed to that term in
8 Section 11-500 of the Illinois Vehicle Code. ~~means any~~
9 ~~person who has not had a previous conviction or been~~
10 ~~assigned supervision for violating this Section, a~~
11 ~~similar provision of a local ordinance or, Title 46 of~~
12 ~~the U.S. Code of Federal Regulations, or any person who~~
13 ~~has not had a suspension imposed under subdivision~~
14 ~~(B)3.1 of Section 5-16.~~

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

21 (B) 1. Any person who operates or is in actual physical
22 control of any watercraft upon the waters of this State
23 shall be deemed to have given consent to a chemical test or
24 tests of blood, breath or urine for the purpose of
25 determining the content of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or combination thereof

1 in the person's blood if arrested for any offense of
2 subsection (A) above. The chemical test or tests shall be
3 administered at the direction of the arresting officer. The
4 law enforcement agency employing the officer shall
5 designate which of the tests shall be administered. A urine
6 test may be administered even after a blood or breath test
7 or both has been administered.

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

1 issuance of an arrest warrant or a summons for the person.

2 1.2. Notwithstanding any ability to refuse under this
3 Act to submit to these tests or any ability to revoke the
4 implied consent to these tests, if a law enforcement
5 officer has probable cause to believe that a watercraft
6 operated by or under actual physical control of a person
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds, or any combination of
9 them has caused the death of or personal injury to another,
10 that person shall submit, upon the request of a law
11 enforcement officer, to a chemical test or tests of his or
12 her blood, breath, or urine for the purpose of determining
13 the alcohol content or the presence of any other drug,
14 intoxicating compound, or combination of them. For the
15 purposes of this Section, a personal injury includes severe
16 bleeding wounds, distorted extremities, and injuries that
17 require the injured party to be carried from the scene for
18 immediate professional attention in either a doctor's
19 office or a medical facility.

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

24 3. A person requested to submit to a chemical test as
25 provided above shall be verbally advised by the law
26 enforcement officer requesting the test that a refusal to

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

1 holder, will be imposed.

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

22 Following this warning, if a person under arrest
23 refuses upon the request of a law enforcement officer to
24 submit to a test designated by the officer, no test shall
25 be given, but the law enforcement officer shall file with
26 the clerk of the circuit court for the county in which the

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

21 3.1. The law enforcement officer submitting the sworn
22 statement as provided in paragraph 3 of this subsection (B)
23 shall serve immediate written notice upon the person
24 refusing the chemical test or tests that the person's
25 privilege to operate a watercraft within this State will be
26 suspended for a period of 2 years, a statutory summary

1 suspension of the person's privilege to operate a motor
2 vehicle, as provided in Sections 6-208.1 and 6-208.2 of the
3 Illinois Vehicle Code will be imposed, and a
4 disqualification of the person's privilege to operate a
5 commercial motor vehicle, as provided in Section 6-514 of
6 the Illinois Vehicle Code, if the person is a CDL holder,
7 will be imposed unless, within 28 days from the date of the
8 notice, the person requests in writing a hearing on the
9 suspension.

10 If the person desires a hearing, such person shall file
11 a complaint in the circuit court for and in the county in
12 which such person was arrested for such hearing. Such
13 hearing shall proceed in the court in the same manner as
14 other civil proceedings, shall cover only the issues of
15 whether the person was placed under arrest for an offense
16 as defined in this Section or a similar provision of a
17 local ordinance as evidenced by the issuance of a uniform
18 citation; whether the arresting officer had reasonable
19 grounds to believe that such person was operating a
20 watercraft while under the influence of alcohol, other drug
21 or drugs, intoxicating compound or compounds, or
22 combination thereof; and whether such person refused to
23 submit and complete the chemical test or tests upon the
24 request of the law enforcement officer. Whether the person
25 was informed that such person's privilege to operate a
26 watercraft would be suspended if such person refused to

1 submit to the chemical test or tests shall not be an issue.

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

9 If the person fails to request in writing a hearing
10 within 28 days from the date of notice, or if a hearing is
11 held and the court finds against the person on the issues
12 before the court, the clerk shall immediately notify the
13 Secretary of State, and the Secretary of State shall impose
14 a statutory summary suspension of the person's privilege to
15 operate a motor vehicle, as provided in Sections 6-208.1
16 and 6-208.2 of the Illinois Vehicle Code, and a
17 disqualification of the person's privilege to operate a
18 commercial motor vehicle, as provided in Section 6-514 of
19 the Illinois Vehicle Code, if the person is a CDL holder.

20 3.2. If the person submits to a test that discloses an
21 alcohol concentration of 0.08 or more, or any amount of a
22 drug, substance or intoxicating compound in the person's
23 breath, blood, or urine resulting from the unlawful use of
24 cannabis listed in the Cannabis Control Act, a controlled
25 substance listed in the Illinois Controlled Substances
26 Act, or an intoxicating compound listed in the Use of

1 Intoxicating Compounds Act, the law enforcement officer
2 shall immediately submit a sworn report to the circuit
3 clerk of venue and the Department of Natural Resources,
4 certifying that the test or tests were requested under
5 paragraph 1 of this subsection (B) and the person submitted
6 to testing that disclosed an alcohol concentration of 0.08
7 or more.

8 In cases where the blood alcohol concentration of 0.08
9 or greater or any amount of drug, substance or compound
10 resulting from the unlawful use of cannabis, a controlled
11 substance or an intoxicating compound is established by a
12 subsequent analysis of blood or urine collected at the time
13 of arrest, the arresting officer or arresting agency shall
14 immediately submit a sworn report to the circuit clerk of
15 venue and the Department of Natural Resources upon receipt
16 of the test results.

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

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

24 (C) Upon the trial of any civil or criminal action or
25 proceeding arising out of acts alleged to have been committed
26 by any person while operating a watercraft while under the

1 influence of alcohol, the concentration of alcohol in the
2 person's blood or breath at the time alleged as shown by
3 analysis of a person's blood, urine, breath, or other bodily
4 substance shall give rise to the presumptions specified in
5 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
6 of the Illinois Vehicle Code. The foregoing provisions of this
7 subsection (C) shall not be construed as limiting the
8 introduction of any other relevant evidence bearing upon the
9 question whether the person was under the influence of alcohol.

10 (D) If a person under arrest refuses to submit to a
11 chemical test under the provisions of this Section, evidence of
12 refusal shall be admissible in any civil or criminal action or
13 proceeding arising out of acts alleged to have been committed
14 while the person under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or combination of
16 them was operating a watercraft.

17 (E) The owner of any watercraft or any person given
18 supervisory authority over a watercraft, may not knowingly
19 permit a watercraft to be operated by any person under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds, or combination thereof.

22 (F) Whenever any person is convicted or found guilty of a
23 violation of this Section, including any person placed on court
24 supervision, the court shall notify the Office of Law
25 Enforcement of the Department of Natural Resources, to provide
26 the Department with the records essential for the performance

1 of the Department's duties to monitor and enforce any order of
2 suspension or revocation concerning the privilege to operate a
3 watercraft.

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.