



Sen. M. Maggie Crotty

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LRB096 20624 AJT 37488 a

1 AMENDMENT TO SENATE BILL 3732

2 AMENDMENT NO. _____. Amend Senate Bill 3732 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-205, 11-401, 11-501.1, and 11-501.6 and by
6 adding Section 2-118.2 as follows:

7 (625 ILCS 5/2-118.2 new)

8 Sec. 2-118.2. Opportunity for hearing; mandatory
9 revocation for failure to submit to testing.

10 (a) A mandatory revocation of driving privileges under
11 Section 11-501.6 shall not become effective until the person is
12 notified in writing of the impending suspension and informed
13 that he or she may request a hearing in the circuit court of
14 venue under paragraph (b) of this Section and the mandatory
15 revocation shall become effective as provided in Section
16 11-501.6 of this Code.

1 (b) Within 90 days after the notice of mandatory revocation
2 served under Section 11-501.6, the person may make a written
3 request for a judicial hearing in the circuit court of venue.
4 The request to the circuit court shall state the grounds upon
5 which the person seeks to have the mandatory revocation
6 rescinded. Within 30 days after receipt of the written request
7 or the first appearance date on the Uniform Traffic Ticket
8 issued pursuant to a violation of Sections 11-501 or 11-401 of
9 this Code, or a similar provision of a local ordinance, the
10 hearing shall be conducted by the circuit court having
11 jurisdiction. This judicial hearing, request, or process shall
12 not stay or delay the mandatory revocation. The hearings shall
13 proceed in the court in the same manner as in other civil
14 proceedings.

15 The hearing may be conducted upon a review of the law
16 enforcement officer's own official reports; however, the
17 person may subpoena the officer. Failure of the officer to
18 answer the subpoena shall be considered grounds for a
19 continuance if in the court's discretion the continuance is
20 appropriate.

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

22 1. Whether the person was placed under arrest for an
23 offense as defined in Section 11-501 or Section 11-401, or
24 a similar provision of a local ordinance, as evidenced by
25 the issuance of a Uniform Traffic Ticket, or issued a
26 Uniform Traffic Ticket out of state as provided in

1 subsection (a) of Section 11-501.1;

2 2. Whether the officer had reasonable grounds to
3 believe that the person was driving or in actual physical
4 control of a motor vehicle upon a highway while under the
5 influence of alcohol, other drug, or combination of both;

6 3. Whether the officer had reasonable grounds to
7 believe that the person was driving or in actual physical
8 control of a motor vehicle that was involved in a personal
9 injury or fatal motor vehicle accident; and

10 4. Whether the person, after being advised by the
11 officer that the privilege to operate a motor vehicle would
12 be revoked if the person refused to submit to and complete
13 the test or tests, did refuse to submit to or complete the
14 test or tests to determine the person's alcohol or drug
15 concentration.

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

22 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

23 Sec. 6-205. Mandatory revocation of license or permit;
24 Hardship cases.

25 (a) Except as provided in this Section, the Secretary of

1 State shall immediately revoke the license, permit, or driving
2 privileges of any driver upon receiving a report of the
3 driver's conviction of any of the following offenses:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, other drug or
10 drugs, intoxicating compound or compounds, or any
11 combination thereof;

12 3. Any felony under the laws of any State or the
13 federal government in the commission of which a motor
14 vehicle was used;

15 4. Violation of Section 11-401 of this Code relating to
16 the offense of leaving the scene of a traffic accident
17 involving death or personal injury;

18 5. Perjury or the making of a false affidavit or
19 statement under oath to the Secretary of State under this
20 Code or under any other law relating to the ownership or
21 operation of motor vehicles;

22 6. Conviction upon 3 charges of violation of Section
23 11-503 of this Code relating to the offense of reckless
24 driving committed within a period of 12 months;

25 7. Conviction of any offense defined in Section 4-102
26 of this Code;

1 8. Violation of Section 11-504 of this Code relating to
2 the offense of drag racing;

3 9. Violation of Chapters 8 and 9 of this Code;

4 10. Violation of Section 12-5 of the Criminal Code of
5 1961 arising from the use of a motor vehicle;

6 11. Violation of Section 11-204.1 of this Code relating
7 to aggravated fleeing or attempting to elude a peace
8 officer;

9 12. Violation of paragraph (1) of subsection (b) of
10 Section 6-507, or a similar law of any other state,
11 relating to the unlawful operation of a commercial motor
12 vehicle;

13 13. Violation of paragraph (a) of Section 11-502 of
14 this Code or a similar provision of a local ordinance if
15 the driver has been previously convicted of a violation of
16 that Section or a similar provision of a local ordinance
17 and the driver was less than 21 years of age at the time of
18 the offense;

19 14. Violation of paragraph (a) of Section 11-506 of
20 this Code or a similar provision of a local ordinance
21 relating to the offense of street racing;

22 15. A second or subsequent conviction of driving while
23 the person's driver's license, permit or privileges was
24 revoked for reckless homicide or a similar out-of-state
25 offense.

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following
2 situations:

3 1. Of any minor upon receiving the notice provided for
4 in Section 5-901 of the Juvenile Court Act of 1987 that the
5 minor has been adjudicated under that Act as having
6 committed an offense relating to motor vehicles prescribed
7 in Section 4-103 of this Code;

8 2. Of any person when any other law of this State
9 requires either the revocation or suspension of a license
10 or permit;

11 3. Of any person adjudicated under the Juvenile Court
12 Act of 1987 based on an offense determined to have been
13 committed in furtherance of the criminal activities of an
14 organized gang as provided in Section 5-710 of that Act,
15 and that involved the operation or use of a motor vehicle
16 or the use of a driver's license or permit. The revocation
17 shall remain in effect for the period determined by the
18 court. Upon the direction of the court, the Secretary shall
19 issue the person a judicial driving permit, also known as a
20 JDP. The JDP shall be subject to the same terms as a JDP
21 issued under Section 6-206.1, except that the court may
22 direct that a JDP issued under this subdivision (b) (3) be
23 effective immediately; -

24 4. Of any person who refuses to submit to a test
25 described under Section 11-501.6 of this Code upon the
26 request of a law enforcement officer, when that person has

1 been driving or in actual control of a motor vehicle that
2 has been involved a personal injury or fatal motor vehicle
3 accident. The revocation shall be effective as provided in
4 Section 11-501.6 of this Code. The person described in this
5 paragraph shall not be eligible for a restricted driving
6 permit.

7 (c) (1) Except as provided in subsection (c-5), whenever a
8 person is convicted of any of the offenses enumerated in this
9 Section, the court may recommend and the Secretary of State in
10 his discretion, without regard to whether the recommendation is
11 made by the court may, upon application, issue to the person a
12 restricted driving permit granting the privilege of driving a
13 motor vehicle between the petitioner's residence and
14 petitioner's place of employment or within the scope of the
15 petitioner's employment related duties, or to allow the
16 petitioner to transport himself or herself or a family member
17 of the petitioner's household to a medical facility for the
18 receipt of necessary medical care or to allow the petitioner to
19 transport himself or herself to and from alcohol or drug
20 remedial or rehabilitative activity recommended by a licensed
21 service provider, or to allow the petitioner to transport
22 himself or herself or a family member of the petitioner's
23 household to classes, as a student, at an accredited
24 educational institution, or to allow the petitioner to
25 transport children living in the petitioner's household to and
26 from daycare; if the petitioner is able to demonstrate that no

1 alternative means of transportation is reasonably available
2 and that the petitioner will not endanger the public safety or
3 welfare; provided that the Secretary's discretion shall be
4 limited to cases where undue hardship, as defined by the rules
5 of the Secretary of State, would result from a failure to issue
6 the restricted driving permit. Those multiple offenders
7 identified in subdivision (b)4 of Section 6-208 of this Code,
8 however, shall not be eligible for the issuance of a restricted
9 driving permit.

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

21 (3) If:

22 (A) a person's license or permit is revoked or
23 suspended 2 or more times within a 10 year period due
24 to any combination of:

25 (i) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense,
2 or Section 9-3 of the Criminal Code of 1961, where
3 the use of alcohol or other drugs is recited as an
4 element of the offense, or a similar out-of-state
5 offense; or

6 (ii) a statutory summary suspension under
7 Section 11-501.1; or

8 (iii) a suspension pursuant to Section
9 6-203.1;

10 arising out of separate occurrences; or

11 (B) a person has been convicted of one violation of
12 Section 6-303 of this Code committed while his or her
13 driver's license, permit, or privilege was revoked
14 because of a violation of Section 9-3 of the Criminal
15 Code of 1961, relating to the offense of reckless
16 homicide where the use of alcohol or other drugs was
17 recited as an element of the offense, or a similar
18 provision of a law of another state;

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

22 (4) The person issued a permit conditioned on the use
23 of an ignition interlock device must pay to the Secretary
24 of State DUI Administration Fund an amount not to exceed
25 \$30 per month. The Secretary shall establish by rule the
26 amount and the procedures, terms, and conditions relating

1 to these fees.

2 (5) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against
4 operating a motor vehicle that is not equipped with an
5 ignition interlock device does not apply to the operation
6 of an occupational vehicle owned or leased by that person's
7 employer when used solely for employment purposes.

8 (6) In each case the Secretary of State may issue a
9 restricted driving permit for a period he deems
10 appropriate, except that the permit shall expire within one
11 year from the date of issuance. The Secretary may not,
12 however, issue a restricted driving permit to any person
13 whose current revocation is the result of a second or
14 subsequent conviction for a violation of Section 11-501 of
15 this Code or a similar provision of a local ordinance or
16 any similar out-of-state offense, or Section 9-3 of the
17 Criminal Code of 1961, where the use of alcohol or other
18 drugs is recited as an element of the offense, or any
19 similar out-of-state offense, or any combination of these
20 offenses, until the expiration of at least one year from
21 the date of the revocation. A restricted driving permit
22 issued under this Section shall be subject to cancellation,
23 revocation, and suspension by the Secretary of State in
24 like manner and for like cause as a driver's license issued
25 under this Code may be cancelled, revoked, or suspended;
26 except that a conviction upon one or more offenses against

1 laws or ordinances regulating the movement of traffic shall
2 be deemed sufficient cause for the revocation, suspension,
3 or cancellation of a restricted driving permit. The
4 Secretary of State may, as a condition to the issuance of a
5 restricted driving permit, require the petitioner to
6 participate in a designated driver remedial or
7 rehabilitative program. The Secretary of State is
8 authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.
10 However, if an individual's driving privileges have been
11 revoked in accordance with paragraph 13 of subsection (a)
12 of this Section, no restricted driving permit shall be
13 issued until the individual has served 6 months of the
14 revocation period.

15 (c-5) (Blank).

16 (c-6) If a person is convicted of a second violation of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked, where the revocation was for a
19 violation of Section 9-3 of the Criminal Code of 1961 relating
20 to the offense of reckless homicide or a similar out-of-state
21 offense, the person's driving privileges shall be revoked
22 pursuant to subdivision (a)(15) of this Section. The person may
23 not make application for a license or permit until the
24 expiration of five years from the effective date of the
25 revocation or the expiration of five years from the date of
26 release from a term of imprisonment, whichever is later.

1 (c-7) If a person is convicted of a third or subsequent
2 violation of operating a motor vehicle while the person's
3 driver's license, permit or privilege was revoked, where the
4 revocation was for a violation of Section 9-3 of the Criminal
5 Code of 1961 relating to the offense of reckless homicide or a
6 similar out-of-state offense, the person may never apply for a
7 license or permit.

8 (d) (1) Whenever a person under the age of 21 is convicted
9 under Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense, the
11 Secretary of State shall revoke the driving privileges of that
12 person. One year after the date of revocation, and upon
13 application, the Secretary of State may, if satisfied that the
14 person applying will not endanger the public safety or welfare,
15 issue a restricted driving permit granting the privilege of
16 driving a motor vehicle only between the hours of 5 a.m. and 9
17 p.m. or as otherwise provided by this Section for a period of
18 one year. After this one year period, and upon reapplication
19 for a license as provided in Section 6-106, upon payment of the
20 appropriate reinstatement fee provided under paragraph (b) of
21 Section 6-118, the Secretary of State, in his discretion, may
22 reinstate the petitioner's driver's license and driving
23 privileges, or extend the restricted driving permit as many
24 times as the Secretary of State deems appropriate, by
25 additional periods of not more than 12 months each.

26 (2) If a person's license or permit is revoked or

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

11 (3) If a person's license or permit is revoked or
12 suspended 2 or more times within a 10 year period due to
13 any combination of:

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

20 (B) a statutory summary suspension under Section
21 11-501.1; or

22 (C) a suspension pursuant to Section 6-203.1;
23 arising out of separate occurrences, that person, if issued
24 a restricted driving permit, may not operate a vehicle
25 unless it has been equipped with an ignition interlock
26 device as defined in Section 1-129.1.

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

7 (5) If the restricted driving permit is issued for
8 employment purposes, then the prohibition against driving
9 a vehicle that is not equipped with an ignition interlock
10 device does not apply to the operation of an occupational
11 vehicle owned or leased by that person's employer when used
12 solely for employment purposes.

13 (6) A restricted driving permit issued under this
14 Section shall be subject to cancellation, revocation, and
15 suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued under this Code may
17 be cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation, suspension, or
21 cancellation of a restricted driving permit.

22 (d-5) The revocation of the license, permit, or driving
23 privileges of a person convicted of a third or subsequent
24 violation of Section 6-303 of this Code committed while his or
25 her driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961,

1 relating to the offense of reckless homicide, or a similar
2 provision of a law of another state, is permanent. The
3 Secretary may not, at any time, issue a license or permit to
4 that person.

5 (e) This Section is subject to the provisions of the Driver
6 License Compact.

7 (f) Any revocation imposed upon any person under
8 subsections 2 and 3 of paragraph (b) that is in effect on
9 December 31, 1988 shall be converted to a suspension for a like
10 period of time.

11 (g) The Secretary of State shall not issue a restricted
12 driving permit to a person under the age of 16 years whose
13 driving privileges have been revoked under any provisions of
14 this Code.

15 (h) The Secretary of State shall require the use of
16 ignition interlock devices on all vehicles owned by a person
17 who has been convicted of a second or subsequent offense under
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance. The person must pay to the Secretary of State DUI
20 Administration Fund an amount not to exceed \$30 for each month
21 that he or she uses the device. The Secretary shall establish
22 by rule and regulation the procedures for certification and use
23 of the interlock system, the amount of the fee, and the
24 procedures, terms, and conditions relating to these fees.

25 (i) (Blank).

26 (j) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been revoked, suspended,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
6 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
7 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
8 96-607, eff. 8-24-09.)

9 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

10 Sec. 11-401. Motor vehicle accidents involving death or
11 personal injuries.

12 (a) The driver of any vehicle involved in a motor vehicle
13 accident resulting in personal injury to or death of any person
14 shall immediately stop such vehicle at the scene of such
15 accident, or as close thereto as possible and shall then
16 forthwith return to, and in every event shall remain at the
17 scene of the accident until the requirements of Section 11-403
18 have been fulfilled. Every such stop shall be made without
19 obstructing traffic more than is necessary.

20 (b) Any person who has failed to stop or to comply with the
21 requirements of paragraph (a) shall, as soon as possible but in
22 no case later than one-half hour after such motor vehicle
23 accident, or, if hospitalized and incapacitated from reporting
24 at any time during such period, as soon as possible but in no
25 case later than one-half hour after being discharged from the

1 hospital, report the place of the accident, the date, the
2 approximate time, the driver's name and address, the
3 registration number of the vehicle driven, and the names of all
4 other occupants of such vehicle, at a police station or
5 sheriff's office near the place where such accident occurred.
6 No report made as required under this paragraph shall be used,
7 directly or indirectly, as a basis for the prosecution of any
8 violation of paragraph (a).

9 (b-1) Any person arrested for violating this Section is
10 subject to chemical testing of his or her blood, breath, or
11 urine for the presence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or any combination
13 thereof, as provided in Section 11-501.6 ~~11-501.1~~, if the
14 testing occurs within 12 hours of the time of the occurrence of
15 the accident that led to his or her arrest. The person's
16 driving privileges are subject to revocation ~~statutory summary~~
17 ~~suspension~~ under Section 11-501.6 ~~11-501.1~~ if he or she fails
18 or refuses to undergo the testing.

19 For purposes of this Section, personal injury shall mean
20 any injury requiring immediate professional treatment in a
21 medical facility or doctor's office.

22 (c) Any person failing to comply with paragraph (a) shall
23 be guilty of a Class 4 felony.

24 (d) Any person failing to comply with paragraph (b) is
25 guilty of a Class 2 felony if the motor vehicle accident does
26 not result in the death of any person. Any person failing to

1 comply with paragraph (b) when the accident results in the
2 death of any person is guilty of a Class 1 felony.

3 (e) The Secretary of State shall revoke the driving
4 privilege of any person convicted of a violation of this
5 Section.

6 (Source: P.A. 94-115, eff. 1-1-06; 95-347, eff. 1-1-08.)

7 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

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

11 (a) Any person who drives or is in actual physical control
12 of a motor vehicle upon the public highways of this State shall
13 be deemed to have given consent, subject to the provisions of
14 Section 11-501.2, to a chemical test or tests of blood, breath,
15 or urine for the purpose of determining the content of alcohol,
16 other drug or drugs, or intoxicating compound or compounds or
17 any combination thereof in the person's blood if arrested, as
18 evidenced by the issuance of a Uniform Traffic Ticket, for any
19 offense as defined in Section 11-501 or a similar provision of
20 a local ordinance, ~~or if arrested for violating Section 11-401.~~
21 The test or tests shall be administered at the direction of the
22 arresting officer. The law enforcement agency employing the
23 officer shall designate which of the aforesaid tests shall be
24 administered. A urine test may be administered even after a
25 blood or breath test or both has been administered. For

1 purposes of this Section, an Illinois law enforcement officer
2 of this State who is investigating the person for any offense
3 defined in Section 11-501 may travel into an adjoining state,
4 where the person has been transported for medical care, to
5 complete an investigation and to request that the person submit
6 to the test or tests set forth in this Section. The
7 requirements of this Section that the person be arrested are
8 inapplicable, but the officer shall issue the person a Uniform
9 Traffic Ticket for an offense as defined in Section 11-501 or a
10 similar provision of a local ordinance prior to requesting that
11 the person submit to the test or tests. The issuance of the
12 Uniform Traffic Ticket shall not constitute an arrest, but
13 shall be for the purpose of notifying the person that he or she
14 is subject to the provisions of this Section and of the
15 officer's belief of the existence of probable cause to arrest.
16 Upon returning to this State, the officer shall file the
17 Uniform Traffic Ticket with the Circuit Clerk of the county
18 where the offense was committed, and shall seek the issuance of
19 an arrest warrant or a summons for the person.

20 (b) Any person who is dead, unconscious, or who is
21 otherwise in a condition rendering the person incapable of
22 refusal, shall be deemed not to have withdrawn the consent
23 provided by paragraph (a) of this Section and the test or tests
24 may be administered, subject to the provisions of Section
25 11-501.2.

26 (c) A person requested to submit to a test as provided

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

26 A person who is under the age of 21 at the time the person

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

18 (d) If the person refuses testing or submits to a test that
19 discloses an alcohol concentration of 0.08 or more, or any
20 amount of a drug, substance, or intoxicating compound in the
21 person's breath, blood, or urine resulting from the unlawful
22 use or consumption of cannabis listed in the Cannabis Control
23 Act, a controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use of
25 Intoxicating Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act, the law

1 enforcement officer shall immediately submit a sworn report to
2 the circuit court of venue and the Secretary of State,
3 certifying that the test or tests was or were requested under
4 paragraph (a) and the person refused to submit to a test, or
5 tests, or submitted to testing that disclosed an alcohol
6 concentration of 0.08 or more.

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

13 If the person is a first offender as defined in Section
14 11-500 of this Code, and is not convicted of a violation of
15 Section 11-501 of this Code or a similar provision of a local
16 ordinance, then reports received by the Secretary of State
17 under this Section shall, except during the actual time the
18 Statutory Summary Suspension is in effect, be privileged
19 information and for use only by the courts, police officers,
20 prosecuting authorities or the Secretary of State. However,
21 beginning January 1, 2008, if the person is a CDL holder, the
22 statutory summary suspension shall also be made available to
23 the driver licensing administrator of any other state, the U.S.
24 Department of Transportation, and the affected driver or motor
25 carrier or prospective motor carrier upon request. Reports
26 received by the Secretary of State under this Section shall

1 also be made available to the parent or guardian of a person
2 under the age of 18 years that holds an instruction permit or a
3 graduated driver's license, regardless of whether the
4 statutory summary suspension is in effect.

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

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

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

11 (h) The following procedure shall apply whenever a person
12 is arrested for any offense as defined in Section 11-501 or a
13 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 of
17 the suspension to the person and the court of venue. The
18 Secretary of State shall also mail notice of the effective date
19 of the disqualification to the person. However, should the
20 sworn report be defective by not containing sufficient
21 information or be completed in error, the confirmation of the
22 statutory summary suspension shall not be mailed to the person
23 or entered to the record; instead, the sworn report shall be
24 forwarded to the court of venue with a copy returned to the
25 issuing agency identifying any defect.

26 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,

1 eff. 8-23-07; 95-876, eff. 8-21-08.)

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

3 Sec. 11-501.6. Driver involvement in personal injury or
4 fatal motor vehicle accident - chemical test.

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

25 (b) Any person who is dead, unconscious or who is otherwise

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

14 (c) A person requested to submit to a test as provided
15 above shall be warned by the law enforcement officer requesting
16 the test that a refusal to submit to the test may result in the
17 mandatory revocation of the person's driving privileges under
18 Section 6-205 of this Code, and that ~~or~~ submission to the test
19 resulting in an alcohol concentration of 0.08 or more, or any
20 amount of a drug, substance, or intoxicating compound resulting
21 from the unlawful use or consumption of cannabis, as covered by
22 the 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 as detected in such person's blood or

1 urine, may result in the suspension of such person's privilege
2 to operate a motor vehicle and may result in the
3 disqualification of the person's privilege to operate a
4 commercial motor vehicle, as provided in Section 6-514 of this
5 Code, if the person is a CDL holder. The length of the
6 suspension shall be the same as outlined in Section 6-208.1 of
7 this Code regarding statutory summary suspensions.

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

1 intoxicating compound listed in the Use of Intoxicating
2 Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act.

4 Upon receipt of the sworn report of a law enforcement
5 officer indicating that the person refused to submit to
6 testing, the Secretary shall enter the revocation to the
7 individual's driving record and the revocation shall be
8 effective on the 46th day following the date notice of the
9 suspension was given to the person.

10 Upon receipt of the sworn report of a law enforcement
11 officer indicating that the person submitted to testing as
12 requested by the law enforcement officer and the test disclosed
13 an alcohol concentration of 0.08 or more, or any amount of a
14 drug, substance, or intoxicating compound in such person's
15 blood or urine resulting from the unlawful use or consumption
16 of cannabis listed in the Cannabis Control Act, a controlled
17 substance listed in the Illinois Controlled Substances Act, an
18 intoxicating compound listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act, the
21 Secretary shall enter the suspension and disqualification to
22 the individual's driving record and the suspension and
23 disqualification shall be effective on the 46th day following
24 the date notice of the suspension was given to the person.

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

1 on the person and such revocation or suspension and
2 disqualification shall be effective on the 46th day following
3 the date notice was given.

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

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

1 mailed to the person or entered to the driving record, but
2 rather the sworn report shall be returned to the issuing law
3 enforcement agency.

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

23 (e-5) A driver may contest the revocation of his or her
24 driving privileges by requesting a hearing pursuant to Section
25 2-118.2 of this Code. The driver shall not be eligible for a
26 restricted driving permit.

1 (f) (Blank).

2 (g) For the purposes of this Section, a personal injury
3 shall include any type A injury as indicated on the traffic
4 accident report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or a medical facility. A type A injury shall include
7 severely bleeding wounds, distorted extremities, and injuries
8 that require the injured party to be carried from the scene.

9 (Source: P.A. 95-382, eff. 8-23-07.)".