

1 AN ACT regarding vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 501.2 as follows:

6 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

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

18 1. Chemical analyses of the person's blood, urine,  
19 breath or other bodily substance to be considered valid  
20 under the provisions of this Section shall have been  
21 performed according to standards promulgated by the  
22 Department of State Police by a licensed physician,  
23 registered nurse, trained phlebotomist acting under the  
24 direction of a licensed physician, certified paramedic,  
25 or other individual possessing a valid permit issued by  
26 that Department for this purpose. The Director of State  
27 Police is authorized to approve satisfactory techniques  
28 or methods, to ascertain the qualifications and  
29 competence of individuals to conduct such analyses, to  
30 issue permits which shall be subject to termination or  
31 revocation at the discretion of that Department and to

1 certify the accuracy of breath testing equipment. The  
2 Department of State Police shall prescribe regulations as  
3 necessary to implement this Section.

4 2. When a person in this State shall submit to a  
5 blood test at the request of a law enforcement officer  
6 under the provisions of Section 11-501.1, only a  
7 physician authorized to practice medicine, a registered  
8 nurse, trained phlebotomist, or certified paramedic, or  
9 other qualified person approved by the Department of  
10 State Police may withdraw blood for the purpose of  
11 determining the alcohol, drug, or alcohol and drug  
12 content therein. This limitation shall not apply to the  
13 taking of breath or urine specimens.

14 When a blood test of a person who has been taken to  
15 an adjoining state for medical treatment is requested by  
16 an Illinois law enforcement officer, the blood may be  
17 withdrawn only by a physician authorized to practice  
18 medicine in the adjoining state, a registered nurse, a  
19 trained phlebotomist acting under the direction of the  
20 physician, or certified paramedic. The law enforcement  
21 officer requesting the test shall take custody of the  
22 blood sample, and the blood sample shall be analyzed by a  
23 laboratory certified by the Department of State Police  
24 for that purpose.

25 3. The person tested may have a physician, or a  
26 qualified technician, chemist, registered nurse, or other  
27 qualified person of their own choosing administer a  
28 chemical test or tests in addition to any administered at  
29 the direction of a law enforcement officer. The failure  
30 or inability to obtain an additional test by a person  
31 shall not preclude the admission of evidence relating to  
32 the test or tests taken at the direction of a law  
33 enforcement officer.

34 4. Upon the request of the person who shall submit

1 to a chemical test or tests at the request of a law  
2 enforcement officer, full information concerning the test  
3 or tests shall be made available to the person or such  
4 person's attorney.

5 5. Alcohol concentration shall mean either grams of  
6 alcohol per 100 milliliters of blood or grams of alcohol  
7 per 210 liters of breath.

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

16 1. If there was at that time an alcohol  
17 concentration of 0.05 or less, it shall be presumed that  
18 the person was not under the influence of alcohol.

19 2. If there was at that time an alcohol  
20 concentration in excess of 0.05 but less than 0.08, such  
21 facts shall not give rise to any presumption that the  
22 person was or was not under the influence of alcohol, but  
23 such fact may be considered with other competent evidence  
24 in determining whether the person was under the influence  
25 of alcohol.

26 3. If there was at that time an alcohol  
27 concentration of 0.08 or more, it shall be presumed that  
28 the person was under the influence of alcohol.

29 4. The foregoing provisions of this Section shall  
30 not be construed as limiting the introduction of any  
31 other relevant evidence bearing upon the question whether  
32 the person was under the influence of alcohol.

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

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

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

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

23 3. For purposes of this Section, a personal injury  
24 includes any Type A injury as indicated on the traffic  
25 accident report completed by a law enforcement officer  
26 that requires immediate professional attention in either  
27 a doctor's office or a medical facility. A Type A injury  
28 includes severe bleeding wounds, distorted extremities,  
29 and injuries that require the injured party to be carried  
30 from the scene.

31 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;  
32 91-828, eff. 1-1-01.)