

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  
5 changing Sections 6-106.1a, 11-500.1, 11-501.2, 11-501.6, and  
6 11-501.8 as follows:

7 (625 ILCS 5/6-106.1a)

8 Sec. 6-106.1a. Cancellation of school bus driver permit;  
9 trace of alcohol.

10 (a) A person who has been issued a school bus driver  
11 permit by the Secretary of State in accordance with Section  
12 6-106.1 of this Code and who drives or is in actual physical  
13 control of a school bus or any other vehicle owned or  
14 operated by or for a public or private school, or a school  
15 operated by a religious institution, when the vehicle is  
16 being used over a regularly scheduled route for the  
17 transportation of persons enrolled as students in grade 12 or  
18 below, in connection with any activity of the entities  
19 listed, upon the public highways of this State shall be  
20 deemed to have given consent to a chemical test or tests of  
21 blood, breath, or urine for the purpose of determining the  
22 alcohol content of the person's blood if arrested, as  
23 evidenced by the issuance of a Uniform Traffic Ticket for  
24 any violation of this Code or a similar provision of a local  
25 ordinance, if a police officer has probable cause to believe  
26 that the driver has consumed any amount of an alcoholic  
27 beverage based upon evidence of the driver's physical  
28 condition or other first hand knowledge of the police  
29 officer. The test or tests shall be administered at the  
30 direction of the arresting officer. The law enforcement  
31 agency employing the officer shall designate which of the

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

4 (b) A person who is dead, unconscious, or who is  
5 otherwise in a condition rendering that person incapable of  
6 refusal, shall be deemed not to have withdrawn the consent  
7 provided by paragraph (a) of this Section and the test or  
8 tests may be administered subject to the following  
9 provisions:

10 (1) Chemical analysis of the person's blood, urine,  
11 breath, or other substance, to be considered valid under  
12 the provisions of this Section, shall have been  
13 performed according to standards promulgated by the  
14 Department of State Police by an individual possessing a  
15 valid permit issued by the Department of State Police for  
16 this purpose. The Director of State Police is authorized  
17 to approve satisfactory techniques or methods, to  
18 ascertain the qualifications and competence of  
19 individuals to conduct analyses, to issue permits that  
20 shall be subject to termination or revocation at the  
21 direction of the Department of State Police, and to  
22 certify the accuracy of breath testing equipment. The  
23 Department of State Police shall prescribe rules as  
24 necessary.

25 (2) When a person submits to a blood test at the  
26 request of a law enforcement officer under the provisions  
27 of this Section, only a physician authorized to practice  
28 medicine, a registered nurse, or other qualified person  
29 trained in venipuncture and acting under the direction of  
30 a licensed physician may withdraw blood for the purpose  
31 of determining the alcohol content. This limitation does  
32 not apply to the taking of breath or urine specimens.

33 A physician authorized to practice medicine, a  
34 registered nurse, or other qualified person trained in

1 venipuncture and acting under the direction of a licensed  
2 physician must withdraw blood for testing purposes to  
3 ascertain the presence of alcohol, other drug or drugs,  
4 or intoxicating compound or compounds, upon the specific  
5 request of a law enforcement officer. However, no such  
6 testing shall be performed until, in the opinion of the  
7 medical personnel on scene, the withdrawal can be made  
8 without interfering with or endangering the well-being of  
9 the person to be tested.

10 (3) The person tested may have a physician,  
11 qualified technician, chemist, registered nurse, or other  
12 qualified person of his or her own choosing administer a  
13 chemical test or tests in addition to any test or tests  
14 administered at the direction of a law enforcement  
15 officer. The test administered at the request of the  
16 person may be admissible into evidence at a hearing  
17 conducted in accordance with Section 2-118 of this Code.  
18 The failure or inability to obtain an additional test by  
19 a person shall not preclude the consideration of the  
20 previously performed chemical test.

21 (4) Upon a request of the person who submits to a  
22 chemical test or tests at the request of a law  
23 enforcement officer, full information concerning the test  
24 or tests shall be made available to the person or that  
25 person's attorney by the requesting law enforcement  
26 agency within 72 hours of receipt of the test result.

27 (5) Alcohol concentration means either grams of  
28 alcohol per 100 milliliters of blood or grams of alcohol  
29 per 210 liters of breath.

30 (6) If a driver is receiving medical treatment as a  
31 result of a motor vehicle accident, a physician licensed  
32 to practice medicine, registered nurse, or other  
33 qualified person trained in venipuncture and acting under  
34 the direction of a licensed physician must shall

1           withdraw blood for testing purposes to ascertain the  
2           presence of alcohol upon the specific request of a law  
3           enforcement officer. However, that testing shall not be  
4           performed until, in the opinion of the medical personnel  
5           on scene, the withdrawal can be made without interfering  
6           with or endangering the well-being of the patient.

7           (c) A person requested to submit to a test as provided  
8           in this Section shall be warned by the law enforcement  
9           officer requesting the test that a refusal to submit to the  
10          test, or submission to the test resulting in an alcohol  
11          concentration of more than 0.00, may result in the loss of  
12          that person's privilege to possess a school bus driver  
13          permit. The loss of the individual's privilege to possess a  
14          school bus driver permit shall be imposed in accordance with  
15          Section 6-106.1b of this Code.

16          (d) If the person refuses testing or submits to a test  
17          that discloses an alcohol concentration of more than 0.00,  
18          the law enforcement officer shall immediately submit a sworn  
19          report to the Secretary of State on a form prescribed by the  
20          Secretary of State certifying that the test or tests were  
21          requested under subsection (a) and the person refused to  
22          submit to a test or tests or submitted to testing which  
23          disclosed an alcohol concentration of more than 0.00. The  
24          law enforcement officer shall submit the same sworn report  
25          when a person who has been issued a school bus driver permit  
26          and who was operating a school bus or any other vehicle owned  
27          or operated by or for a public or private school, or a school  
28          operated by a religious institution, when the vehicle is  
29          being used over a regularly scheduled route for the  
30          transportation of persons enrolled as students in grade 12 or  
31          below, in connection with any activity of the entities  
32          listed, submits to testing under Section 11-501.1 of this  
33          Code and the testing discloses an alcohol concentration of  
34          more than 0.00 and less than the alcohol concentration at

1 which driving or being in actual physical control of a motor  
2 vehicle is prohibited under paragraph (1) of subsection (a)  
3 of Section 11-501.

4 Upon receipt of the sworn report of a law enforcement  
5 officer, the Secretary of State shall enter the school bus  
6 driver permit sanction on the individual's driving record and  
7 the sanction shall be effective on the 46th day following the  
8 date notice of the sanction was given to the person.

9 The law enforcement officer submitting the sworn report  
10 shall serve immediate notice of this school bus driver permit  
11 sanction on the person and the sanction shall be effective on  
12 the 46th day following the date notice was given.

13 In cases where the blood alcohol concentration of more  
14 than 0.00 is established by a subsequent analysis of blood or  
15 urine, the police officer or arresting agency shall give  
16 notice as provided in this Section or by deposit in the  
17 United States mail of that notice in an envelope with postage  
18 prepaid and addressed to that person at his or her last known  
19 address and the loss of the school bus driver permit shall be  
20 effective on the 46th day following the date notice was  
21 given.

22 Upon receipt of the sworn report of a law enforcement  
23 officer, the Secretary of State shall also give notice of the  
24 school bus driver permit sanction to the driver and the  
25 driver's current employer by mailing a notice of the  
26 effective date of the sanction to the individual. However,  
27 shall the sworn report be defective by not containing  
28 sufficient information or be completed in error, the notice  
29 of the school bus driver permit sanction may not be mailed to  
30 the person or his current employer or entered to the driving  
31 record, but rather the sworn report shall be returned to the  
32 issuing law enforcement agency.

33 (e) A driver may contest this school bus driver permit  
34 sanction by requesting an administrative hearing with the

1 Secretary of State in accordance with Section 2-118 of this  
2 Code. An individual whose blood alcohol concentration is  
3 shown to be more than 0.00 is not subject to this Section if  
4 he or she consumed alcohol in the performance of a religious  
5 service or ceremony. An individual whose blood alcohol  
6 concentration is shown to be more than 0.00 shall not be  
7 subject to this Section if the individual's blood alcohol  
8 concentration resulted only from ingestion of the prescribed  
9 or recommended dosage of medicine that contained alcohol.  
10 The petition for that hearing shall not stay or delay the  
11 effective date of the impending suspension. The scope of this  
12 hearing shall be limited to the issues of:

13 (1) whether the police officer had probable cause  
14 to believe that the person was driving or in actual  
15 physical control of a school bus or any other vehicle  
16 owned or operated by or for a public or private school,  
17 or a school operated by a religious institution, when  
18 the vehicle is being used over a regularly scheduled  
19 route for the transportation of persons enrolled as  
20 students in grade 12 or below, in connection with any  
21 activity of the entities listed, upon the public highways  
22 of the State and the police officer had reason to believe  
23 that the person was in violation of any provision of this  
24 Code or a similar provision of a local ordinance; and

25 (2) whether the person was issued a Uniform Traffic  
26 Ticket for any violation of this Code or a similar  
27 provision of a local ordinance; and

28 (3) whether the police officer had probable cause  
29 to believe that the driver had consumed any amount of an  
30 alcoholic beverage based upon the driver's physical  
31 actions or other first-hand knowledge of the police  
32 officer; and

33 (4) whether the person, after being advised by the  
34 officer that the privilege to possess a school bus driver

1 permit would be canceled if the person refused to submit  
2 to and complete the test or tests, did refuse to submit  
3 to or complete the test or tests to determine the  
4 person's alcohol concentration; and

5 (5) whether the person, after being advised by the  
6 officer that the privileges to possess a school bus  
7 driver permit would be canceled if the person submits to  
8 a chemical test or tests and the test or tests disclose  
9 an alcohol concentration of more than 0.00 and the  
10 person did submit to and complete the test or tests that  
11 determined an alcohol concentration of more than 0.00;  
12 and

13 (6) whether the test result of an alcohol  
14 concentration of more than 0.00 was based upon the  
15 person's consumption of alcohol in the performance of a  
16 religious service or ceremony; and

17 (7) whether the test result of an alcohol  
18 concentration of more than 0.00 was based upon the  
19 person's consumption of alcohol through ingestion of the  
20 prescribed or recommended dosage of medicine.

21 The Secretary of State may adopt administrative rules  
22 setting forth circumstances under which the holder of a  
23 school bus driver permit is not required to appear in person  
24 at the hearing.

25 Provided that the petitioner may subpoena the officer,  
26 the hearing may be conducted upon a review of the law  
27 enforcement officer's own official reports. Failure of the  
28 officer to answer the subpoena shall be grounds for a  
29 continuance if, in the hearing officer's discretion, the  
30 continuance is appropriate. At the conclusion of the hearing  
31 held under Section 2-118 of this Code, the Secretary of State  
32 may rescind, continue, or modify the school bus driver  
33 permit sanction.

34 (f) The results of any chemical testing performed in

1 accordance with subsection (a) of this Section are not  
2 admissible in any civil or criminal proceeding, except that  
3 the results of the testing may be considered at a hearing  
4 held under Section 2-118 of this Code. However, the results  
5 of the testing may not be used to impose driver's license  
6 sanctions under Section 11-501.1 of this Code. A law  
7 enforcement officer may, however, pursue a statutory summary  
8 suspension of driving privileges under Section 11-501.1 of  
9 this Code if other physical evidence or first hand knowledge  
10 forms the basis of that suspension.

11 (g) This Section applies only to drivers who have been  
12 issued a school bus driver permit in accordance with Section  
13 6-106.1 of this Code at the time of the issuance of the  
14 Uniform Traffic Ticket for a violation of this Code or a  
15 similar provision of a local ordinance, and a chemical test  
16 request is made under this Section.

17 (h) The action of the Secretary of State in suspending,  
18 revoking, canceling, or denying any license, permit,  
19 registration, or certificate of title shall be subject to  
20 judicial review in the Circuit Court of Sangamon County or in  
21 the Circuit Court of Cook County, and the provisions of the  
22 Administrative Review Law and its rules are hereby adopted  
23 and shall apply to and govern every action for the judicial  
24 review of final acts or decisions of the Secretary of State  
25 under this Section.

26 (Source: P.A. 90-107, eff. 1-1-98; 91-124, eff. 7-16-99;  
27 91-828, eff. 1-1-01.)

28 (625 ILCS 5/11-500.1)

29 Sec. 11-500.1. Immunity.

30 (a) A person authorized under this Article or Section  
31 6-106.1a to withdraw blood or collect urine shall not be  
32 civilly liable for damages when the person, in good faith,  
33 withdraws blood or collects urine for evidentiary purposes



1 under this Code, upon the request of a law enforcement  
2 officer, unless the act is performed in a willful and wanton  
3 manner.

4 (b) As used in this Section, "willful and wanton manner"  
5 means a course of action that shows an actual or deliberate  
6 intention to cause harm or which, if not intentional, shows  
7 an utter indifference to or conscious disregard for the  
8 health or safety of another.

9 (Source: P.A. 89-689, eff. 12-31-96.)

10 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

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

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

1 issue permits which shall be subject to termination or  
2 revocation at the discretion of that Department and to  
3 certify the accuracy of breath testing equipment. The  
4 Department of State Police shall prescribe regulations as  
5 necessary to implement this Section.

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

16 A physician authorized to practice medicine, a  
17 registered nurse, trained phlebotomist, or certified  
18 paramedic, or other qualified person approved by the  
19 Department of State Police must withdraw blood for  
20 testing purposes to ascertain the presence of alcohol,  
21 other drug or drugs, or intoxicating compound or  
22 compounds, upon the specific request of a law enforcement  
23 officer. However, no such testing shall be performed  
24 until, in the opinion of the medical personnel on scene,  
25 the withdrawal can be made without interfering with or  
26 endangering the well-being of the person to be tested.

27 When a blood test of a person who has been taken to  
28 an adjoining state for medical treatment is requested by  
29 an Illinois law enforcement officer, the blood may be  
30 withdrawn only by a physician authorized to practice  
31 medicine in the adjoining state, a registered nurse, a  
32 trained phlebotomist acting under the direction of the  
33 physician, or certified paramedic. The law enforcement  
34 officer requesting the test shall take custody of the

1 blood sample, and the blood sample shall be analyzed by a  
2 laboratory certified by the Department of State Police  
3 for that purpose.

4 3. The person tested may have a physician, or a  
5 qualified technician, chemist, registered nurse, or other  
6 qualified person of their own choosing administer a  
7 chemical test or tests in addition to any administered at  
8 the direction of a law enforcement officer. The failure  
9 or inability to obtain an additional test by a person  
10 shall not preclude the admission of evidence relating to  
11 the test or tests taken at the direction of a law  
12 enforcement officer.

13 4. Upon the request of the person who shall submit  
14 to a chemical test or tests at the request of a law  
15 enforcement officer, full information concerning the test  
16 or tests shall be made available to the person or such  
17 person's attorney.

18 5. Alcohol concentration shall mean either grams of  
19 alcohol per 100 milliliters of blood or grams of alcohol  
20 per 210 liters of breath.

21 (b) Upon the trial of any civil or criminal action or  
22 proceeding arising out of acts alleged to have been committed  
23 by any person while driving or in actual physical control of  
24 a vehicle while under the influence of alcohol, the  
25 concentration of alcohol in the person's blood or breath at  
26 the time alleged as shown by analysis of the person's blood,  
27 urine, breath, or other bodily substance shall give rise to  
28 the following presumptions:

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

32 2. If there was at that time an alcohol  
33 concentration in excess of 0.05 but less than 0.08, such  
34 facts shall not give rise to any presumption that the

1 person was or was not under the influence of alcohol, but  
2 such fact may be considered with other competent evidence  
3 in determining whether the person was under the influence  
4 of alcohol.

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

8 4. The foregoing provisions of this Section shall  
9 not be construed as limiting the introduction of any  
10 other relevant evidence bearing upon the question whether  
11 the person was under the influence of alcohol.

12 (c) 1. If a person under arrest refuses to submit to a  
13 chemical test under the provisions of Section 11-501.1,  
14 evidence of refusal shall be admissible in any civil or  
15 criminal action or proceeding arising out of acts alleged to  
16 have been committed while the person under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof was driving or in  
19 actual physical control of a motor vehicle.

20 2. Notwithstanding any ability to refuse under this  
21 Code to submit to these tests or any ability to revoke  
22 the implied consent to these tests, if a law enforcement  
23 officer has probable cause to believe that a motor  
24 vehicle driven by or in actual physical control of a  
25 person under the influence of alcohol, other drug or  
26 drugs, or intoxicating compound or compounds, or any  
27 combination thereof has caused the death or personal  
28 injury to another, that person shall submit, upon the  
29 request of a law enforcement officer, to a chemical test  
30 or tests of his or her blood, breath or urine for the  
31 purpose of determining the alcohol content thereof or the  
32 presence of any other drug or combination of both.

33 This provision does not affect the applicability of or  
34 imposition of driver's license sanctions under Section

1 11-501.1 of this Code.

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

10 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;  
11 91-828, eff. 1-1-01.)

12 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

15 (a) Any person who drives or is in actual control of a  
16 motor vehicle upon the public highways of this State and who  
17 has been involved in a personal injury or fatal motor vehicle  
18 accident, shall be deemed to have given consent to a breath  
19 test using a portable device as approved by the Department of  
20 State Police or to a chemical test or tests of blood, breath,  
21 or urine for the purpose of determining the content of  
22 alcohol, other drug or drugs, or intoxicating compound or  
23 compounds of such person's blood if arrested as evidenced by  
24 the issuance of a Uniform Traffic Ticket for any violation of  
25 the Illinois Vehicle Code or a similar provision of a local  
26 ordinance, with the exception of equipment violations  
27 contained in Chapter 12 of this Code, or similar provisions  
28 of local ordinances. The test or tests shall be administered  
29 at the direction of the arresting officer. The law  
30 enforcement agency employing the officer shall designate  
31 which of the aforesaid tests shall be administered. A urine  
32 test may be administered even after a blood or breath test or  
33 both has been administered. Compliance with this Section

1 does not relieve such person from the requirements of Section  
2 11-501.1 of this Code.

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

18 (c) A person requested to submit to a test as provided  
19 above shall be warned by the law enforcement officer  
20 requesting the test that a refusal to submit to the test, or  
21 submission to the test resulting in an alcohol concentration  
22 of 0.08 or more, or any amount of a drug, substance, or  
23 intoxicating compound resulting from the unlawful use or  
24 consumption of cannabis, as covered by the Cannabis Control  
25 Act, a controlled substance listed in the Illinois Controlled  
26 Substances Act, or an intoxicating compound listed in the Use  
27 of Intoxicating Compounds Act as detected in such person's  
28 blood or urine, may result in the suspension of such person's  
29 privilege to operate a motor vehicle. The length of the  
30 suspension shall be the same as outlined in Section 6-208.1  
31 of this Code regarding statutory summary suspensions.

32 (d) If the person refuses testing or submits to a test  
33 which discloses an alcohol concentration of 0.08 or more, or  
34 any amount of a drug, substance, or intoxicating compound in

1 such person's blood or urine resulting from the unlawful use  
2 or consumption of cannabis listed in the Cannabis Control  
3 Act, a controlled substance listed in the Illinois Controlled  
4 Substances Act, or an intoxicating compound listed in the Use  
5 of Intoxicating Compounds Act, the law enforcement officer  
6 shall immediately submit a sworn report to the Secretary of  
7 State on a form prescribed by the Secretary, certifying that  
8 the test or tests were requested pursuant to subsection (a)  
9 and the person refused to submit to a test or tests or  
10 submitted to testing which disclosed an alcohol concentration  
11 of 0.08 or more, or any amount of a drug, substance, or  
12 intoxicating compound in such person's blood or urine,  
13 resulting from the unlawful use or consumption of cannabis  
14 listed in the Cannabis Control Act, a controlled substance  
15 listed in the Illinois Controlled Substances Act, or an  
16 intoxicating compound listed in the Use of Intoxicating  
17 Compounds Act.

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

23 The law enforcement officer submitting the sworn report  
24 shall serve immediate notice of this suspension on the person  
25 and such suspension shall be effective on the 46th day  
26 following the date notice was given.

27 In cases where the blood alcohol concentration of 0.08 or  
28 more, or any amount of a drug, substance, or intoxicating  
29 compound resulting from the unlawful use or consumption of  
30 cannabis as listed in the Cannabis Control Act, a controlled  
31 substance listed in the Illinois Controlled Substances Act,  
32 or an intoxicating compound listed in the Use of Intoxicating  
33 Compounds Act, is established by a subsequent analysis of  
34 blood or urine collected at the time of arrest, the arresting

1 officer shall give notice as provided in this Section or by  
2 deposit in the United States mail of such notice in an  
3 envelope with postage prepaid and addressed to such person at  
4 his address as shown on the Uniform Traffic Ticket and the  
5 suspension shall be effective on the 46th day following the  
6 date notice was given.

7 Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary shall also give notice of the  
9 suspension to the driver by mailing a notice of the effective  
10 date of the suspension to the individual. However, should  
11 the sworn report be defective by not containing sufficient  
12 information or be completed in error, the notice of the  
13 suspension shall not be mailed to the person or entered to  
14 the driving record, but rather the sworn report shall be  
15 returned to the issuing law enforcement agency.

16 (e) A driver may contest this suspension of his driving  
17 privileges by requesting an administrative hearing with the  
18 Secretary in accordance with Section 2-118 of this Code. At  
19 the conclusion of a hearing held under Section 2-118 of this  
20 Code, the Secretary may rescind, continue, or modify the  
21 order of suspension. If the Secretary does not rescind the  
22 order, a restricted driving permit may be granted by the  
23 Secretary upon application being made and good cause shown.  
24 A restricted driving permit may be granted to relieve undue  
25 hardship to allow driving for employment, educational, and  
26 medical purposes as outlined in Section 6-206 of this Code.  
27 The provisions of Section 6-206 of this Code shall apply.

28 (f) (Blank).

29 (g) For the purposes of this Section, a personal injury  
30 shall include any type A injury as indicated on the traffic  
31 accident report completed by a law enforcement officer that  
32 requires immediate professional attention in either a  
33 doctor's office or a medical facility. A type A injury shall  
34 include severely bleeding wounds, distorted extremities, and



1 injuries that require the injured party to be carried from  
2 the scene.

3 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;  
4 91-357, eff. 7-29-99; 91-828, eff. 1-1-01.)

5 (625 ILCS 5/11-501.8)

6 Sec. 11-501.8. Suspension of driver's license; persons  
7 under age 21.

8 (a) A person who is less than 21 years of age and who  
9 drives or is in actual physical control of a motor vehicle  
10 upon the public highways of this State shall be deemed to  
11 have given consent to a chemical test or tests of blood,  
12 breath, or urine for the purpose of determining the alcohol  
13 content of the person's blood if arrested, as evidenced by  
14 the issuance of a Uniform Traffic Ticket for any violation of  
15 the Illinois Vehicle Code or a similar provision of a local  
16 ordinance, if a police officer has probable cause to believe  
17 that the driver has consumed any amount of an alcoholic  
18 beverage based upon evidence of the driver's physical  
19 condition or other first hand knowledge of the police  
20 officer. The test or tests shall be administered at the  
21 direction of the arresting officer. The law enforcement  
22 agency employing the officer shall designate which of the  
23 aforesaid tests shall be administered. A urine test may be  
24 administered even after a blood or breath test or both has  
25 been administered.

26 (b) A person who is dead, unconscious, or who is  
27 otherwise in a condition rendering that person incapable of  
28 refusal, shall be deemed not to have withdrawn the consent  
29 provided by paragraph (a) of this Section and the test or  
30 tests may be administered subject to the following  
31 provisions:

32 (i) Chemical analysis of the person's blood, urine,  
33 breath, or other bodily substance, to be considered valid

1 under the provisions of this Section, shall have been  
2 performed according to standards promulgated by the  
3 Department of State Police by an individual possessing a  
4 valid permit issued by that Department for this purpose.  
5 The Director of State Police is authorized to approve  
6 satisfactory techniques or methods, to ascertain the  
7 qualifications and competence of individuals to conduct  
8 analyses, to issue permits that shall be subject to  
9 termination or revocation at the direction of that  
10 Department, and to certify the accuracy of breath testing  
11 equipment. The Department of State Police shall  
12 prescribe regulations as necessary.

13 (ii) When a person submits to a blood test at the  
14 request of a law enforcement officer under the provisions  
15 of this Section, only a physician authorized to practice  
16 medicine, a registered nurse, or other qualified person  
17 trained in venipuncture and acting under the direction of  
18 a licensed physician may withdraw blood for the purpose  
19 of determining the alcohol content therein. This  
20 limitation does not apply to the taking of breath or  
21 urine specimens.

22 A physician authorized to practice medicine, a  
23 registered nurse, or other qualified person trained in  
24 venipuncture and acting under the direction of a licensed  
25 physician must withdraw blood for testing purposes to  
26 ascertain the presence of alcohol, other drug or drugs,  
27 or intoxicating compound or compounds, upon the specific  
28 request of a law enforcement officer. However, no such  
29 testing shall be performed until, in the opinion of the  
30 medical personnel on scene, the withdrawal can be made  
31 without interfering with or endangering the well-being of  
32 the person to be tested.

33 (iii) The person tested may have a physician,  
34 qualified technician, chemist, registered nurse, or other

1 qualified person of his or her own choosing administer a  
2 chemical test or tests in addition to any test or tests  
3 administered at the direction of a law enforcement  
4 officer. The failure or inability to obtain an  
5 additional test by a person shall not preclude the  
6 consideration of the previously performed chemical test.

7 (iv) Upon a request of the person who submits to a  
8 chemical test or tests at the request of a law  
9 enforcement officer, full information concerning the test  
10 or tests shall be made available to the person or that  
11 person's attorney.

12 (v) Alcohol concentration means either grams of  
13 alcohol per 100 milliliters of blood or grams of alcohol  
14 per 210 liters of breath.

15 (vi) If a driver is receiving medical treatment as  
16 a result of a motor vehicle accident, a physician  
17 licensed to practice medicine, registered nurse, or other  
18 qualified person trained in venipuncture and acting under  
19 the direction of a licensed physician must ~~shall~~ withdraw  
20 blood for testing purposes to ascertain the presence of  
21 alcohol upon the specific request of a law enforcement  
22 officer. However, that testing shall not be performed  
23 until, in the opinion of the medical personnel on scene,  
24 the withdrawal can be made without interfering with or  
25 endangering the well-being of the patient.

26 (c) A person requested to submit to a test as provided  
27 above shall be warned by the law enforcement officer  
28 requesting the test that a refusal to submit to the test, or  
29 submission to the test resulting in an alcohol concentration  
30 of more than 0.00, may result in the loss of that person's  
31 privilege to operate a motor vehicle. The loss of driving  
32 privileges shall be imposed in accordance with Section  
33 6-208.2 of this Code.

34 (d) If the person refuses testing or submits to a test

1 that discloses an alcohol concentration of more than 0.00,  
2 the law enforcement officer shall immediately submit a sworn  
3 report to the Secretary of State on a form prescribed by the  
4 Secretary of State, certifying that the test or tests were  
5 requested under subsection (a) and the person refused to  
6 submit to a test or tests or submitted to testing which  
7 disclosed an alcohol concentration of more than 0.00. The  
8 law enforcement officer shall submit the same sworn report  
9 when a person under the age of 21 submits to testing under  
10 Section 11-501.1 of this Code and the testing discloses an  
11 alcohol concentration of more than 0.00 and less than 0.08.

12 Upon receipt of the sworn report of a law enforcement  
13 officer, the Secretary of State shall enter the driver's  
14 license sanction on the individual's driving record and the  
15 sanctions shall be effective on the 46th day following the  
16 date notice of the sanction was given to the person. If this  
17 sanction is the individual's first driver's license  
18 suspension under this Section, reports received by the  
19 Secretary of State under this Section shall, except during  
20 the time the suspension is in effect, be privileged  
21 information and for use only by the courts, police officers,  
22 prosecuting authorities, the Secretary of State, or the  
23 individual personally.

24 The law enforcement officer submitting the sworn report  
25 shall serve immediate notice of this driver's license  
26 sanction on the person and the sanction shall be effective on  
27 the 46th day following the date notice was given.

28 In cases where the blood alcohol concentration of more  
29 than 0.00 is established by a subsequent analysis of blood or  
30 urine, the police officer or arresting agency shall give  
31 notice as provided in this Section or by deposit in the  
32 United States mail of that notice in an envelope with postage  
33 prepaid and addressed to that person at his last known  
34 address and the loss of driving privileges shall be effective

1 on the 46th day following the date notice was given.

2 Upon receipt of the sworn report of a law enforcement  
3 officer, the Secretary of State shall also give notice of the  
4 driver's license sanction to the driver by mailing a notice  
5 of the effective date of the sanction to the individual.  
6 However, should the sworn report be defective by not  
7 containing sufficient information or be completed in error,  
8 the notice of the driver's license sanction may not be mailed  
9 to the person or entered to the driving record, but rather  
10 the sworn report shall be returned to the issuing law  
11 enforcement agency.

12 (e) A driver may contest this driver's license sanction  
13 by requesting an administrative hearing with the Secretary of  
14 State in accordance with Section 2-118 of this Code. An  
15 individual whose blood alcohol concentration is shown to be  
16 more than 0.00 is not subject to this Section if he or she  
17 consumed alcohol in the performance of a religious service or  
18 ceremony. An individual whose blood alcohol concentration is  
19 shown to be more than 0.00 shall not be subject to this  
20 Section if the individual's blood alcohol concentration  
21 resulted only from ingestion of the prescribed or recommended  
22 dosage of medicine that contained alcohol. The petition for  
23 that hearing shall not stay or delay the effective date of  
24 the impending suspension. The scope of this hearing shall be  
25 limited to the issues of:

26 (1) whether the police officer had probable cause  
27 to believe that the person was driving or in actual  
28 physical control of a motor vehicle upon the public  
29 highways of the State and the police officer had reason  
30 to believe that the person was in violation of any  
31 provision of the Illinois Vehicle Code or a similar  
32 provision of a local ordinance; and

33 (2) whether the person was issued a Uniform Traffic  
34 Ticket for any violation of the Illinois Vehicle Code or

1 a similar provision of a local ordinance; and

2 (3) whether the police officer had probable cause  
3 to believe that the driver had consumed any amount of an  
4 alcoholic beverage based upon the driver's physical  
5 actions or other first-hand knowledge of the police  
6 officer; and

7 (4) whether the person, after being advised by the  
8 officer that the privilege to operate a motor vehicle  
9 would be suspended if the person refused to submit to and  
10 complete the test or tests, did refuse to submit to or  
11 complete the test or tests to determine the person's  
12 alcohol concentration; and

13 (5) whether the person, after being advised by the  
14 officer that the privileges to operate a motor vehicle  
15 would be suspended if the person submits to a chemical  
16 test or tests and the test or tests disclose an alcohol  
17 concentration of more than 0.00, did submit to and  
18 complete the test or tests that determined an alcohol  
19 concentration of more than 0.00; and

20 (6) whether the test result of an alcohol  
21 concentration of more than 0.00 was based upon the  
22 person's consumption of alcohol in the performance of a  
23 religious service or ceremony; and

24 (7) whether the test result of an alcohol  
25 concentration of more than 0.00 was based upon the  
26 person's consumption of alcohol through ingestion of the  
27 prescribed or recommended dosage of medicine.

28 Provided that the petitioner may subpoena the officer,  
29 the hearing may be conducted upon a review of the law  
30 enforcement officer's own official reports. Failure of the  
31 officer to answer the subpoena shall be grounds for a  
32 continuance if, in the hearing officer's discretion, the  
33 continuance is appropriate. At the conclusion of the  
34 hearing held under Section 2-118 of this Code, the Secretary

1 of State may rescind, continue, or modify the driver's  
2 license sanction. If the Secretary of State does not rescind  
3 the sanction, a restricted driving permit may be granted by  
4 the Secretary of State upon application being made and good  
5 cause shown. A restricted driving permit may be granted to  
6 relieve undue hardship by allowing driving for employment,  
7 educational, and medical purposes as outlined in item (3) of  
8 part (c) of Section 6-206 of this Code. The provisions of  
9 item (3) of part (c) of Section 6-206 of this Code shall  
10 apply. The Secretary of State shall promulgate rules  
11 providing for participation in an alcohol education and  
12 awareness program or activity, a drug education and awareness  
13 program or activity, or both as a condition to the issuance  
14 of a restricted driving permit for suspensions imposed under  
15 this Section.

16 (f) The results of any chemical testing performed in  
17 accordance with subsection (a) of this Section are not  
18 admissible in any civil or criminal proceeding, except that  
19 the results of the testing may be considered at a hearing  
20 held under Section 2-118 of this Code. However, the results  
21 of the testing may not be used to impose driver's license  
22 sanctions under Section 11-501.1 of this Code. A law  
23 enforcement officer may, however, pursue a statutory summary  
24 suspension of driving privileges under Section 11-501.1 of  
25 this Code if other physical evidence or first hand knowledge  
26 forms the basis of that suspension.

27 (g) This Section applies only to drivers who are under  
28 age 21 at the time of the issuance of a Uniform Traffic  
29 Ticket for a violation of the Illinois Vehicle Code or a  
30 similar provision of a local ordinance, and a chemical test  
31 request is made under this Section.

32 (h) The action of the Secretary of State in suspending,  
33 revoking, or denying any license, permit, registration, or  
34 certificate of title shall be subject to judicial review in

1 the Circuit Court of Sangamon County or in the Circuit Court  
2 of Cook County, and the provisions of the Administrative  
3 Review Law and its rules are hereby adopted and shall apply  
4 to and govern every action for the judicial review of final  
5 acts or decisions of the Secretary of State under this  
6 Section.

7 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99;  
8 91-828, eff. 1-1-01.)