

**ILLINOIS STATE POLICE DIRECTIVE**  
**ENF-032, ENFORCEMENT OF COMMERCIAL DRIVERS LICENSE, SECTION 6-515,**  
**PROHIBITION OF ALCOHOL AND DRUGS**

<b>RESCINDS:</b> ENF-032, 2003-049, revised 12-01-2003.	<b>REVISED:</b> 04-18-2007 <b>2007-026</b>
<b>RELATED DOCUMENTS:</b> ENF-018, ENF-036, OPS-038	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
<b>RELATED CALEA STANDARDS:</b> 61.1.5, 61.1.11	

I. POLICY

The Illinois State Police (ISP) will enforce Commercial Drivers License (CDL) laws as set forth in the Illinois Vehicle Code.

II. AUTHORITY

- II.A. 625 ILCS 5/6-515, "Prohibition against a person driving a commercial motor vehicle while having any alcohol, other drug, or both in such person's system"
- II.B. 625 ILCS 5/11-501, et seq., "Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof"
- II.C. 625 ILCS 5/18B103, Section 392.5, "Alcohol Prohibition"

III. DEFINITIONS

- III.A. MCI - Motor Carrier Inspection form, ISP-238
- III.B. Sworn Report - Commercial Driver "Out of Service Order" - Sworn Report (see Addendum 2)
- III.C. Warning - Warning to Commercial Motor Vehicle Driver (see Addendum 1)

IV. PROCEDURES

Enforcement of Section 6-515, "Prohibition against a person driving a commercial motor vehicle while having any alcohol, other drug, or both in such person's system." If probable cause exists that alcohol is present in the driver's system, implement the following procedures:

- IV.A. Officers without a portable breath testing (PBT) device will:
  - IV.A.1. perform standardized field sobriety tests.
  - IV.A.2. issue a Warning by:
    - IV.A.2.a. providing a copy to the driver.
    - IV.A.2.b. reading the form to the driver.
  - IV.A.3. request a chemical test.
    - IV.A.3.a. If the driver refuses the test and:
      - IV.A.3.a.1) there is no probable cause for an arrest for 11-501, the officer will issue a citation for 18B103, Section 392.5, and complete a Sworn Report and a MCI form.
      - IV.A.3.a.2) probable cause exists for an arrest for 11-501(a) (2), the officer will issue a citation under this section and complete a Sworn Report and a MCI form. (The Sworn Report and the Warning authorized by 11-501.1 will not be used.)

IV.A.3.b. If the driver submits to chemical testing and the test result is:

IV.A.3.b.1) less than .08, issue a citation for 18B103, Section 392.5; and complete a Sworn Report and a MCI form. If evidence of impairment exists, an officer may issue a citation for 11-501(a) (2) in lieu of 392.5.

IV.A.3.b.2) .08 or more, issue a citation under 11-501(a) (1) and complete a Sworn Report and a MCI form. (The Sworn Report and the Warning authorized by 11-501.1 will not be used.)

IV.B. Officers with a PBT will:

IV.B.1. perform standardized field sobriety tests.

IV.B.2. request the driver give a PBT sample.

IV.B.2.a. If the PBT is refused, proceed as indicated in paragraphs IV.A.2. and IV.A.3.

IV.B.2.b. If the test is performed and the result is:

IV.B.2.b.1) less than .04, issue a citation for 18B103, Section 392.5; and complete a Sworn Report and a MCI form. Do not request a chemical test.

IV.B.2.b.2) .04 or more, issue a Warning and request a test as directed in IV.A.2. and 3. If the driver refuses the test, follow the procedures listed in paragraph IV.A.3.a.; if the driver submits to the test, follow the procedures listed in paragraph IV.A.3.b.

IV.C. Any driver suspected of having consumed alcoholic beverages and/or drugs will be processed according to this directive.

IV.D. If the driver is suspected of having consumed drugs, officers will follow the procedures for an arrest of 11-501(a) (4) as outlined in directive ENF-018, "DUI Enforcement and Processing."

IV.E. When encountering a commercial driver who has consumed alcoholic beverages, a decision must be made regarding the removal of the vehicle. The procedures listed below will be followed.

IV.E.1. Officers without a PBT:

IV.E.1.a. If the officer believes it is safe to do so, permit the driver to remove the vehicle to a place of safety prior to placing the driver out of service.

IV.E.1.b. If the officer believes the driver is unable to safely operate the vehicle, the officer will have the vehicle removed (i.e., by towing or permitting another authorized driver to remove the unit).

IV.E.2. Officers with a PBT:

IV.E.2.a. If the PBT is less than .04 and the officer believes the driver can safely operate the vehicle, permit the driver to remove the vehicle to a place of safety prior to placing the driver out of service.

IV.E.2.b. If the PBT result is .04 or more, the officer will have the vehicle removed (i.e., by towing or permitting another authorized driver to remove the unit).

IV.F. Distribution of Forms

IV.F.1. Warning - distribute copies as indicated on the form. The police officer's copy will be attached to the Motor Carrier Safety (MCS) report form.

- IV.F.2. Sworn Report - distribute copies as indicated on the form. The police officer's copy will be attached to the MCS report form. If chemical testing is conducted by means of a blood or urine test, the form labeled "Mail to Motorist" will be mailed to the driver regardless of test results. The form may be destroyed if it is not needed.
- IV.F.3. MCI forms used in conjunction with a commercial driver being placed out of service will be processed in the same fashion as any other MCS form.

| Indicates new or revised items.

**-End of Directive-**

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**ENF-032, ENFORCEMENT OF COMMERCIAL DRIVERS LICENSE, SECTION 6-515,**  
**PROHIBITION OF ALCOHOL AND DRUGS**  
**ADDENDUM 1, DIRECTIONS FOR THE "CDL IMPLIED CONSENT WARNING"**

<b>RESCINDS:</b> ENF-032, Addendum 1, 2003-049, revise d12-03-2003.	<b>REVISED:</b> 04-18-2007 <b>2007-026</b>
<b>RELATED DOCUMENTS:</b> ENF-018, ENF-036, OPS-038	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
<b>RELATED CALEA STANDARDS:</b> 61.1.5, 61.1.11	

1. Enter the control number from lower left corner of Commercial Driver Out-of-Service Order - Sworn Report.
2. Enter the drivers license number.
3. Enter the classification of license.
4. Check if the license is a Commercial Drivers License (CDL) (leave blank if not a CDL).
5. Enter the two letter state designator.
6. Enter the commercial driver's name.
7. Enter the commercial driver's date of birth.
8. Enter the sex of commercial driver.
9. Enter the commercial driver's address. Inquire if the address shown on the drivers license is current and if not, enter current address.
10. Enter the commercial motor vehicle registration number and the two letter state designator of issuing state (if no registration, use VIN).
11. Check if transporting hazardous material(s) required to be placarded.
12. Enter the location of stop or detainment.
13. Enter the county of stop or detainment.
14. Sign and enter I.D. of officer issuing the warning.
15. Enter the time and date warning is issued.
16. Enter "Illinois State Police" and the assigned district address.

-End of Addendum-

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**PROHIBITION OF ALCOHOL AND DRUGS**  
**ADDENDUM 2, CDL OUT-OF-SERVICE ORDER SWORN REPORT DIRECTIONS**

<b>RESCINDS:</b> ENF-032, Addendum 2, 2003-049, revised 12-01-2003.	<b>REVISED:</b> 04-18-2007 <b>2007-026</b>
<b>RELATED DOCUMENTS:</b> ENF-018, ENF-036, OPS-038	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
<b>RELATED CALEA STANDARDS:</b> 61.1.5, 61.1.11	

1. Enter the drivers license number.
2. Enter the classification of license.
3. Check if the license is a Commercial Drivers License (CDL) (leave blank if not a CDL).
4. Enter the two letter state designator.
5. Enter the commercial driver's name.
6. Enter the commercial driver's date of birth.
7. Enter the sex of the commercial driver.
8. Enter the commercial driver's address. Inquire if the address shown on the drivers license is current and if not, enter the current address.
9. Enter the commercial motor vehicle registration number and the two letter state designator of the issuing state (if no registration, use VIN).
10. Check if transporting hazardous material(s) required to be placarded.
11. Enter the location of the stop or detainment.
12. Enter the county of the stop or detainment.
13. Check if the driver is requested to submit to the chemical test(s).<sup>\*</sup> If blood or urine testing is requested, check box 15. Boxes 13 and 14 will be completed upon receipt of the test(s) results.
14. Check the appropriate box of refusal or submission to testing and enter test results.
15. Check the box if breath testing was not requested, but can otherwise establish probable cause that the driver had alcohol in his/her system. If blood or urine testing is conducted, boxes 13 and 14 will be completed upon receipt of the test(s) results.
16. Describe the incidents and observations that establish probable cause to believe the driver was operating a commercial motor vehicle while having alcohol in the driver's system. If blood or urine testing is conducted, note which test(s) was requested and results will be included upon receipt.
17. Check the box if the driver refused testing.
18. Check the box and enter the test results if the driver completed chemical testing<sup>\*</sup> showing an alcohol concentration of .04 or more. If blood or urine testing is conducted, do not complete until results are received.
19. Check the box if transporting hazardous material(s) required to be placarded.

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20. Sign and enter the I.D. of the officer placing the driver out of service.
  21. Enter the date and time of issuance.
  22. Enter "Illinois State Police" and the assigned district address.
  23. If chemical testing reveals an alcohol concentration of .08 or more, enter Illinois citation and complaint number of citation charging driving with an alcohol concentration of .08 or more, 625 ILCS 5/11-501(a)1.
  24. If the driver refuses chemical testing or the chemical test(s) results are less than .08 and the officer has probable cause to arrest for Driving Under the Influence of Alcohol, 625 ILCS 5/11-501(a)2., enter the Illinois citation and complaint charging such offense.
- \* Chemical Testing - Testing conducted subject to the provisions of 625 ILCS 5/11-501.2. **NOT** testing with a preliminary breath test device.

**-End of Addendum-**