

ILLINOIS STATE POLICE DIRECTIVE
ENF-032, ENFORCEMENT OF COMMERCIAL MOTOR VEHICLE DRIVERS,
PROHIBITION OF ALCOHOL AND DRUGS

RESCINDS: ENF-032, 2010-075, revised 08-23-2010.	REVISED: 03-06-2015 2015-007
RELATED DOCUMENTS: ENF-018, ENF-036, OPS-038	RELATED CALEA STANDARDS: 61.1.5, 61.1.11

I. POLICY

The Illinois State Police (ISP) will enforce the prohibition of alcohol and drug laws against Commercial Motor Vehicle (CMV) drivers as set forth in the Illinois Vehicle Code (IVC) and certain Federal Motor Carrier Safety Regulations (FMCSR) as adopted in Chapter 18B of the IVC.

II. AUTHORITY

II.A. 625 ILCS 5/18b-103, Section 392.4, "Drugs and Other Substances"

II.B. 625 ILCS 5/18b-103, Section 392.5, "Alcohol Prohibition"

II.C. 625 ILCS 5/6-515, "Prohibitions against a person driving a commercial motor vehicle while having any alcohol, other drug, or both in such person's system"

II.D. 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.E. 625 ILCS 5/18B, "Motor Carrier Safety Regulations"

III. DEFINITIONS

III.A. Commercial Driver's License (CDL) – A license required to operate certain Commercial Motor Vehicles used in commerce if:

III.A.1. The vehicle has a gross vehicle weight rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, provided the vehicle(s) being towed is 10,001 pounds or more; or

III.A.2. The vehicle is used or designed to transport more than 15 passengers, including the driver, or

III.A.3. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Material Transportation Act 430 ILCS 30.

III.B. Commercial Motor Vehicle (CMV) – Any self-propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating, of 10,001 or more pounds.

III.C. Inspection Report (IR) - Illinois Commercial Driver/Vehicle Inspection Report, ISP form 5-238, ASPEN or TRACS Inspection software report

III.D. Sworn Report - Commercial Driver "Out of Service Order" - Sworn Report (see Addendum 2)

III.E. Warning - Warning to Commercial Motor Vehicle Driver (see Addendum 1)

IV. PROCEDURES

For commercial vehicle drivers that REQUIRE a CDL, follow procedures in IV.A.
For commercial vehicle drivers that do NOT require a CDL, follow procedures in IV.B.

IV.A. Enforcement of Section 6-515, "Prohibition against a person driving a CMV requiring a CDL while having any alcohol, other drug, or both in such a person's system." If reasonable suspicion exists that alcohol, drugs, or combination is present, implement the following procedures:

IV.A.1. Perform standardized field sobriety tests.

IV.A.1.a. If probable cause exists to arrest driver for 625 ILCS 5/11-501:

- IV.A.1.a.1) Follow procedures as outlined in ENF-018, "Driving Under the Influence Enforcement and Processing." In addition to issuing a citation for 625 ILCS 5/11-501, issue a citation for 6-515 (see NOTE below).
- IV.A.1.a.2) In addition to the warning to motorist used in ENF-018, the Officer will complete the Warning to Commercial Motor Vehicle Driver, provide a copy to the driver, and read the Warning to Commercial Motor Vehicle Driver to the driver.
- IV.A.1.a.3) The driver will be requested to submit to chemical testing. The chemical testing procedure used in ENF-018 will be used for this testing. Testing to determine alcohol concentration for purposes of enforcing section 625 ILCS 5/6-515 should be conducted within two hours of the driver being stopped or detained. The result will be used to complete the Sworn Report used in ENF-018 and for the completion of the Commercial Driver Sworn Report.

IV.A.1.b. If probable cause does not exist to arrest driver for 625 ILCS 5/11-501:

- IV.A.1.b.1) Issue a citation for 625 ILCS 5/6-515 (see NOTE below).
- IV.A.1.b.2) Complete the Warning to Commercial Motor Vehicle Driver, provide a copy to the driver, and read the Warning to Commercial Motor Vehicle Driver to the driver. If the Officer utilized a portable breath testing (PBT) device and the result is below .04 do not request a chemical test and proceed to the completion of the IR Form and place the driver out of service for 24 hours.
- IV.A.1.b.3) Request the driver to submit to a chemical test. Testing to determine alcohol concentration for purposes of enforcing 625 ILCS 5/6-515 should be conducted within two hours of the driver being stopped or detained.
 - IV.A.1.b.3)a) If the alcohol concentration is .08 or above, complete the Commercial Vehicle Driver Sworn Report. Reports should be forwarded to the State's Attorney for potential prosecution of 625 ILCS 5/11-501(a)(2); however summary suspension will not apply and the Sworn Report used in ENF-018 will not be used. Complete the IR form and place the driver out of service for 24 hours.
 - IV.A.1.b.3)b) If the alcohol concentration is less than .08, complete the Commercial Vehicle Driver Sworn Report. Complete the IR form and place the driver out of service for 24 hours.

NOTE: Section 625 ILCS 5/18b-103, Section 392.4 prohibition of drugs and Section 392.5 prohibition of alcohol are still applicable and may be used in addition to the charges above for felony prosecution. Officers should confer with the State's Attorney to add these charges or modify existing charges already filed. Officers are encouraged to contact the Commercial Vehicle Section for guidance on any felony charges involving a CMV.

IV.B. Enforcement of 625 ILCS 5/18b-103, Sections 392.4 and 392.5, "Prohibition against a person driving a CMV **not** requiring a CDL while having any alcohol, other drug, or both in such a person's system." If probable cause exists that alcohol, drugs, or combination is present, implement the following procedures:

NOTE: This includes those drivers in possession of CDL but who are driving a vehicle that does not require a CDL or those meeting certain exemptions from CDL requirements.

IV.B.1. If probable cause exists to arrest driver for 625 ILCS 5/11-501:

- IV.B.1.a. Follow procedures as outlined in ENF-018. In addition to issuing a citation for 625 ILCS 5/11-501, an additional citation for 625 ILCS 5/18-103, Section 392.4 will be issued if drugs are suspected, or a citation for 625 ILCS 5/18b-103, Section 392.5 will be issued if alcohol is suspected.
- IV.B.1.b. Only the warning to motorist and sworn report in ENF-018 will be used.
- IV.B.1.c. The driver will be requested to submit to chemical testing. The chemical testing procedure used in ENF-018 will be used for this testing. The driver will be processed per ENF-018.
- IV.B.1.d. Following arrest the IR form will be completed and the driver placed out of service for 24 hours.

IV.B.2. If probable cause does not exist to arrest driver for 625 ILCS 5/11-501 but probable cause exists that the driver has consumed alcohol and/or alcohol is present:

- IV.B.2.a. Issue a citation for 625 ILCS 5/18b-103, Section 392.5
- IV.B.2.b. Complete the IR form and place the driver out of service for 24 hours

IV.C. Any driver of a commercial motor vehicle suspected of having alcohol and/or drugs in their system, or alcohol possession (in the case of 392.5 (a).3.), will be processed according to this directive.

IV.D. When encountering a commercial motor vehicle operated by a driver who is suspected of having alcohol and/or drugs in their system, a decision must be made regarding the removal of the vehicle.

IV.D.1. For offenses where an arrest for 625 ILCS 5/11-501 will occur, the vehicle may be towed in accordance with 625 ILCS 5/4-203, Removal of motor vehicles.

IV.D.2. For offenses where an arrest for 625 ILCS 5/11-501 will not occur, but the driver is being placed out of service for an alcohol and/or drug prohibition violation (625 ILCS 5/18b-103, Sections 392.4, Section 392.5, or 625 ILCS 5/6-515), the officer must use appropriate discretion to have that vehicle relocated to a safe location.

IV.E. Distribution of Forms

IV.E.1. A copy of the IR will be attached to the ICase Report/Field Report.

IV.E.2. Sworn Report - distribute copies as indicated on the form. The police officer's copy will be attached to the ICase Report/Field Report. 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.E.3. IR forms used in conjunction with a commercial driver being placed out of service will be processed in the same fashion as any other Motor Carrier Safety form.

| Indicates new or revised items.

-End of Directive-