

STATUTORY SUMMARY SUSPENSION PRIVATE PROPERTY

As noted above, the first ground for rescission put forth by defendant was that the relevant events took place in a private parking lot and not upon a public highway.

Under the summary suspension statute (also known as the implied consent statute), any person who drives or is in actual physical control of a motor vehicle on a public highway is deemed to have given his or her consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, drugs, intoxicating compounds, or any combination thereof in the person's blood if the person is arrested for any offense as defined in section 11-501 of the Illinois Vehicle Code (DUI), a similar provision of a local ordinance, or section 11-401 of the Vehicle Code (a motor vehicle accident involving death or personal injury) (625 ILCS 5/11-401 (West 2016)). 625 ILCS 5/11-501.1 (West 2016); *People v. Culbertson*, 258 Ill. App. 3d 294, 296, 196 Ill.Dec. 554, 630 N.E.2d 489 (1994).

As the language of the statute indicates and defendant asserts, the summary suspension statute only applies to individuals who were driving or in actual physical control of a motor vehicle on a public highway. See 625 ILCS 5/11-501.1 (West 2016); *Culbertson*, 258 Ill. App. 3d at 296, 196 Ill.Dec. 554, 630 N.E.2d 489. The summary suspension statute does not generally apply to a person who was driving or in actual physical of a motor vehicle on private property. See 625 ILCS 5/11-501.1 (West 2016); *Culbertson*, 258 Ill. App. 3d at 296, 196 Ill.Dec. 554, 630 N.E.2d 489.

People v. Relwani, 2018 IL App (3d) 170201, ¶¶ 15-16, 99 N.E.3d 152, 159, aff'd, 2019 IL 123385, ¶¶ 15-16, 129 N.E.3d 1222