

Driver in Deerfield crash had been drinking

By Dan Gibbard and Lisa Black
Tribune staff reporters

October 16, 2006, 9:29 PM CDT

The teenage driver who died in Friday's homecoming weekend crash in Deerfield had a blood-alcohol level well over the legal limit for adults, while a passenger who was killed had recently smoked marijuana, officials said Monday.

Daniel Bell, 18, of Bannockburn had a blood-alcohol level of .132 when he crashed his Volkswagen Jetta into a tree, said Deerfield Police Deputy Chief Rick Wilk. The legal limit for drivers 21 and older is 0.08 percent, but Illinois' no-tolerance law makes it illegal for drivers not of drinking age to have any alcohol in their system.

Wilk said he was not sure if Cook County medical examiners screened for other drugs in Bell's system. The medical examiner's office did not return calls for comment.

Ross Trace, 18, of Riverwoods had marijuana in his system "consistent with recent use" but no other drugs or alcohol, said Dr. Richard Keller, the Lake County coroner. Three other passengers in the car were injured but have been released from hospitals, officials have said.

Trace died at the crash site in Lake County, and Bell died early Saturday at a hospital in Cook County.

Private services were held Monday for Trace, a senior and standout athlete at Deerfield High School. Bell was a 2006 graduate of the school.

Prosecutors are considering charges against whomever supplied alcohol and drugs to the teens, said Dan Shanes, chief of felony review for the Lake County state's attorney's office.

"We're looking at the whole picture," he said.

Police are subpoenaing phone records and interviewing anyone who might have seen them, trying to retrace the teens' steps in the 24 hours before the crash, Wilk said.

"Was there a party involved? Are other people responsible for this? That's what we're trying to determine," Wilk said.

"We're looking into a party that was in the area."

But he would not comment further, citing the ongoing investigation.

Shanes also said investigators are focusing on a "decent-size party."

"There are a lot of people to interview," he said.

Another police group, the Lake County Major Crash Assistance Team, is trying to reconstruct the wreck, Wilk said.

At Deerfield High, grief counselors were available for students and faculty throughout the day Monday, officials said. The crash happened not long after the school's homecoming football game.

At 7 a.m., Principal Al Fleming met with teachers, shared the facts surrounding the tragedy and informed them of various resources to deal with grief, said Suzan Hebson, assistant superintendent for human resources for Township High School District 113.

Fleming discussed similar information with students during a three-minute presentation by video that appeared on television sets during homeroom, she said.

"Everyone is going to react differently, and we have to find ways to help them deal with it," Hebson said.

She said attendance levels remained high.

"The community is so strong. For kids to want to come to school today is not surprising."

Many students signed a memorial banner displayed near the gymnasium since the homecoming dance Saturday night. Some students wore lapel pins of the school's colors, red and gray, as "a symbol of the fact that, yeah, they're going through their day, but they remember and care," Hebson said.

The banner messages included notes such as, "You were a great friend," "We miss you," and "Now you're jumping for the stars," a reference to Trace's championship pole-vaulting skills, she said.

Police are regularly at the school urging students not to drink and drive, Wilk said, and he was approached all weekend by parents asking the same question: "How do we get through to these kids?"

"You know what?" he said. "Keep drilling the message in."

"It's unfortunate two young lives have to be lost to get the message out. It's not right."

Tribune staff reporter Andrew L. Wang contributed to this report.

dgibbard@tribune.com

lblack@tribune.com

Copyright © 2006, [Chicago Tribune](#)

3-3-22: MINORS See also title 5, chapter 7, article A of this code.3.

A. Possession, Consumption Or Sale To Prohibited:

1. No person under the age of twenty one (21) years shall consume, purchase or accept delivery of alcoholic liquor or have alcoholic liquor in his or her possession within the village; provided, the possession and dispensing or consumption of alcoholic liquor in the performance of a religious service or ceremony, the consumption by a person under the age of twenty one (21) under direct supervision and approval of the parent(s) or guardian(s) of such underage person in the privacy of the parent's or guardian's home, or the possession or delivery of alcoholic liquors in pursuance of a person's employment by a licensee under this chapter as allowed in subsection E of this section is not prohibited.

2. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except as allowed under this subsection A. (1976 Code §3-45)

3. It shall be unlawful for any person to knowingly or negligently permit, on premises under his or her control, the consumption of alcoholic liquor by an underage person unless such possession and/or consumption is otherwise permitted under subsection A1 of this section. This section shall apply to residential and commercial premises.

4. Any person found guilty of violating subsection A2 or A3 of this section shall be fined in the mandatory amount of five hundred dollars (\$500.00). (Ord. 94-70, 9-22-1994)

B. Presence On Licensed Premises: It shall be unlawful for any holder of a liquor license, or his agent or employee, to suffer or permit any person under the age of twenty one (21) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this subsection shall not apply to any person under the age of twenty one (21) years who is accompanied by his or her parent or guardian, or to that portion of any licensed premises which derives its principal business from restaurants or the sale of service or commodities other than alcoholic liquor.

For the purpose of preventing the violation of this subsection, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty one (21) years, as required by this chapter. (1976 Code §3-48)

C. Identification Requirements:

1. If a licensee or his agent or employee believes, has reason to believe or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is underage, then he shall, before making such sale or delivery, demand presentation of at least two (2) separate forms of positive identification, each containing proof of age, each issued by a public officer in the performance of his official duties and one of those forms of identification must contain a picture of the holder thereof. A traffic citation shall not be accepted as identification or evidence of age.

2. No person shall transfer, alter or deface an identification card issued by a Federal, state, county or municipal government or subdivision or agency thereof, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false

identification.

3. No person shall purchase, accept delivery or have possession of alcoholic liquor by the use of an altered, forged or defaced identification card or by the use of an identification card of another person.

4. No person shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold at retail. (1976 Code §3-49)

5. Any underage person found guilty of attempting to obtain delivery of alcoholic liquor by use of false proof of age shall be subject to a mandatory fine of five hundred dollars (\$500.00). (Ord. 94-70, 9-22-94)

D.Warning Signs: In every place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

WARNING: If you are under twenty one (21) years of age, you are subject to a fine up to \$500.00 under the Code of Ordinances of the Village of Woodridge, if you PURCHASE alcoholic liquor or MISREPRESENT YOUR AGE for the purpose of purchasing or obtaining alcoholic liquor. OFFICIAL PHOTO IDENTIFICATION will be required to prove age before purchase.

(1976 Code §3-50)

E.Employment of Minors:

1. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this subsection shall not be construed to prevent the employment of persons who are at least nineteen (19) years of age as waiters or waitresses in restaurants, hotels or motels for the purpose of serving food and alcoholic liquor on the licensed retail premises.

2. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty one (21) years of age to sell any alcoholic liquor in any licensed premises. (1976 Code §3-52)

F.Parental Responsibility: It shall be unlawful for any parent or guardian to knowingly suffer or permit any minor child, of which he or she may be the parent or guardian, to violate any provision of this Chapter. (1976 Code §3-46)

G.Additional Penalty for Sale to Minors: In addition to all other fines and penalties, the Local Liquor Control Commissioner may revoke, suspend or refuse to renew any license of a licensee who violates the provisions of subsections 3-3-21C and 3-3-22B of this Chapter or whose employee or agent violates the provisions of said subsections.

Proof that the licensee, or his employee or agent, demanded, was shown, and reasonably relied upon written evidence of identification, as required by subsection C of this Section, in any transaction forbidden by subsections 3-3-21C and 3-3-22B of this Chapter, is competent evidence and may be considered in any ordinance violation prosecution or in any proceedings for the suspension or revocation of any license based on a violation of subsections 3-3-21C and 3-3-22B of this Chapter. (1976 Code §3-51; amd. Ord. 94-70, 9-22-94)

H.Vicarious Liability of a Parent or Other Person Facilitating the Use or Abuse of Alcoholic Liquor: The

following persons shall be liable to any individual who has been injured by an alcohol-impaired underage person when the impairment is a contributing cause of the injury:

1. Any person who delivered to the underage person any alcoholic liquor which contributed to the impairment. The person making the initial delivery to an underage person remains liable to anyone injured by the same or different underage person regardless of how many times the alcoholic liquor changed hands.
2. Any person in control of a premises, who knowingly or negligently fails to maintain supervision to such an extent that alcoholic liquor is consumed on the premises by an underage person.
3. Any person who knowingly or negligently permits the operation of a motor vehicle under his or her control by an underage person, when the person knew or in the exercise of ordinary judgment should have known that the underage person was either impaired or had consumed any amount of alcoholic liquor within two (2) hours prior to when the permission was granted.

The vicarious liability established by this subsection shall not be subject to the limitations on damages as set forth in 235 Illinois Compiled Statutes 5/6-21.

I. Operation of a Motor Vehicle by Underage Persons with Alcoholic Liquor in or on the Vehicle; or When the Underage Person is Impaired Due to Alcoholic Liquor: The following shall apply when any underage person is found in the Village operating any motor vehicle in which or on which is found any alcoholic liquor of any kind or nature, or when the underage person is in a state of impairment due to consumption of alcoholic liquor:

1. The motor vehicle shall be subject to immediate impoundment by the police department;
2. The motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle:
 - a. If the vehicle operator is under eighteen (18) years of age and is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or legal guardian of the underage owner;
3. The motor vehicle may not be released to any person who was a passenger in the motor vehicle at the time the alcoholic liquor was found unless at least twenty four (24) hours have passed from the time of the finding; (Ord. 94-70, 9-22-1994)
4. The vehicle shall not be released until the person seeking the release has paid the administrative fee provided for in section 5-1-12 of this code; (Ord. 2005-61, 11-3-2005)
5. The following factors shall not be considerations in determining whether or not to impound the motor vehicle:
 - a. Whether the alcoholic liquor is in an opened or unopened container;
 - b. Whether the operator is the owner of the alcoholic liquor or the vehicle;
 - c. Whether the operator had knowledge of the existence of the alcoholic liquor within the motor vehicle.
6. The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop;

7. Any law enforcement officer, the police department and the village and any of its officers or agents shall be absolutely immune from any liability or exposure to liability of any kind or nature for the enforcement or implementation of this subsection.

J. Unless another penalty is set forth in this chapter, every person found guilty of a violation of any of the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every ten dollars (\$10.00) of the mandatory fine. (Ord. 94-70, 9-22-1994)

5-7A-2: PARENTAL RESPONSIBILITY:

A. Definitions: As used in this section, the following terms have the meanings respectively ascribed to them:

LEGAL GUARDIAN: Includes a person appointed guardian or given custody of a minor by a circuit court of this state, but does not include a person appointed guardian or given custody of a minor under the "juvenile court act" approved August 5, 1965, as now or hereafter amended, being 705 Illinois Compiled Statutes 405/1-1 et seq., as amended.

MINOR: A person who is above the age of eleven (11) years, but not yet nineteen (19) years of age.

B. Liable For Damages: The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the wilful or malicious acts of such minor which cause injury to a person or property.

C. Enforcement: The village, or any county, township or any other political subdivision or department of the state of Illinois, or any person, partnership, corporation, association or any incorporated or unincorporated religious, educational or charitable organization is entitled to enforce the liability imposed by this section.

D. Limitations On Recovery Of Damages: No recovery under this section may exceed one thousand dollars (\$1,000.00) actual damages for each person, or legal entity as provided in subsection C of this section, for each occurrence of such wilful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in action under this section for personal injury, only medical, dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.

E. Effect On Other Actions: This section shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis. (1976 Code §10-23)

(235 ILCS 5/6-21) (from Ch. 43, par. 135)

Sec. 6-21. (a) Every person who is injured within this State, in person or property, by any intoxicated person has a right of action in his or her own name, severally or jointly, against any person, licensed under the laws of this State or of any other state to sell alcoholic liquor, who, by selling or giving alcoholic liquor, within or without the territorial limits of this State, causes the intoxication of such person. Any person at least 21 years of age who pays for a hotel or motel room or facility knowing that the room or facility is to be used by any person under 21 years of age for the unlawful consumption of alcoholic liquors and such consumption causes the intoxication of the person under 21 years of age, shall be liable to any person who is injured in person or property by the intoxicated person under 21 years of age. Any person owning, renting, leasing or permitting the occupation of any building or premises with knowledge that alcoholic liquors are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of any alcoholic liquors that have caused the intoxication of any person, shall be liable, severally or jointly, with the person selling or giving the liquors. However, if such building or premises belong to a minor or other person under guardianship the guardian of such person shall be held liable instead of the ward. A married woman has the same right to bring the action and to control it and the amount recovered as an unmarried woman. All damages recovered by a minor under this Act shall be paid either to the minor, or to his or her parent, guardian or next friend as the court shall direct. The unlawful sale or gift of alcoholic liquor works a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon the premises where the unlawful sale or gift takes place. All actions for damages under this Act may be by any appropriate action in the circuit court. An action shall lie for injuries to either means of support or loss of society, but not both, caused by an intoxicated person or in consequence of the intoxication of any person resulting as hereinabove set out. "Loss of society" means the mutual benefits that each family member receives from the other's continued existence, including love, affection, care, attention, companionship, comfort, guidance, and protection. "Family" includes spouse, children, parents, brothers, and sisters. The action, if the person from whom support or society was furnished is living, shall be brought by any person injured in means of support or society in his or her name for his or her benefit and the benefit of all other persons injured in means of support or society. However, any person claiming to be injured in means of support or society and not included in any action brought hereunder may join by motion made within the times herein provided for bringing such action or the personal representative of the deceased person from whom such support or society was furnished may so join. In every such action the jury shall determine the amount of damages to be recovered without regard to and with no special instructions as to the dollar limits on recovery imposed by this Section. The amount recovered in every such action is for the exclusive benefit of the person injured in loss of support or society and shall be distributed to such persons in the proportions determined by the verdict rendered or judgment entered in the action. If the right of action is settled by agreement with the personal representative of a deceased person from whom support or society was furnished, the court having jurisdiction of the estate of the deceased person shall distribute the amount of the settlement to the person injured in loss of support or society in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentages of dependency of all such persons upon the deceased person. For all causes of action involving persons injured, killed, or incurring property damage before September 12, 1985, in no event shall the judgment or recovery under this Act for injury to the person or to the property of any person as hereinabove set out exceed \$15,000, and recovery

under this Act for loss of means of support resulting from the death or injury of any person, as hereinabove set out, shall not exceed \$20,000. For all causes of action involving persons injured, killed, or incurring property damage after September 12, 1985 but before July 1, 1998, in no event shall the judgment or recovery for injury to the person or property of any person exceed \$30,000 for each person incurring damages, and recovery under this Act for loss of means of support resulting from the death or injury of any person shall not exceed \$40,000. For all causes of action involving persons injured, killed, or incurring property damage on or after July 1, 1998, in no event shall the judgment or recovery for injury to the person or property of any person exceed \$45,000 for each person incurring damages, and recovery under this Act for either loss of means of support or loss of society resulting from the death or injury of any person shall not exceed \$55,000. Beginning in 1999, every January 20, these liability limits shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price indexu during the preceding 12umonth calendar year. "Consumer price indexu" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982u84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available via the Comptroller's official website by January 31 of every year and to the chief judge of each judicial circuit. The liability limits at the time at which damages subject to such limits are awarded by final judgment or settlement shall be utilized by the courts. Nothing in this Section bars any person from making separate claims which, in the aggregate, exceed any one limit where such person incurs more than one type of compensable damage, including personal injury, property damage, and loss to means of support or society. However, all persons claiming loss to means of support or society shall be limited to an aggregate recovery not to exceed the single limitation set forth herein for the death or injury of each person from whom support or society is claimed.

Nothing in this Act shall be construed to confer a cause of action for injuries to the person or property of the intoxicated person himself, nor shall anything in this Act be construed to confer a cause of action for loss of means of support or society on the intoxicated person himself or on any person claiming to be supported by such intoxicated person or claiming the society of such person. In conformance with the rule of statutory construction enunciated in the general Illinois saving provision in Section 4 of "An Act to revise the law in relation to the construction of the statutes", approved March 5, 1874, as amended, no amendment of this Section purporting to abolish or having the effect of abolishing a cause of action shall be applied to invalidate a cause of action accruing before its effective date, irrespective of whether the amendment was passed before or after the effective date of this amendatory Act of 1986.

Each action hereunder shall be barred unless commenced within one year next after the cause of action accrued.

However, a licensed distributor or brewer whose only connection with the furnishing of alcoholic liquor which is alleged to have caused intoxication was the furnishing or maintaining of any apparatus for the dispensing or cooling of beer is not liable under this Section, and if such licensee is named as a defendant, a proper motion to dismiss shall be granted.

(b) Any person licensed under any state or local law to sell alcoholic liquor, whether or not a citizen or resident of this State, who in person or through an agent causes the intoxication, by the sale or gift of alcoholic liquor, of any person who, while intoxicated, causes injury to any person or property in the State of Illinois thereby submits such licensed person, and, if an individual, his

or her personal representative, to the jurisdiction of the courts of this State for a cause of action arising under subsection (a) above.

Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this subsection, may be made by personally serving the summons upon the defendant outside this State, as provided in the Code of Civil Procedure, as now or hereafter amended, with the same force and effect as though summons had been personally served within this State.

Only causes of action arising under subsection (a) above may be asserted against a defendant in an action in which jurisdiction over him or her is based upon this subsection.

Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

(Source: P.A. 94-982, eff. 6-30-06.)