

# Illinois Secretary of State



BAIID (Breath Alcohol Ignition  
Interlock Device) Law in Illinois

# What is a BAIID?

- Simply put, a breath alcohol ignition interlock device is a breathalyzer installed on the dashboard of a vehicle that will prevent operation of a vehicle by an intoxicated or impaired driver.

# How does the BAID work?

- Offender must blow before starting vehicle
  - If BAC registers .00 - .024, then offender can start vehicle without incident
  - If BAC registers .025 or higher, then the offender must wait 10 minutes and will be asked to blow again
  - If offender blows three .025 or higher BACs in ½ hour, his car will be on a 24 hour lockout. After 24 hours, it will alert the offender to take the device for early reading
  - It becomes a violation at .05 BAC

# How does the BAIID work?

- Requires Rolling retest
- Records every activity with the device (power on, power lost, each blow, etc..)

1994

## Illinois first began BAID program

- Pilot Program created by the General Assembly to address DUI rates

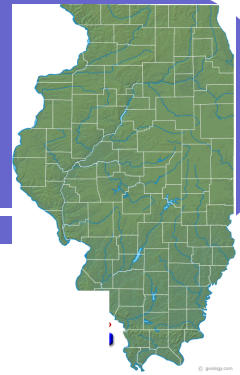


# RDP (Restricted Driving Permit)

- 2<sup>nd</sup> time offenders who are seeking driving relief
- Required to have BAID
- Can only drive under the confines of their permit
- Monitored by the Secretary of State's Office, BAID Division



# The New Law – SB 300



- Mandates BAIID for all first-time offenders who want to drive during their statutory summary suspension
- IL is the biggest state to implement such a law
- MADD's #1 Legislative Initiative across the country

# Biggest change

- Eliminates the Judicial Driving Permit (JDP)
- Creates the Monitoring Device Driving Permit (MDDP)

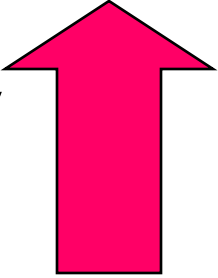


# MDDP

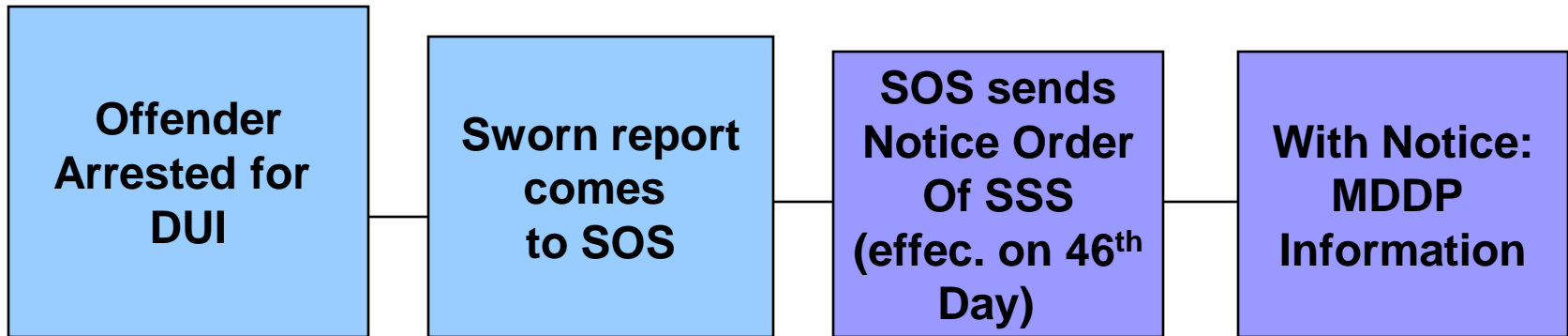
- Allows the person the freedom to drive anytime/anyplace
- Must have BAIID installed on vehicle



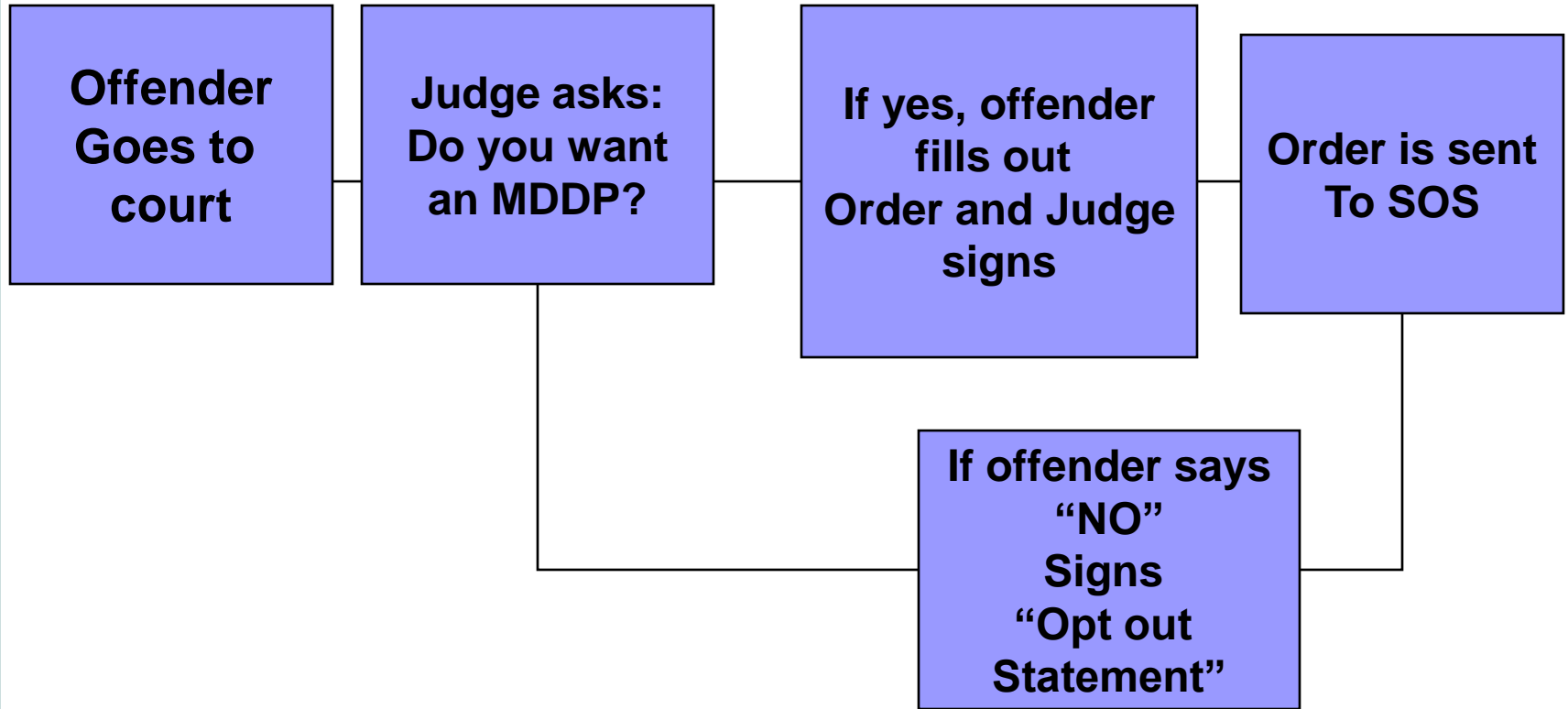
# What does SB 300 do?

- Creates MDDP
  - Increases Statutory Summary Suspension Time
    - 6 mos. for failing test
    - 12 mos. for refusing test
  - Is a Class 4 Felony if the person opts to not take the MDDP and is caught driving
- 

# Series of Events –



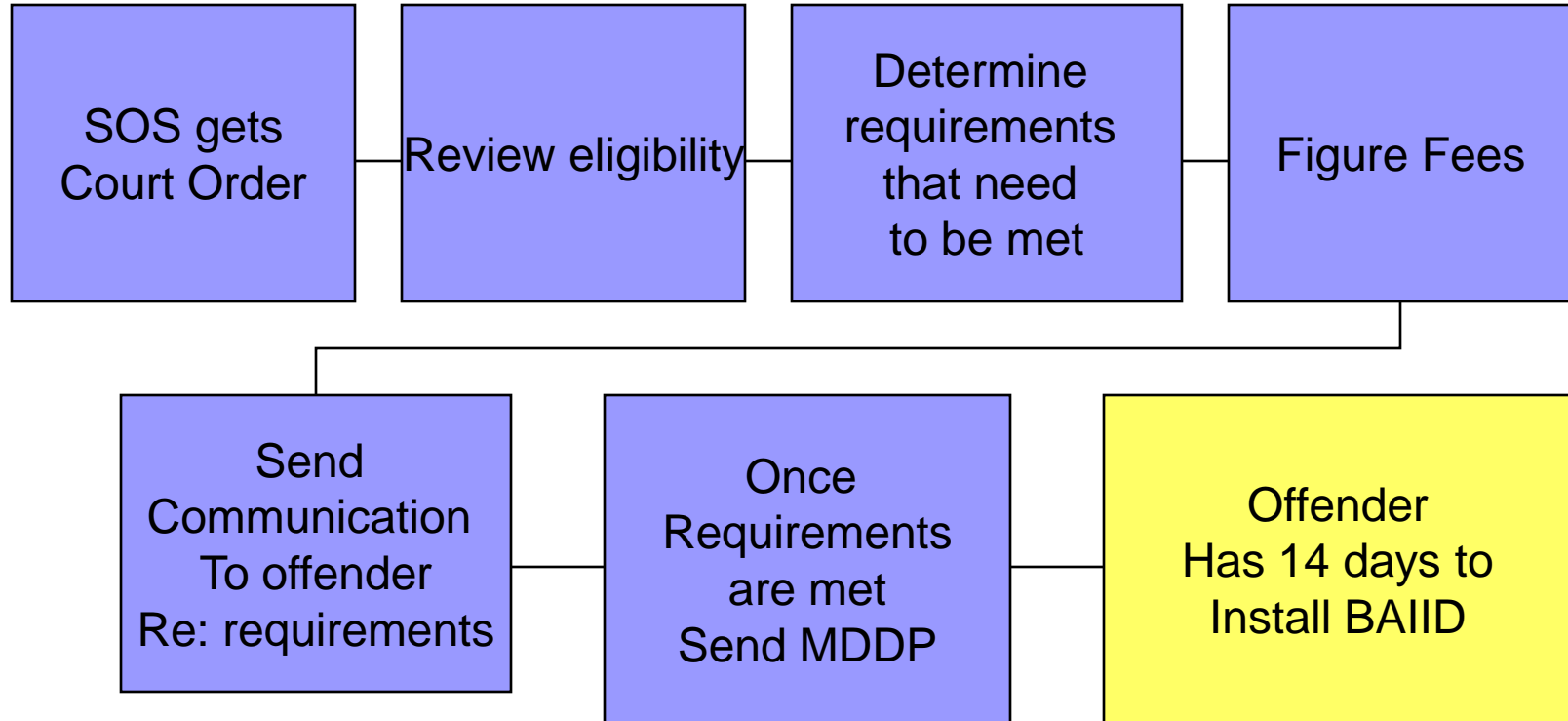
# Series of Events



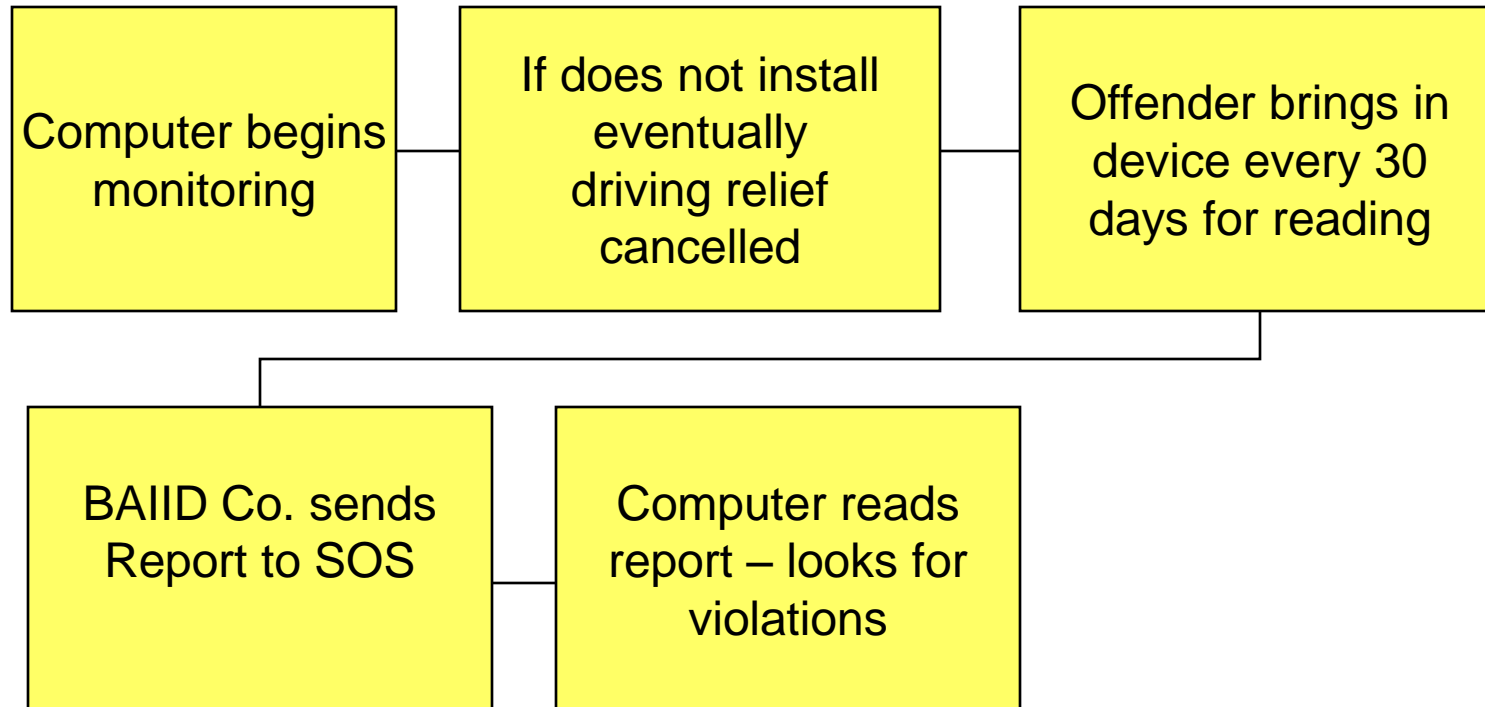
# Ineligibility

- If drivers license is otherwise invalid
- If death or great bodily harm resulted from this DUI arrest
- If previously convicted of reckless homicide or aggravated DUI that resulted in a death
- If not a first time offender as defined by the Illinois Vehicle Code
- CDL holders not eligible for their CDL license
- If the offender is under 18 years of age

# Series of Events



# Series of Events



# Changes to Admin. Code

- **Changes to Title 92-1001.444**
  - Rule has been filed with JCAR and getting ready for second filing.
  - Violations and monitoring time periods are subject to change

# Violations

- **1.** Tampering or attempting to tamper with or unauthorized circumvention of the BAIID
- **2.** 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period
- **3.** 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24-hour period

# Violations

- **4. A BAC reading of .05 or more**
- **5. Failing a running retesting or failing to take a running retest**
- **6. Failing to utilize the BAIID as required**
- 7. Failing to submit a BAIID for a monitor report in a timely manner**

# Violations

- After the 3<sup>rd</sup> Extension of the SSS
  - local law enforcement to impound vehicle for 30 days
- After the 4<sup>th</sup> Extension
  - Vehicle seized



# Indigent Fund

- SB 300 establishes an indigent fund for those that want an MDDP but can not afford the device
- Indigent fund will pay for the installation and monthly rental of the machine

# Work Exemption

- Offender can ask for a work exemption
- Will not have to install on employers vehicles if:
  - Not self employed or work for a family owned business
  - Vehicle is not specifically assigned to that person and/or they do not take the car home