

## **Monitoring Device Driving Permit (MDDP) Terms & Conditions**

### **Section 1 – Permit Requirements**

1. The MDDP is valid only if I install and maintain a Breath Alcohol Ignition Interlock Device (BAIID) in any vehicle I operate, and that I am not allowed to operate any vehicle without a BAIID unless I have a work exemption approved in writing by the Illinois Secretary of State (see Section 8).
2. I will have a BAIID installed within 14 days of issuance of my MDDP and will only operate vehicles with a functioning BAIID.
3. If I cannot install the BAIID within the 14-day period I must call the BAIID Division (217-524-0660) to request an extension. I am not allowed to drive to the installation site after the initial 14-day period.
4. If I am found driving a vehicle without a BAIID, I may be found guilty of a Class 4 felony, which carries a penalty of a minimum 30 days in jail, a possible 1-3 years of imprisonment and fines of up to \$25,000.
5. I must comply with the requirements outlined in the Illinois Administrative Code 1001.444 ([www.ilga.gov/commission/jcar/admincode/092](http://www.ilga.gov/commission/jcar/admincode/092)) and the Terms and Conditions contained in this document.

### **Section 2 – How the Breath Alcohol Ignition Interlock Device (BAIID) works**

1. I must submit a breath sample each time before starting my vehicle. If I attempt to start my vehicle without providing a sample, it may be deemed an attempt to circumvent the device.
2. The device will take a picture that will be stored in the BAIID each time a breath sample is requested, submitted or attempted. These photos may be viewed by the Secretary of State's office to determine if a violation was committed.
3. If someone else will be driving my vehicle it is my responsibility to inform the driver how to operate the device, the importance of the correct camera mounting and that the device will be photographing him or her. I could be held responsible if violations occur when someone else is driving this vehicle.
4. I will ensure that the camera is not obscured in any way before using the device. Obscuring the camera, either purposefully or accidentally, could result in a violation of the program.
5. I must submit to random breath tests (running retests) throughout my driving time. If possible, I will find a safe place to pull over and provide the breath sample. The device will provide adequate time to find a place to pull over.
6. If I do not submit to the running retest or if I submit a sample with a BAC of .05 or higher, my horn will honk until such time as I submit a passing sample or turn my vehicle off. If I turn my vehicle off without providing a sample, I will be in violation of the BAIID program.
7. If the BAIID registers a .025 BrAC (breath-alcohol concentration) or higher, my vehicle will not start.
8. If the BAIID records three BrAC readings of .05 or higher within 30 minutes, the vehicle will become inoperable for 24 hours.
9. I am required to submit my BAIID for monitoring, in the manner prescribed by the vendor I choose, every 60 days. If I receive an extension of my statutory summary suspension for a BAIID violation (see Section 3), I will be subject to monitoring every 30 days. The device will give me a warning several days prior to mandatory service/monitoring.
10. The BAIID will notify me to take the vehicle to the installer for service or inspection in the following cases:
  - a. For all monitor reports (every 30-60 days);
  - b. Anytime the device records three readings of a .05 BrAC or higher within a 30-minute period;
  - c. After any attempt to tamper with or circumvent the use of the device; and/or
  - d. After five or more BAIID violations (see Section 3) within a reporting period.
11. I must take the vehicle with the BAIID to the installer within five working days of any service or inspection notification signaled by the BAIID. Failure to do so will result in the vehicle becoming permanently inoperable and requiring servicing at my expense. Failure to do so may also result in a three-month extension of my statutory summary suspension.

### **Section 3 – Violations**

1. Any monitoring report that shows any of the following violations will result in a letter from the Secretary of State asking for an explanation of the violation. If I do not respond within 21 days of the date of the letter, or my response does not reasonably assure the Secretary of State that no violations occurred, my statutory summary suspension will be extended for a minimum of three months, or a new suspension will be entered on my driving record if my original suspension has terminated, or in an instance of tampering or circumventing the device, my permit may be canceled:
  - a. Ten or more unsuccessful attempts to start the vehicle within a 30-day period.
  - b. Five or more unsuccessful attempts to start the vehicle within a 24-hour period.
  - c. BrAC reading of .05 or higher.
  - d. Failing a running retest, or failing to take a running retest.
  - e. Failing to submit the BAIID for a monitoring report in a timely manner.
  - f. Failure to use the BAIID as required.
  - g. Attempts to tamper with or circumvent the BAIID.
2. If I am found to be in violation of the BAIID program, I may contest this decision at a Secretary of State Administrative Hearing. I must request this hearing within 30 days of the effective date of the extension of the statutory summary suspension or cancellation of the permit, by the submission of a hearing application and the payment of a \$50 filing fee.

#### Section 4 – Consequences

1. BAIID violations can result in my statutory summary suspension being extended three additional months for each violation.
2. For attempts to tamper with or circumvent the device, my permit can be canceled, which could lead to my statutory summary suspension being extended for an additional 12-24 months, during which driving relief would be limited to the possibility of a Restricted Driving Permit with a BAIID.
3. If the Secretary of State extends my statutory summary suspension three times, the vehicle in which the BAIID is installed can be impounded for a period of at least 30 days at my expense.
4. If the Secretary of State extends my statutory summary suspension four times, the vehicle in which the BAIID is installed can be seized and forfeited.
5. If I am convicted of or receive court supervision for (a) fleeing and eluding a peace officer, (b) driving while suspended or revoked, (c) driving under the influence, (d) reckless driving or aggravated reckless driving, (e) street racing, and/or (f) leaving the scene of an accident while on an MDDP, my MDDP will be canceled.
6. If my permit is canceled for any reason, my statutory summary suspension can be extended for an additional 12-24 months, during which driving relief would be limited to the possibility of a Restricted Driving Permit with a BAIID.
7. I have the right to contest any cancellation of my MDDP through an Administrative Hearing. I must request this hearing within 30 days of the effective date of the extension of the statutory summary suspension or cancellation of the permit by submission of a hearing application and the payment of a \$50 filing fee.

#### Section 5 – Responsibilities/Readings/False Positives

1. The BAIID will show a positive BrAC to alcohol, including items that contain alcohol such as mouthwash. If I have ANY positive BrAC readings that I believe are caused by alcohol-containing products, I will wait approximately 10 minutes, rinse my mouth out with water, wash my hands, air out the vehicle and then provide another sample. If I do not provide a subsequent sample, the Secretary of State may find me to be in violation of the program.
2. It is my responsibility to read product labels, medicine labels and food labels to determine if alcohol is present in something I am going to consume prior to submitting a breath test. I can be found to be in violation of the program if I submit a positive BrAC due to products containing alcohol.
3. I will maintain a journal of events surrounding unsuccessful attempts to start the vehicle, someone else driving my vehicle, failures to complete any required breath tests, service to my vehicle, or any problems with the BAIID so I am able to provide a detailed explanation of events when asked by the Secretary of State's office.

#### Section 6 – Removal of Device and/or Opting out of Program

1. If I choose to terminate participation in the BAIID program, I will immediately notify the Secretary of State's BAIID Division (217-524-0660) for authorization. **I will not remove the BAIID from the vehicle until I have received authorization from the Secretary of State's BAIID Division.** If I remove the BAIID without notifying the BAIID Division, my MDDP could be canceled, resulting in an extended or new statutory summary suspension of my driving privileges.
2. If I voluntarily opt out of the program, my statutory summary suspension will still be subject to all extensions accrued from violations while I was participating in the MDDP program. I will not be able to drive for the remainder of my statutory summary suspension.
3. I am only allowed to opt out and back into the program one time.

#### Section 7 – Fees

1. **The fees I pay to the Illinois Secretary of State for this program are NON-REFUNDABLE.** If I choose not to continue with the processing of the permit, opt out of the program, or it becomes unnecessary for me to have the permit, none of the fees paid to the Secretary of State can be refunded.
2. All costs associated with a BAIID are my responsibility, unless I am declared indigent by the Secretary of State. However, regardless of whether I am declared indigent, I am responsible for payment to the Secretary of State for the \$30 per month MDDP monitoring fee and \$8 permit fee, payable in full for the term of the MDDP prior to issuance.
3. If I am declared indigent by the Secretary of State for the purposes of this program, the BAIID installation fee, monthly rental fees and any de-installation fee payable to the installer/vendor will be paid by the Indigent BAIID Fund. I will, however, be responsible for any additional costs associated with the BAIID (i.e., damage to the device, lock-out fees, etc.).

#### Section 8 – Work Exemption Permit Requirements

1. To drive employer-owned vehicles without a BAIID, I must receive an exemption from the Illinois Secretary of State to do so. The Secretary of State will contact my place of employment to verify that it is necessary for my job to drive without the BAIID.
2. If I am caught driving an employer's vehicle without a BAIID and without a work exemption, I may be found guilty of a Class 4 felony, which carries a penalty of a minimum 30 days in jail, a possible 1-3 years imprisonment and fines of up to \$25,000.

#### Section 9 – General

1. All monitor reports, photographs and any other reports or information relative to the issuance of any driving relief issued to me may be used as evidence at any administrative hearing conducted by the Secretary of State.
2. I authorize the Secretary of State and the BAIID manufacturer/installer to correspond and share any information necessary to administer the program.

**A copy of this document can be found at [www.cyberdriveillinois.com/departments/BAIID/home.html](http://www.cyberdriveillinois.com/departments/BAIID/home.html).**

I have read, understand and agree to the terms and conditions set forth in this document.

Permittee's Name (print): \_\_\_\_\_ Driver's License Number: \_\_\_\_\_

Permittee's Signature: \_\_\_\_\_ Telephone Number: \_\_\_\_\_