

BREATH ALCOHOL IGNITION INTERLOCK DEVICE (BAIID) TERMS AND CONDITIONS



Office of the Secretary of State DEPARTMENT OF ADMINISTRATIVE HEARINGS

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I have read or had read to me the SUPPLEMENTAL HEARING INSTRUCTIONS form. I have had the opportunity to have the contents of that form explained to me by the Office of the Secretary of State and I understand the contents of that form. I also understand, accept and agree to all the following terms and conditions I must comply with in order to receive and keep any driving relief issued to me:

1. Because I meet the definition of a BAIID required petitioner, I understand that I am only eligible to be issued a Restricted Driving Permit (RDP) by having the BAIID installed and maintained in any vehicle I operate until I am reinstated. Additionally, if I have been convicted of two or more DUI offenses and issued any driving relief, I am also required to install and maintain for 1826 consecutive days a BAIID in every motor vehicle registered in my name either solely or jointly. Or if I have a lifetime revocation, I am only eligible for a RDP with the BAIID.
2. By agreeing to have the BAIID installed I am not guaranteed any driving relief, but must still meet all the requirements of the Secretary of State as contained in the rules and be favorably considered under those rules.
3. If I am granted driving relief, I will have a BAIID installed, within 14 days of issuance of driving relief, in vehicles I drive or are registered in my name solely or jointly, if applicable, in accordance with the terms of any driving relief issued to me. Failure to install a BAIID will result in the denial of driving relief and cancellation of any driving relief issued. In addition to installing a BAIID on every vehicle owned, a BAIID multiple offender is prohibited from driving any vehicle not equipped with a BAIID unless the offender is granted an employment exemption in accordance with Sections 6-205, 6-206 of the code and Section 1001.441 of this part.
4. I must take any vehicle with the BAIID installed to the installer within the first 30 days for an initial monitor report to have a reading of the activity recorded by the BAIID and to instruct me further on how to correctly use the BAIID, and thereafter not longer than every 60 days for the purposes of calibration and obtaining a monitor report. Failure to do so may result in the cancellation of any driving relief issued.
5. I must take the vehicle with the BAIID installed or send the appropriate portion of 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 require servicing at my expense by the manufacturer or installer of the BAIID to make the vehicle operable. Failure to do so also may result in the cancellation of any driving relief issued.
6. I must maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, another individual driving the vehicle, or any problems with the device.
7. The BAIID will notify me to take the vehicle with the BAIID installed or send the appropriate portion of the BAIID to the installer for service or inspection in the following cases:
 - For the initial monitor report;
 - For all subsequent monitor reports;
 - After 10 or more unsuccessful attempts to start the vehicle;
 - Any time the device records three readings of .05 or more within a 30-minute period, which will result in a 24-hour vehicle lockout;
 - After any running retest failure or refusal; and
 - After any attempt to tamper with or circumvent the use of the device.
8. After the initial monitor report, any monitor report showing **10 or more** unsuccessful attempts to start the vehicle will result in a Secretary of State letter asking for an explanation of the unsuccessful attempts to start the vehicle. 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 failure to comply will be made part of my record of performance and considered at future hearings.
9. After the initial monitor report, any monitor report showing a failure to successfully complete a running retest(s) will result in a Secretary of State letter asking for an explanation. 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 failure to comply will be made part of my record of performance and considered at future hearings.

10. Any monitor report showing a reading of .05 or more and/or a pattern of BAC readings consistent with the use of alcoholic beverages creates a rebuttable presumption that I consumed alcohol and will result in a Secretary of State letter asking for an explanation, and may result in the cancellation of my RDP(s) if I am required to abstain. 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 failure to comply with the BAIID program will result in the cancellation of my RDP(s) if I am required to abstain and will be made part of my record of performance and considered at future hearings. If I am not required to abstain, my failure to comply with the BAIID program will be made part of my performance to be considered at any future hearing.
11. If I am arrested for DUI, my RDP will be cancelled.
12. If I fail or skip a running retest, the Secretary of State will send a letter asking for an explanation of the incident. If my response is not received within 21 days or does not reasonably assure the Secretary of State that no violation occurred, my failure to comply will be made part of my record of performance to be considered at any future hearings.
13. Any monitor report, or any physical inspection by an installer showing any tampering with or unauthorized circumvention of the BAIID, will result in the immediate cancellation of the driving relief issued.
14. Any driving relief issued to me under this program will also be immediately canceled if the Secretary of State receives any of the following:
 - A law enforcement report showing I operated a vehicle without a BAIID installed by the driving relief issued under this program. I understand that the officer involved may confiscate my RDP(s).
 - A written notification from a manufacturer/installer that the device installed in my vehicle(s), if required, has been removed or is no longer being used, unless I notified the Secretary of State prior to the removal and returned the RDP to the Secretary of State.
15. I have the right to request an administrative hearing to contest the cancellation of any BAIID driving relief issued to me within 60 days from the effective date of the cancellation. If that cancellation is upheld I will not be eligible to apply for another RDP(s) under this program for 90 days from the effective date of the cancellation. I may not, however, request a hearing to contest the cancellation if I admit to consuming alcoholic beverages and I am required to abstain.
16. If I have voluntarily surrendered my RDP(s) and I have not committed any offense or act that would have been reason for the cancellation of my RDP(s), I am not subject to the 90-day prohibition in paragraph 14 above.
17. All monitor reports 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's office.
18. All costs associated with the BAIID are my responsibility and not that of the Secretary of State's office, and I have been advised of the annual DUI Administration Fund Fee, which is required to be paid in full prior to issuance of any driving relief.
19. I authorize the Secretary of State's office to notify my employer and BAIID manufacturer/installer of my name, address and driver's license number, and any other information necessary to administer this program.

Agreed to this _____ day of _____ 20 _____.

Petitioner's Name (print) _____ Driver's License # _____

Petitioner's Signature _____