

# SUPPLEMENTAL HEARING INSTRUCTIONS ALCOHOL/DUI-RELATED HEARINGS BAIID PROGRAM



## Office of the Secretary of State DEPARTMENT OF ADMINISTRATIVE HEARINGS

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Most multiple DUI offenders are required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed in the motor vehicle(s) they operate and, in certain cases, in every motor vehicle registered/co-registered in their name. It is important to determine if you are subject to BAIID requirements as you begin the process of applying for driving privileges.

### **Installation of a BAIID is mandatory for the following:**

1. Those whose driving privileges were revoked or suspended due to two or more DUI convictions, or two or more reckless homicide convictions where alcohol or drugs were an element of the offense (including similar out-of-state convictions), or any combination of these convictions arising out of separate occurrences, must install and maintain a BAIID in any motor vehicle operated if granted a Restricted Driving Permit (RDP) until reinstated.
2. Those whose driving privileges were revoked or suspended for two or more **ILLINOIS** DUI convictions arising out of separate occurrences must install and maintain a BAIID not only in any motor vehicle operated until reinstated but also for 365 consecutive days in every motor vehicle registered solely or jointly in the offender's name if granted an RDP or reinstated.
3. Those convicted of a violation of driving while revoked under Section 6-303, if the underlying revocation was due to a violation of 9-3 of the Criminal Code relating to the offense of reckless homicide, or a similar provision of a law of another state, if granted an RDP until reinstated.
4. Those whose driving privileges were revoked or suspended two or more times within a 10-year period due to any combination of:
  - a) One DUI conviction or reckless homicide conviction where the use of alcohol or drugs was an element of the offense (including out-of-state convictions).
  - b) A statutory summary suspension pursuant to Section 11-501.1.
  - c) A suspension pursuant to Section 6-203.1 for refusal to take a chemical test after a DUI arrest in another state.

In any of these cases, if the offenses arose out of separate occurrences, the offender must install a BAIID in any motor vehicle operated if granted an RDP.

If you fall in any of the above categories, you must know what a BAIID is and how it will be utilized if you receive driving privileges.

If you are unsure whether you fall in any of these categories, please consult with an informal hearing officer at a Secretary of State facility, or call the BAIID Unit at 217-524-0660.

### **BAIID**

A BAIID prevents you from starting a vehicle if alcohol has been consumed. A BAIID is calibrated to prevent starting a vehicle if even small amounts of alcohol have been consumed. The device also requires you to provide additional breath samples on a periodic basis after you have started the vehicle. The device also has the capability of recording violations such as:

- Attempting to start the vehicle after alcohol consumption.
- Tampering with the device.
- Failing to take or "pass" a re-test after having started the vehicle.
- Recording dangerously high levels of breath-alcohol.

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The Secretary of State's office receives reports of BAIID violations and has the authority to cancel your RDP or driver's license for certain violations. If the RDP or driver's license is cancelled for certain violations, you may have a hearing to contest the cancellation. If you are unsuccessful in contesting the cancellation of your RDP, you may not apply for driving privileges again for 12 months. If you are unsuccessful in contesting violations that occurred after reinstatement, the length of the cancellation will be for the time period specified in the rules of the Secretary of State's office (92 IAC 1001.443).

### **BAIID requirements:**

If you are successful in obtaining driving privileges, you will be given detailed instructions by your installer about the use of the BAIID and the way in which the Secretary of State's office will utilize the device to monitor your performance. However, if you are required to install a BAIID, you must be aware of the following before you begin the hearing process.

1. Your willingness to install a BAIID does not affect the outcome of your hearing. All other requirements continue to apply, and the BAIID is an additional statutory requirement. If you decide not to install the BAIID, you must notify the BAIID Unit immediately and return to the Secretary of State's office any RDP or driver's license issued to you.
2. After the BAIID is installed, you must have the device "read" by the installer after the first 30 days and then every 60 days. Readings also are required when the device detects violations. If you decide to have the BAIID removed, you must notify the BAIID Unit immediately and send back any RDP issued to you. If reinstated, the removal of a BAIID from any registered motor vehicle before completing the 365-consecutive-day requirement will result in the cancellation of your driver's license.
3. If you do not obtain the required reading(s) from your BAIID installer, the device will cause a permanent lockout, requiring your car to be serviced by the installer before it can again be started or driven.
4. If the BAIID records three breath-alcohol readings of .05 or more within a 30-minute period, it will cause a 24-hour lockout, preventing operation of the vehicle for 24 hours and requiring a reading by the installer and a report to the Secretary of State.
5. The cost of the BAIID is your responsibility, and all financial arrangements are between you and the installer/manufacturer.
6. In addition, if you are granted an RDP requiring a BAIID or reinstatement conditioned on the use of a BAIID as the result of two Illinois DUI convictions, you must pay the Secretary of State's office a DUI administration fund fee of \$360 prior to issuance of driving relief. If you are granted multiple RDPs, only one fee per year is required.
7. Violations recorded by a BAIID can lead to the cancellation of driving relief and difficulty receiving further driving privileges. Therefore, it is extremely important that you **and anyone else having access to the vehicle** be properly trained to avoid conduct that could result in a violation.

If you have any questions or need more details, please consult with an informal hearing officer at a Secretary of State facility or call the BAIID Unit. Information also is available at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) (click Departments, then Administrative Hearings).

