



TRAFFIC ALERT



Jody P. Weis, Superintendent of Police

January 2009

Volume 15, Number 1

NEW TRAFFIC LAW UPDATE

According to the National Highway Traffic Safety Administration motor vehicle travel is the primary means of transportation in the United States, providing an unprecedented degree of mobility. Yet for all its advantages, deaths and injuries resulting from motor vehicle crashes are the leading cause of death for persons of every age from 3 through 33 years old. As a result of many public awareness safety campaigns and the enforcement of the driving laws by tens of thousands of dedicated police officers across the country, hundreds of lives are being saved nationwide. Officers are encouraged to increase enforcement of the seat belt/child restraint and the Driving Under the Influence laws. Officers should be aware that a high percentage of the people in Illinois are still not buckling up.

This issue of the 'Traffic Alert' addresses the requirements of a new law that was enacted by the State of Illinois that Department members should be aware of as we deal with drivers in the performance of our daily duties.

The New Law

- ◆ Senate Bill 300, an innovative legislative measure that would reduce alcohol-related fatal crashes in Illinois, was signed into law as P.A. 95-0400 on August 24, 2007 and *became effective January 1, 2009.*
- ◆ Requires all first-time DUI offenders who wish to drive during their Statutory Summary Suspension (SSS) to install a BAIID on the vehicle they wish to drive during that time.
- ◆ The BAIID will prevent an intoxicated driver from driving the vehicle. Studies show that BAIIDs are effective in reducing subsequent offenses by up to 90 percent while on the vehicle.
- ◆ Increases the SSS times. For offenders who refuse testing at the time they are pulled over, their suspension times will go from the current 6 months to 12 months. For those who take the test and fail, their suspension will double from the current 3 months to 6 months.

BAIID

- ◆ BAIID stands for Breath Alcohol Ignition Interlock Device.
- ◆ A person must provide a breath sample into the BAIID prior to starting the vehicle and at random intervals throughout the travel time. The BAIID uses advanced technology to read the person's Blood Alcohol Level (BAC).
- ◆ A BAIID is hooked to the ignition of the car and prevents the person from starting the car if their breath sample registers a .05 or higher.
- ◆ If the breath sample is negative for alcohol, the person will be able to start the car without incident.

MDDP

- ◆ The Monitoring Device Driving Permit (MDDP) replaces the Judicial Driving Permit (JDP).
- ◆ Eligible first-time DUI offenders, who are arrested on or after 1 January 2009, will have the option of obtaining a MDDP by request to the courts. The courts will order the Secretary of State to issue the MDDP.
- ◆ The offender has the option of not participating in the program, but will have no other option for driving relief during the SSS (which will either be 6 months or 12 months, depending on failure or refusal of the Field Sobriety Test).
- ◆ The MDDP *requires* that the offender install a Breath Alcohol Ignition Interlock Device (BAIID) in any vehicle the offender plans on driving during the term of the SSS.
- ◆ The MDDP allows the offender to drive anywhere at anytime so long as the vehicle being driven has a BAIID installed (as opposed to the JDP which restricted the offender to certain hours and certain destinations).
- ◆ A MDDP holder found driving a car without a BAIID during the SSS, will be guilty of a Class 4 felony.
- ◆ An offender who chooses not to obtain a MDDP and is then caught driving during the SSS will be guilty of a Class 4 felony.
- ◆ A MDDP will not allow a CDL holder to operate a CMV during the offender's SSS.
- ◆ MDDP holders may be eligible for a work exemption if driving employer owned cars during the course of work hours and if the car is not specifically assigned to the offender.

Eligibility

- ◆ Only first-time offenders (as defined by the Illinois Vehicle Code) are eligible.
- ◆ The offenders license has to be otherwise valid (if they were driving on a suspended license at the time of this arrest, then they are not eligible).
- ◆ An offender is ineligible for the MDDP program if his or her driver's license is otherwise invalid or if death or great bodily harm resulted from this DUI arrest.
- ◆ An offender is ineligible for the MDDP program if he or she has previously been convicted of reckless homicide or aggravated DUI, which resulted in a death.

BAIID Monitoring

- ◆ The Secretary of State will monitor the BAIID of each MDDP holder during the length of the MDDP (every 60 days).
- ◆ The device requires an initial blow from the offender to start the car. Following that, the device will require breath samples at random intervals throughout the offender's trip, thus, preventing someone else from blowing into the machine to get the car started.
- ◆ If violations are found on the BAIID, the offender's SSS may be extended by 3-month increments and/or cancelled.