

Law Office
GREGORY J. MARTUCCI, P.C.

203 E. Irving Park Road
Roselle, Illinois 60172

Phone (630) 980-8333
Fax (630) 980-8404
www.martuccilaw.com

New D.U.I. Law & Monitoring Device Driving Permit (MDDP) (Effective 1/1/09)

(SB0607) Penalties for driving under the influence (D.U.I.) have been increased, and there are new conditions for a driving permit, issued by the judge, during a (statutory summary) suspension. D.U.I. may involve alcohol, drugs, intoxicating compounds, or any combination thereof, or any amount of cannabis or controlled substance, and penalties have been increased for D.U.I. when transporting persons under the age of 16; while driving in a school zone; when driving while driving privileges are suspended or revoked; when no liability insurance policy is in effect; when injury or death to another person results; and when prior convictions exist.

In the case of first offenders, whose driving privileges have been suspended for failing or refusing a breath test, (statutory summary) suspension periods have been doubled, and Judicial Driving Permits (JDP) have been eliminated. Instead, the court will grant a **Monitoring Device Driving Permit (MDDP)** to otherwise valid drivers, effective 30 days after the suspension period begins, which will permit the recipient to drive without limitations, provided he/she has a **breath alcohol ignition interlock device (BAIID)** installed in his/her vehicle.

A driver with this device installed cannot start his car without first blowing into the machine to prove he/she has not consumed alcohol. The device requires the driver to periodically blow into the machine to continue driving. If a certain amount of alcohol is detected, the horn will honk and the lights will flash, which may attract the attention of a police officer. Administrative fees must be paid to the Secretary of State up front, and rental costs must be paid for the BAIID equipment. The equipment must be inspected and calibrated every 30 days and reports will be sent to the Secretary of State.

Any citation issued while the MDDP is in effect will be reported to the issuing judge and a hearing will be held to consider cancellation of the MDDP. Any violations of the MDDP order will extend the period of the suspension. A third violation/extension of the summary suspension can result in impoundment of the vehicle, and a fourth violation/extension of the summary suspension can result in vehicle seizure and forfeiture. A person who drives during the suspension period without the MDDP can now be charged with a felony.

This article courtesy of the Law Office of Gregory J. Martucci, P.C.