**Section 1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender − Compliance with Interlock Program**

a) Ownership Defined. For the purposes of this Section, a person "owns" a vehicle when it is registered in the person's name, regardless of whether it is registered solely in the person's name or jointly with another person or persons, except as follows:

1) When the offender is able to demonstrate that the offender's name is on the joint title solely for the purpose of allowing a third party to obtain financing to purchase the vehicle, and the vehicle is not available for use by the offender;

2) A vehicle is not considered to be owned by the person when:

A) that person owns and operates a business as a sole proprietorship or as a partnership with 3 or fewer partners;

B) the business has been in existence for at least 2 years prior to the date of the application for an RDP;

C) the person identifies 4 or more vehicles registered in the person's name that are used exclusively in the operation of the business;

D) the person does not operate any of the identified vehicles at any time; and

E) the person is able to provide the name, address and driver's license number of the business employees who operate the identified vehicles.

b) Installation Required

1) Anyone who is required to install a BAIID on all owned vehicles, pursuant to IVC Sections 6-205(h) and 11-501.01(e), and who is granted any driving relief pursuant to Subpart D of this Part, shall have a BAIID installed on all owned vehicles within 14 days after the issuance of driving relief. The offender must maintain a BAIID on each vehicle for a period of 1,826 consecutive days.

2) For purposes of subsection (b)(1), the period of 1,826 consecutive days begins on the date that a BAIID is installed on all owned vehicles and ends 1,826 days later. This shall be known as the "base period". The base period remains the same regardless of whether the petitioner adds or replaces vehicles during the 1,826 consecutive days. The 1,826-day base period does not begin to run if a permittee is granted an RDP and only drives a vehicle for which an employment exemption has been granted.

c) Verification of Compliance. The Secretary shall verify compliance by conducting periodic checks of the vehicle registration records of BAIID multiple offenders, and by monitoring compliance with the terms and conditions of the interlock requirements as provided in Section 1001.441.

1) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation will not be terminated until the offender comes into compliance. BAIID multiple offenders whose driving privileges are cancelled due to violation of the installation requirements will be required to come into compliance and maintain compliance for another 1,826 consecutive days.

2) If the Secretary finds evidence of non-compliance with the installation requirements by a BAIID multiple offender who is also a BAIID permittee as defined in Section 1001.410 and who, therefore, is issued a restricted driving permit, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred or the violation has been rectified, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. Pursuant to Section 1001.441(g) and (l), the BAIID permittee will not be granted another hearing for 90 days from the date of the cancellation, except to contest the cancellation.

3) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAIID multiple offender whose driving privileges have been reinstated, then the offender's driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to come into and maintain compliance for another 1,826 consecutive days.

4) The Secretary reserves the discretion to cancel a BAIID multiple offender's driving privileges if monitor reports, processed after a hearing is conducted or after the reinstatement of the BAIID multiple offender's driving privileges, show a violation of the terms and conditions of the interlock requirements, including the use of any product intended to prevent accurate readings by the BAIID.

d) In addition to installing a BAIID on every vehicle owned, a BAIID multiple offender is prohibited from driving any vehicle that does not have a BAIID installed, unless the offender is granted an employment exemption in accordance with IVC Section 6-205 or 6-206 and Section 1001.441 of this Part.

e) A BMO who has been granted driving relief prior to January 1, 2016, or who has had a hearing prior to January 1, 2016 and the order from that hearing grants driving relief, is subject to a compliance period of 366 consecutive days. A BMO who is granted driving relief and does not complete the requirements of the driving relief (i.e., payment of reinstatement fee, filing of SR-22 insurance, completion of vision, written and road exams) within the time required by the Secretary, whose driving relief is cancelled, whose petition for driving relief is denied, or who uninstalled the BAIID prior to having the BAIID installed for 366 consecutive days, shall thereafter be subject to a compliance period of 1,826 consecutive days.

f) The offender may contest a cancellation entered pursuant to this Section by filing a petition for a formal hearing pursuant to IVC Section 2-118.

(Source: Amended at 45 Ill. Reg. 14985, effective November 12, 2021)