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Strict New DUI Law Effective January 1, 2009

“Driving under the influence” (DUI) has been known to result in a Class A misdemeanor, but in recent times, laws have been passed with harsher DUI penalties.

Come January 1, 2009, one of the toughest laws yet will go into effect in Illinois. Judicial driving permits will become history, and instead, first-time DUI offenders who lose their licenses will be eligible for “monitoring device driving permits” (MDDPs), which means they must drive vehicles equipped with breath alcohol ignition interlock devices.

“The tide has been changing for several years, primarily because there have been so many tragedies resulting from DUIs,” says Judge Mark Drummond, of Quincy. Judge Drummond, who handled a dedicated DUI court for five years, developed the award-winning teen safety program called “7 Reasons to Leave the Party,” which the Illinois Judges Association (IJA) adopted and has expanded statewide.

“Drunk driving is a 100 percent preventable offense, yet motorists continue to get behind the wheel while intoxicated,” he says. “Lives have been lost, families have been torn apart, and careers have been ruined because of DUI. This law aims to change all that.”

Many have described the new law as a “sea change.” Under the law, judicial driving permits will become extinct. Instead, all first offender drivers with suspended licenses will be able to request and receive a monitoring device driving permit, which requires drivers to have the breath alcohol ignition interlock devices on their vehicles.

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The MDDPs will enable motorists to drive anytime as long as the device is installed and the driver complies with the conditions for its use. The offender must blow into the device before attempting to start the vehicle. It won't let the vehicle start if alcohol amounts exceed .025. The driver must also submit to a retest at random intervals. If the blood alcohol content (BAC) level exceeds .05, the vehicle won't stop dead in traffic, but its horn will begin to honk, alerting police to a possible violation of the law. The vehicle's horn will also honk if it detects any tampering.

Offenders will have to pay for the device, which can exceed \$1,000, and pay administration fees to the Illinois Secretary of State. MDDP holders must take their device-equipped vehicles to the device provider at least every 30 days for calibration. At that time, the provider must download the information about the device's activity and send a report to the Secretary of State. If the MDDP holder fails to have the required inspection, the device will be put on permanent lockout, meaning the car cannot be operated.

In addition, the MDDP holder must keep a log of events surrounding unsuccessful attempts to start the vehicle or be sanctioned. License suspension periods will also double under the new law.

"Drinking and driving has terrible consequences, and it's an especially heartbreaking offense when teens are involved," says Cook County Judge Laurence Dunford, who has presented the IJA's "7 Reasons..." program at more than a half dozen schools. "Teens feel invincible. They think if they've had two or three beers, they're sober enough to drive, but the truth is they're not sober enough to make the decision about whether to drive."

The Illinois Judges Association, established in 1971, provides continuing legal education to members of the judiciary and education to the public on the Illinois courts and court procedures. For further information, write to the IJA at 321 S. Plymouth Court, Chicago, IL 60604-3997, or visit their web site at www.ija.org.

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Note: This information was prepared as a public service by the Illinois Judges Association. Its purpose is to inform citizens of their legal rights and obligations. Consult a lawyer if you have questions about the application of the law in a particular case.