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DUI Laws

Several recent Public Acts have fundamentally changed how DUI violations are treated in the State of Illinois. As of January 1, 2009 first-time DUI offenders are now required to install Ignition Interlock Devices in their cars in order to continue driving after their DUI arrest.

As part of a statutory summary suspension, a first offender will now be issued a monitoring device driving permit (rather than a judicial driving permit, or JDP). A person issued a monitoring device license must either: (i) drive only a vehicle or vehicles equipped with an ignition interlock device; or (ii) use an alternative alcohol monitoring device, 24 hours per day. Persons issued a monitoring device driving permit may not drive a commercial vehicle but may transport children living in the person's household to and from day care. A person who fails to comply with the requirements of a monitoring device driving permit commits the offense of driving on a revoked or suspended license. The new law also imposes a conviction of a Class 4 felony and 30 days of imprisonment on a person who holds a monitoring device driving permit and is convicted of driving a vehicle not equipped with an ignition interlock device, or has a monitoring device driving permit and is convicted of driving with a drug or alcohol-related summary suspension.

Anyone issued a restricted driving permit conditioned on the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund \$30 per month. Also, anyone who is required to use an ignition interlock device because of a second or subsequent DUI conviction must submit to the Secretary of State DUI Administration Fund \$30 for each month he or she uses the device. Additionally, a restricted driving permit will be cancelled if the offender is convicted of or placed on court supervision for specified offenses or if the offender attempts to remove the ignition interlock device without authorization.

Additional penalties have also been added for individuals convicted of DUI offenses, and include:

- Must undergo a professional evaluation to determine if an alcohol or drug abuse problem exists and undergo treatment as appropriate (Programs conducting these evaluations must be licensed by the Department of Human Services);
- May be required to attend a victim impact panel, Mothers Against Drunk Driving program or similar program;
- Be required to pay the cost of emergency response services involved in the accident/arrest; and
- Shall be subject to revocation of his/her driver's license by the Secretary of State.

For more information please contact Popovits & Robinson at 708/479-3230.

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