**Section 1001.442 BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider**

a) Certification Required to Provide BAIID Services. No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than September 1 of each year.

b) Who May Provide BAIID Services. BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.

c) Information Required in Application for Certification. Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time. An application for certification or recertification as a BAIID provider shall include all of the following information:

1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;

2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;

3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. The proof may include a letter (composed on letterhead stationery), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;

5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit reports to the Secretary electronically within the time frames established by this Subpart D;

6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;

7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;

8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;

9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of $1 million per occurrence and $3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of $1 million per occurrence and $3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;

10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;

11) Examples of images taken by the BAIID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification;

12) Proof that the applicant is in good standing with the Illinois Secretary of State, Business Services Department.

d) The Secretary shall notify the applicant, in writing, of the Secretary's decision regarding the application for certification or recertification as a BAIID provider.

e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial or the date of the final order of the hearing officer upholding the denial if the decision is reviewed in a formal administrative hearing. Prior to denying an application based on de minimis errors, including but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.

f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs, whether the applicant's license or certification to manufacture, distribute, install or service BAIIDs has ever been suspended, revoked, denied, cancelled or withdrawn and whether the applicant has applied to operate as a BAIID provider in another state and was denied.

g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.

h) Services that Must be Provided. After certification or recertification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:

1) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;

2) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;

3) Any BAIID provider that sells, rents and/or leases BAIIDs in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAIID permittee's name and driver's license number, the installer, the installer's location, the make and serial number of the BAIID, and the make, model and VIN of the vehicle in which the BAIID is installed;

4) The BAIID provider shall provide a toll free customer service/ question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;

5) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID. Copies of all materials used in this course of training shall be provided to the Secretary;

6) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID is required to be installed in a motor vehicle;

7) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID and how the BAIID functions;

8) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;

9) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (h)(10), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in, an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely;

10) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring the vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary evidence of tampering or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;

11) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to records of calibrations, maintenance checks and usage records on BAIIDs placed in service in Illinois;

12) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;

13) The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID manufacturer or installer becomes unable to produce, supply, service, repair, maintain or monitor BAIIDs in compliance with this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;

14) With the exception of mobile installations authorized by Section 1001.442(n), the BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDS may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;

15) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined to be indigent by the Secretary who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary;

16) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in IVC Section 6-206.1 and Section 1001.444. Images taken by the BAIID must be available to the Secretary via online account access;

17) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;

18) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (m)(2);

19) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any BAIIDs and calibration equipment present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify, in writing, and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary, in writing, of any corrective action taken;

20) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes;

21) Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days, including those BAIIDS that are read remotely;

22) Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;

23) BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.

i) Criteria for Certification of BAIIDs. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders. Certification of a BAIID shall be based on the following criteria:

1) A review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by the International Standards Organization (ISO). The evaluation and test results must affirm the BAIID's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 78 Fed. Reg. 89, May 8, 2013, except for:

A) 1.4.S, Power, if the BAIID is not designed to be operated from the battery;

B) 1.5.2.S, Extreme Operating Range, if the BAIID is not designed to be operated below -20° C and above +70° C;

C) 2.3.S, Warm Up, if the BAIID is not designed to be operated below -20° C;

D) 2.5.S, Temperature Package, if the BAIID is not designed to be operated below -20° C and above +70° C;

2) The BAIID provider must certify that the BAIID:

A) Does not impede the safe operation of a vehicle;

B) Minimizes opportunities to bypass the BAIID;

C) Performs accurately and reliably under normal conditions;

D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC, i.e., P≥ 0.025;

E) Satisfies the requirements for certification set forth in this Section;

F) Has a camera that takes clear and accurate images of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID;

G) Provides calibration stability for a period of no less than 67 days;

3) No BAIID shall be certified if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (i)(1);

4) Any BAIID to be certified shall be designed and constructed with an alcohol setpoint of 0.025;

5) Any BAIID to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;

6) Any BAIID to be certified shall be designed and constructed to immediately begin blowing the horn if:

A) The running retest is not performed;

B) The BrAC reading of the running retest is 0.05 or more; or

C) Tampering or circumvention attempts are detected;

7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.

A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:

i) Every instance in which the BAIID registers 3 BrAC readings of .05 or more within a 30 minute period;

ii) Any attempted tampering or circumvention;

iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;

iv) Every 60 days after the initial monitor report;

v) For MDDP offenders, 5 violations within the 60 day monitoring period;

vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;

B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;

C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;

8) The BAIID shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;

9) Certification of a BAIID may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the BAIID's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;

10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each BAIID to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, tampering, and testing for all specifications listed in this Subpart D. An applicant or provider is limited to 3 field tests per BAIID model as part of the certification process. If a BAIID model of an applicant or provider fails 3 field tests, the applicant or provider shall not be certified unless the applicant or BAIID provider has another BAIID model that has been certified by the Secretary;

11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:

A) A detailed description of the BAIID, including complete instructions for installation, operation, service, repair and removal of the BAIID;

B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, imaging and environmental features;

12) Any BAIID that is not certified may be re-tested at the request of the BAIID provider but not more often than once in a calendar year;

13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;

14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive or positive>negative air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (i), these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers. In addition to these anti-circumvention methods, all BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015, shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor while the BAIID is installed in the vehicle and for 3 years after removal and shall be made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;

15) After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).

j) BAIID Installers

1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a professional and workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;

2) All service centers and mobile installation units shall have all tools, test equipment and manuals needed to install BAIIDs and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;

3) The installer shall provide adequate security measures to prevent access to the BAIIDs (tamper seals or installation instructions);

4) The installer shall appropriately install BAIIDs on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;

5) The installer shall not install BAIIDs in a manner that could adversely affect the performance of the BAIID or impede the safe operation of the motor vehicle;

6) After the BAIID has been installed in the motor vehicle, the installer shall verify that the BAIID is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure familiarity with the operation of the BAIID. At that same time, the installer shall verify that the camera is operational and that a reference image of the BAIID permittee or MDDP offender has been taken;

7) The installer shall restore a motor vehicle to its original condition when a BAIID is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;

8) When the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate portion of the BAIID to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;

9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.

10) All installation sites must comply with state and local zoning requirements (e.g. zoned for commercial or business purposes) and must be kept sanitary to include cleaning up and sanitizing areas that contact pet waste. Only animals as defined by 730 ILCS 5/48-8 are allowed in service centers.

11) Installers may not smoke cigarettes, cannabis or any other substance while installing, servicing, or removing a BAIID, in any area where the BAIID is installed, serviced or removed, or in the presence of a BAIID permittee.

12) Post-Installation Inspection. After installation of the BAIID, an inspection must be made by the installer to ensure the installation was performed properly, the BAIID is functioning as required, and, if equipped, a remote start system does not interfere with the required functionality of the BAIID and does not allow the vehicle to be started without a breath sample.

k) Suspension and Decertification of BAIID Providers. The Secretary may suspend or decertify a BAIID provider from providing BAIID services in Illinois. The Secretary shall provide written notification to the BAIID provider regarding any violation of this Section that may lead to suspension or decertification. The BAIID provider will be given a 30 day opportunity to come into compliance.  The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action.  If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the violations that led to the notice following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months.  The following are considered actions warranting suspension or decertification:

1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID to the BAIID provider, or sent the appropriate portion of the BAIID to the BAIID provider for a monitor report in a timely manner, a request for the monitor report shall be sent to the BAIID provider. If the information is not received within 30 days, the BAIID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification;

2) Failure to maintain liability insurance as required;

3) Failure to install certified BAIIDs within the time requirements of this Subpart D;

4) Failure to comply with all of the duties and obligations contained in this Subpart D;

5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;

6) Failure to submit a required surcharge to the Secretary or failure to submit a required surcharge in a timely manner for deposit in the Indigent BAIID Fund as required in IVC Section 6-206.1 and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be decertified unless the BAIID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary;

7) Failure to work with BAIID permittees or MDDP offenders in a professional manner. Complaints from BAIID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;

8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;

9) Installing BAIIDs not certified by the Secretary;

10) Failure to report installations and deinstallations to the Secretary within 7 days;

11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;

12) Failure to provide services to indigent MDDP offenders;

13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);

14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;

15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;

16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;

17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;

18) Failing to use or make secure or appropriate wiring connections as specified in this Section;

19) Installing a BAIID in a vehicle that does not have an operable horn;

20) Failing to maintain the calibration equipment and solutions as specified in this Section;

21) Invalidation of an installer's Illinois driver's license;

22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes;

23) Solicitation of a permittee for any service or product other than installation and use of a BAIID.

l) Notification of Decertification or Decision Not to Recertify. Upon a decision not to recertify a BAIID provider, or upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders. The notification shall be sent not less than 30 days after the decision or, if the BAIID provider requests a formal administrative hearing within that 30 day period to review the decision, notification shall not be sent until the entry of a final order of the hearing officer upholding the decision.

m) Designation of Installation Sites

1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in subsection (n). Prior to notifying the Secretary that an employee or contractor is an approved installer, the provider must visit the installation site to ensure that all requirements of this Section are met. Providers must visit each installer to ensure continued compliance with this Section on an annual basis;

2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (m)(2).

n) Mobile Installation Sites

1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.

2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.

3) At the installation location, the installer must have a copy of the permittee's/offender's request to have a BAIID installed and show it to the permittee/offender upon request.

4) A provider may, but is not required to, provide an identification card for mobile installers that includes, but is not limited to, the name of the installer and the provider for which the installer works. The identification card may also contain a photo of the installer.

5) Providers shall provide the Secretary with a schedule of mobile installs 24 hours before the install occurs. The schedule shall contain the name and address of the permittee/offender and the location where the install will occur. The Secretary reserves the right to attend and inspect mobile installations.

o) An applicant whose application for certification or recertification as a BAIID provider has been denied, or a BAIID provider who has been suspended or decertified, shall have the right to have that decision reviewed at a formal administrative hearing. In the case of a decision not to recertify or to suspend or decertify, that decision shall not be implemented until at least 30 days after the notice of the decision has been sent to the applicant or provider or, if the applicant or provider requests a hearing within that 30 day period, until the entry of a final order of the hearing officer upholding the decision. The hearings held under this Subpart D shall be conducted in accordance with all of the rights, privileges, and procedures set forth in Subpart A. A request for a hearing to contest a decision to deny certification or recertification or to decertify must be in writing and must be sent to one of the following locations:

1) Office of the Secretary of State, Department of Administrative Hearings, 17 North State Street, Suite 1200, Chicago, Illinois 60602, 312/793-3722;

2) Office of the Secretary of State, Department of Administrative Hearings, Michael J. Howlett Building, Room 207, Springfield, Illinois 62756, 217/524-0124.

p) Any solicitation or correspondence sent from or provided by a BAIID provider to a potential RDP or MDDP permittee must conspicuously and in bold include the following statements: "\_\_\_\_\_\_\_\_\_\_\_\_ (name of BAIID provider) is a privately-owned entity and is not owned, operated, or endorsed by the Illinois Secretary of State or any other Illinois government agency" and "\_\_\_\_\_\_\_\_\_\_\_\_ (name of BAIID provider) is not the sole BAIID provider authorized by the Secretary of State."  The solicitation or correspondence may not be attached to or have the appearance of any official correspondence sent to a permittee by the Secretary of State; may not state or otherwise indicate that the provider is the sole or only BAIID provider in Illinois, and shall not utilize the same font as utilized by the Illinois Secretary of State (Arial, Calibri, Cambria, Garamond, and Times New Roman) when the Secretary sends correspondence to permittees. A BAIID provider or installer may not use any personal information (including the name, address, telephone number and/or email address) provided by a permittee to solicit the permittee for any service or product other than installation and use of BAIID, including, but not limited to, insurance and auto repair.

(Source: Amended at 46 Ill. Reg. 6772, effective April 13, 2022)