

1 190602-1 : n : 01/25/2018 : jet / JET FLOOR

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3 McCLENDON AMENDMENT NO. 3 TO SB1
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8 On page 6, lines 23 through 24, strike "six months"
9 and insert thereafter the following:

10 90 days
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12 On page 24, after line 10, insert the following new
13 subsection (z):

14 "(z) This section shall be repealed five years from
15 the effective date of this act.
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17 On page 33, after line 12, insert the following new
18 Section 2 and renumber the subsequent subsections accordingly:

19 Section 2. Five years from the effective date of
20 this act, Section 32-5A-191, is added to the Code of Alabama
21 1975, to read as follows:

22 §32-5A-191.

23 "(a) A person shall not drive or be in actual
24 physical control of any vehicle while:

25 "(1) There is 0.08 percent or more by weight of
26 alcohol in his or her blood;

27 "(2) Under the influence of alcohol;

1 "(3) Under the influence of a controlled substance
2 to a degree which renders him or her incapable of safely
3 driving;

4 "(4) Under the combined influence of alcohol and a
5 controlled substance to a degree which renders him or her
6 incapable of safely driving; or

7 "(5) Under the influence of any substance which
8 impairs the mental or physical faculties of such person to a
9 degree which renders him or her incapable of safely driving.

10 "(b) A person who is under the age of 21 years shall
11 not drive or be in actual physical control of any vehicle if
12 there is 0.02 percent or more by weight of alcohol in his or
13 her blood. The Alabama State Law Enforcement Agency shall
14 suspend or revoke the driver's license of any person,
15 including, but not limited to, a juvenile, child, or youthful
16 offender, convicted or adjudicated of, or subjected to a
17 finding of, delinquency based on this subsection.

18 Notwithstanding the foregoing, upon the first violation of
19 this subsection by a person whose blood alcohol level is
20 between 0.02 and 0.08, the person's driver's license or
21 driving privilege shall be suspended for a period of 30 days
22 in lieu of any penalties provided in subsection (e) of this
23 section, and there shall be no disclosure, other than to
24 courts, law enforcement agencies, the person's attorney of
25 record, and the person's employer, by any entity or person of
26 any information, documents, or records relating to the

1 person's arrest, conviction, or adjudication of or finding of
2 delinquency based on this subsection.

3 "All persons, except as otherwise provided in this
4 subsection for a first offense, including, but not limited to,
5 a juvenile, child, or youthful offender, convicted or
6 adjudicated of or subjected to a finding of delinquency based
7 on this subsection shall be fined pursuant to this section,
8 notwithstanding any other law to the contrary, and the person
9 shall also be required to attend and complete a DUI or
10 substance abuse court referral program in accordance with
11 subsection (k).

12 "(c) (1) A school bus or day care driver shall not
13 drive or be in actual physical control of any vehicle while in
14 performance of his or her duties if there is greater than 0.02
15 percent by weight of alcohol in his or her blood. A person
16 convicted pursuant to this subsection shall be subject to the
17 penalties provided by this section, except that on the first
18 conviction the Secretary of the Alabama State Law Enforcement
19 Agency shall suspend the driving privilege or driver's license
20 for a period of one year.

21 "(2) A person shall not drive or be in actual
22 physical control of a commercial motor vehicle, as defined in
23 49 CFR Part 383.5 of the Federal Motor Carrier Safety
24 Regulations as adopted pursuant to Section 32-9A-2, if there
25 is 0.04 percent or greater by weight of alcohol in his or her
26 blood. Notwithstanding the other provisions of this section,
27 the commercial driver's license or commercial driving

1 privilege of a person convicted of violating this subdivision
2 shall be disqualified for the period provided in accordance
3 with 49 CFR Part 383.51, as applicable, and the person's
4 regular driver's license or privilege to drive a regular motor
5 vehicle shall be governed by the remainder of this section if
6 the person is guilty of a violation of another provision of
7 this section.

8 "(3) Any commutation of suspension or revocation
9 time as it relates to a court order, approval, and
10 installation of an ignition interlock device shall not apply
11 to commercial driving privileges or disqualifications.

12 "(d) The fact that any person charged with violating
13 this section is or has been legally entitled to use alcohol or
14 a controlled substance shall not constitute a defense against
15 any charge of violating this section.

16 "(e) Upon first conviction, a person violating this
17 section shall be punished by imprisonment in the county or
18 municipal jail for not more than one year, or by fine of not
19 less than six hundred dollars (\$600) nor more than two
20 thousand one hundred dollars (\$2,100), or by both a fine and
21 imprisonment. In addition, on a first conviction, the
22 Secretary of the Alabama State Law Enforcement Agency shall
23 suspend the driving privilege or driver's license of the
24 person convicted for a period of 90 days. The 90-day
25 suspension shall be stayed if the offender elects to have an
26 approved ignition interlock device installed and operating on
27 the designated motor vehicle driven by the offender for 90

1 days. The offender shall present proof of installation of the
2 approved ignition interlock device to the Alabama State Law
3 Enforcement Agency and obtain an ignition interlock restricted
4 driver license. The remainder of the suspension shall be
5 commuted upon the successful completion of the elected use,
6 mandated use, or both, of the ignition interlock device. If,
7 on a first conviction, any person refusing to provide a blood
8 alcohol concentration or if a child under the age of 14 years
9 was a passenger in the vehicle at the time of the offense or
10 if someone else besides the offender was injured at the time
11 of the offense, the Secretary of the Alabama State Law
12 Enforcement Agency shall suspend the driving privilege or
13 driver's license of the person convicted for a period of 90
14 days and the person shall be required to have an ignition
15 interlock device installed and operating on the designated
16 motor vehicle driven by the offender for a period of two years
17 from the date of issuance of a driver's license indicating
18 that the person's driving privileges are subject to the
19 condition of the installation and use of a certified ignition
20 interlock device on a motor vehicle. After a minimum of 45
21 days of the license revocation or suspension pursuant to
22 Section 32-5A-304 or this section, or both, is completed, upon
23 receipt of a court order from the convicting court, upon
24 issuance of an ignition interlock restricted driver license,
25 and upon proof of installation of an operational approved
26 ignition interlock device on the designated vehicle of the
27 person convicted, the mandated ignition interlock period of

1 two years provided in this subsection shall start and the
2 suspension period, revocation period, or both, as required
3 under this subsection shall be stayed. The remainder of the
4 driver license revocation period, suspension period, or both,
5 shall be commuted upon the successful completion of the period
6 of time in which the ignition interlock device is mandated to
7 be installed and operational.

8 "(f) On a second conviction within a five-year
9 period, a person convicted of violating this section shall be
10 punished by a fine of not less than one thousand one hundred
11 dollars (\$1,100) nor more than five thousand one hundred
12 dollars (\$5,100) and by imprisonment, which may include hard
13 labor in the county or municipal jail for not more than one
14 year. The sentence shall include a mandatory sentence, which
15 is not subject to suspension or probation, of imprisonment in
16 the county or municipal jail for not less than five days or
17 community service for not less than 30 days. In addition, the
18 Secretary of the Alabama State Law Enforcement Agency shall
19 revoke the driving privileges or driver's license of the
20 person convicted for a period of one year and the offender
21 shall be required to have an ignition interlock device
22 installed and operating on the designated motor vehicle driven
23 by the offender for a period of two years from the date of
24 issuance of a driver's license indicating that the person's
25 driving privileges are subject to the condition of the
26 installation and use of a certified ignition interlock device
27 on a motor vehicle. After a minimum of 45 days of the license

1 revocation or suspension pursuant to Section 32-5A-304, this
2 section, or both, is completed, upon receipt of a court order
3 from the convicting court, upon issuance of an ignition
4 interlock restricted driver license, and upon proof of
5 installation or an operational approved ignition interlock
6 device on the designated vehicle of the person convicted, the
7 mandated ignition interlock period of two years approved in
8 this subsection shall start and the suspension period,
9 revocation period, or both, as required under this subsection
10 shall be stayed. The remainder of the driver license
11 revocation period, suspension period, or both, shall be
12 commuted upon the successful completion of the period of time
13 in which the ignition interlock device is mandated to be
14 installed and operational.

15 "(g) On a third conviction, a person convicted of
16 violating this section shall be punished by a fine of not less
17 than two thousand one hundred dollars (\$2,100) nor more than
18 ten thousand one hundred dollars (\$10,100) and by
19 imprisonment, which may include hard labor, in the county or
20 municipal jail for not less than 60 days nor more than one
21 year, to include a minimum of 60 days which shall be served in
22 the county or municipal jail and cannot be probated or
23 suspended. In addition, the Secretary of the Alabama State Law
24 Enforcement Agency shall revoke the driving privilege or
25 driver's license of the person convicted for a period of three
26 years and the offender shall be required to have an ignition
27 interlock device installed and operating on the designated

1 motor vehicle driven by the offender for a period of three
2 years from the date of issuance of a driver's license
3 indicating that the person's driving privileges are subject to
4 the condition of the installation and use of a certified
5 ignition interlock device on a motor vehicle. After a minimum
6 of 60 days of the license revocation or suspension pursuant to
7 Section 32-5A-304, this section, or both, is completed, upon
8 receipt of a court order from the convicting court, upon
9 issuance of an ignition interlock restricted driver license,
10 and upon proof of installation of an operational approved
11 ignition interlock device on the designated vehicle of the
12 person convicted, the mandated ignition interlock period of
13 three years provided in this subsection shall start and the
14 suspension period, revocation period, or both, as required
15 under this subsection shall be stayed. The remainder of the
16 driver license revocation period, suspension period, or both,
17 shall be commuted upon the successful completion of the period
18 of time in which the ignition interlock device is mandated to
19 be installed and operational.

20 "(h) On a fourth or subsequent conviction, a person
21 convicted of violating this section shall be guilty of a Class
22 C felony and punished by a fine of not less than four thousand
23 one hundred dollars (\$4,100) nor more than ten thousand one
24 hundred dollars (\$10,100) and by imprisonment of not less than
25 one year and one day nor more than 10 years. Any term of
26 imprisonment may include hard labor for the county or state,
27 and where imprisonment does not exceed three years confinement

1 may be in the county jail. Where imprisonment does not exceed
2 one year and one day, confinement shall be in the county jail.
3 The minimum sentence shall include a term of imprisonment for
4 at least one year and one day, provided, however, that there
5 shall be a minimum mandatory sentence of 10 days which shall
6 be served in the county jail. The remainder of the sentence
7 may be suspended or probated, but only if as a condition of
8 probation the defendant enrolls and successfully completes a
9 state certified chemical dependency program recommended by the
10 court referral officer and approved by the sentencing court.
11 Where probation is granted, the sentencing court may, in its
12 discretion, and where monitoring equipment is available, place
13 the defendant on house arrest under electronic surveillance
14 during the probationary term. In addition to the other
15 penalties authorized, the Secretary of the Alabama State Law
16 Enforcement Agency shall revoke the driving privilege or
17 driver's license of the person convicted for a period of five
18 years and the offender shall be required to have an ignition
19 interlock device installed and operating on the designated
20 motor vehicle driven by the offender for a period of five
21 years from the date of issuance of a driver's license
22 indicating that the person's driving privileges are subject to
23 the condition of the installation and use of a certified
24 ignition interlock device on a motor vehicle. After a minimum
25 of one year of the license revocation or suspension pursuant
26 to Section 32-5A-304, this section, or both, is completed,
27 upon receipt of a court order from the convicting court, upon

1 issuance of an ignition interlock restricted driver license,
2 and upon proof of installation of an operational approved
3 ignition interlock device on the designated vehicle of the
4 person convicted, the mandated ignition interlock period of
5 five years provided in this subsection shall start and the
6 suspension period, revocation period, or both, as required
7 under this subsection shall be stayed. The remainder of the
8 driver license revocation period, suspension period, or both,
9 shall be commuted upon the successful completion of the period
10 of time in which the ignition interlock device is mandated to
11 be installed and operational.

12 "The Alabama habitual felony offender law shall not
13 apply to a conviction of a felony pursuant to this subsection,
14 and a conviction of a felony pursuant to this subsection shall
15 not be a felony conviction for purposes of the enhancement of
16 punishment pursuant to Alabama's habitual felony offender law.
17 However, prior misdemeanor or felony convictions for driving
18 under the influence may be considered as part of the
19 sentencing calculations or determinations under the Alabama
20 Sentencing Guidelines or rules promulgated by the Alabama
21 Sentencing Commission.

22 "(i) When any person convicted of violating this
23 section is found to have had at least 0.15 percent or more by
24 weight of alcohol in his or her blood while operating or being
25 in actual physical control of a vehicle, he or she shall be
26 sentenced to at least double the minimum punishment that the
27 person would have received if he or she had had less than 0.15

1 percent by weight of alcohol in his or her blood. Upon the
2 first violation of this subsection, the offender shall be
3 ordered by the court to have an ignition interlock device
4 installed and operating on his or her designated motor vehicle
5 for a period of two years from the date of issuance of an
6 ignition interlock-restricted driver's license. If the
7 adjudicated offense is a misdemeanor, the minimum punishment
8 shall be imprisonment for one year, all of which may be
9 suspended except as otherwise provided for in subsections (f)
10 and (g).

11 "(j) When any person over the age of 21 years is
12 convicted of violating this section and it is found that a
13 child under the age of 14 years was a passenger in the vehicle
14 at the time of the offense, the person shall be sentenced to
15 at least double the minimum punishment that the person would
16 have received if the child had not been a passenger in the
17 motor vehicle.

18 "(k) (1) In addition to the penalties provided
19 herein, any person convicted of violating this section shall
20 be referred to the court referral officer for evaluation and
21 referral to appropriate community resources. The defendant
22 shall, at a minimum, be required to complete a DUI or
23 substance abuse court referral program approved by the
24 Administrative Office of Courts and operated in accordance
25 with provisions of the Mandatory Treatment Act of 1990,
26 Sections 12-23-1 to 12-23-19, inclusive. The Alabama State Law
27 Enforcement Agency shall not reissue a driver's license to a

1 person convicted under this section without receiving proof
2 that the defendant has successfully completed the required
3 program.

4 "(2) Upon conviction, the court shall notify the
5 Alabama State Law Enforcement Agency if the person convicted
6 is required to install and maintain an approved ignition
7 interlock device. The agency shall suspend or revoke a
8 person's driving privileges until completion of the mandatory
9 suspension or revocation period required by this section, and
10 clearance of all other suspensions, revocations,
11 cancellations, or denials, and proof of installation of an
12 approved ignition interlock device is presented to the agency.
13 The agency shall not reissue a driver's license to a person
14 who has been ordered by a court or is required by law to have
15 the ignition interlock device installed until proof is
16 presented that the person is eligible for reinstatement of
17 driving privileges. Upon presentation of proof and compliance
18 with all ignition interlock requirements, the agency shall
19 issue a driver's license with a restriction indicating that
20 the licensee may operate a motor vehicle only with the
21 certified ignition interlock device installed and properly
22 operating. If the licensee fails to maintain the approved
23 ignition interlock device as required or is otherwise not in
24 compliance with any order of the court, the court shall notify
25 the agency of the noncompliance and the agency shall suspend
26 the person's driving privileges until the agency receives
27 notification from the court that the licensee is in

1 compliance. The requirement that the licensee use the ignition
2 interlock device may be removed only when the court of
3 conviction confirms to the agency that the licensee is no
4 longer subject to the ignition interlock device requirement.

5 "(l) Neither reckless driving nor any other traffic
6 infraction is a lesser included offense under a charge of
7 driving under the influence of alcohol or of a controlled
8 substance.

9 "(m) Except for fines collected for violations of
10 this section charged pursuant to a municipal ordinance, fines
11 collected for violations of this section shall be deposited to
12 the State General Fund; however, beginning October 1, 1995, of
13 any amount collected over two hundred fifty dollars (\$250) for
14 a first conviction, over five hundred dollars (\$500) for a
15 second conviction within five years, over one thousand dollars
16 (\$1,000) for a third conviction within five years, and over
17 two thousand dollars (\$2,000) for a fourth or subsequent
18 conviction within five years, the first one hundred dollars
19 (\$100) of that additional amount shall be deposited to the
20 Alabama Chemical Testing Training and Equipment Trust Fund,
21 after three percent of the one hundred dollars (\$100) is
22 deducted for administrative costs, and beginning October 1,
23 1997, and thereafter, the second one hundred dollars (\$100) of
24 that additional amount shall be deposited in the Alabama Head
25 and Spinal Cord Injury Trust Fund after deducting five percent
26 of the one hundred dollars (\$100) for administrative costs and
27 the remainder of the funds shall be deposited to the State

1 General Fund. Fines collected for violations of this section
2 charged pursuant to a municipal ordinance where the total fine
3 is paid at one time shall be deposited as follows: The first
4 three hundred fifty dollars (\$350) collected for a first
5 conviction, the first six hundred dollars (\$600) collected for
6 a second conviction within five years, the first one thousand
7 one hundred dollars (\$1,100) collected for a third conviction,
8 and the first two thousand one hundred dollars (\$2,100)
9 collected for a fourth or subsequent conviction shall be
10 deposited to the State Treasury with the first one hundred
11 dollars (\$100) collected for each conviction credited to the
12 Alabama Chemical Testing Training and Equipment Trust Fund and
13 the second one hundred dollars (\$100) to the Alabama Head and
14 Spinal Cord Injury Trust Fund after deducting five percent of
15 the one hundred dollars (\$100) for administrative costs and
16 depositing this amount in the general fund of the
17 municipality, and the balance credited to the State General
18 Fund. Any amounts collected over these amounts shall be
19 deposited as otherwise provided by law. Fines collected for
20 violations of this section charged pursuant to a municipal
21 ordinance, where the fine is paid on a partial or installment
22 basis, shall be deposited as follows: The first two hundred
23 dollars (\$200) of the fine collected for any conviction shall
24 be deposited to the State Treasury with the first one hundred
25 dollars (\$100) collected for any conviction credited to the
26 Alabama Chemical Testing Training and Equipment Trust Fund and
27 the second one hundred dollars (\$100) for any conviction

1 credited to the Alabama Head and Spinal Cord Injury Trust Fund
2 after deducting five percent of the one hundred dollars (\$100)
3 for administrative costs and depositing this amount in the
4 general fund of the municipality. The second three hundred
5 dollars (\$300) of the fine collected for a first conviction,
6 the second eight hundred dollars (\$800) collected for a second
7 conviction, the second one thousand eight hundred dollars
8 (\$1,800) collected for a third conviction, and the second
9 three thousand eight hundred dollars (\$3,800) collected for a
10 fourth conviction shall be divided with 50 percent of the
11 funds collected to be deposited to the State Treasury to be
12 credited to the State General Fund and 50 percent deposited as
13 otherwise provided by law for municipal ordinance violations.
14 Any amounts collected over these amounts shall be deposited as
15 otherwise provided by law for municipal ordinance violations.
16 Notwithstanding any provision of law to the contrary, 90
17 percent of any fine assessed and collected for any DUI offense
18 charged by municipal ordinance violation in district or
19 circuit court shall be computed only on the amount assessed
20 over the minimum fine authorized, and upon collection shall be
21 distributed to the municipal general fund with the remaining
22 10 percent distributed to the State General Fund. In addition
23 to fines imposed pursuant to this subsection, a mandatory fee
24 of one hundred dollars (\$100) shall be collected from any
25 individual that successfully completes any pretrial diversion
26 or deferral program in any municipal, district, or circuit
27 court where the individual was charged with a violation of

1 this section or a corresponding municipal ordinance. The one
2 hundred dollars (\$100) shall be deposited into the Alabama
3 Chemical Testing Training and Equipment Fund.

4 "(n) A person who has been arrested for violating
5 this section shall not be released from jail under bond or
6 otherwise, until there is less than the same percent by weight
7 of alcohol in his or her blood as specified in subsection
8 (a) (1) or, in the case of a person who is under the age of 21
9 years, subsection (b) hereof.

10 "(o) Upon verification that a defendant arrested
11 pursuant to this section is currently on probation from
12 another court of this state as a result of a conviction for
13 any criminal offense, the prosecutor shall provide written or
14 oral notification of the defendant's subsequent arrest and
15 pending prosecution to the court in which the prior conviction
16 occurred.

17 "(p) A prior conviction within a five-year period
18 for driving under the influence of alcohol or drugs from this
19 state, a municipality within this state, or another state or
20 territory or a municipality of another state or territory
21 shall be considered by a court for imposing a sentence
22 pursuant to this section.

23 "(q) Any person convicted of driving under the
24 influence of alcohol, or a controlled substance, or both, or
25 any substance which impairs the mental or physical faculties
26 in violation of this section, a municipal ordinance adopting
27 this section, or a similar law from another state or territory

1 or a municipality of another state or territory more than once
2 in a five-year period shall have his or her motor vehicle
3 registration for all vehicles owned by the repeat offender
4 suspended by the Alabama Department of Revenue for the
5 duration of the offender's driver's license suspension period,
6 unless such action would impose an undue hardship to any
7 individual, not including the repeat offender, who is
8 completely dependent on the motor vehicle for the necessities
9 of life, including any family member of the repeat offender
10 and any co-owner of the vehicle or, in the case of a repeat
11 offender, if the repeat offender has a functioning ignition
12 interlock device installed on the designated vehicle for the
13 duration of the offender's driver's license suspension period.

14 "(r) (1) Any person ordered by the court to have an
15 ignition interlock device installed on a designated vehicle,
16 and any person who elects to have the ignition interlock
17 device installed on a designated vehicle for the purpose of
18 reducing a period of suspension or revocation of his or her
19 driver's license, shall pay to the court, following his or her
20 conviction, two hundred dollars (\$200), which may be paid in
21 installments and which shall be divided as follows:

22 "a. Seventeen percent to the Alabama Interlock
23 Indigent Fund.

24 "b. For cases in the district or circuit court, 30
25 percent to the State Judicial Administration Fund administered
26 by the Administrative Office of Courts and for cases in the
27 municipal court, 30 percent to the municipal judicial

1 administration fund of the municipality where the municipal
2 court is located to be used for the operation of the municipal
3 court.

4 "c. Thirty percent to the Highway Traffic Safety
5 Fund administered by the Alabama State Law Enforcement Agency.

6 "d. Twenty-three percent to the District Attorney's
7 Solicitor Fund.

8 "(2) In addition to paying the court clerk the fee
9 required above following the conviction or the voluntary
10 installation of the ignition interlock device, the defendant
11 shall pay all costs associated with the installation,
12 purchase, maintenance, or lease of the ignition interlock
13 devices to an approved ignition interlock provider pursuant to
14 the rules of the Department of Forensic Sciences, unless the
15 defendant is subject to Section 32-5A-191.4(i)(4).

16 "(s) The defendant shall designate the vehicle to be
17 used by identifying the vehicle by the vehicle identification
18 number to the court. The defendant, at his or her own expense,
19 may designate additional motor vehicles on which an ignition
20 interlock device may be installed for the use of the
21 defendant.

22 "(t)(1) Any person who is required to comply with
23 the ignition interlock provisions of this section as a
24 condition of restoration or reinstatement of his or her
25 driver's license, shall only operate the designated vehicle
26 equipped with a functioning ignition interlock device for the

1 period of time consistent with the offense for which he or she
2 was convicted as provided for in this section.

3 "(2) The duration of the time an ignition interlock
4 device is required by this section shall be doubled if the
5 offender refused the prescribed chemical test for
6 intoxication, or if the offender's blood alcohol concentration
7 was 0.15 grams percent or greater unless already doubled by a
8 previous section.

9 "(u) (1) The Alabama State Law Enforcement Agency may
10 set a fee of not more than one hundred fifty dollars (\$150)
11 for the issuance of a driver's license indicating that the
12 person's driving privileges are subject to the condition of
13 the installation and use of a certified ignition interlock
14 device on a motor vehicle. Fifteen percent of the fee shall be
15 distributed to the general fund of the county where the person
16 was convicted to be utilized for law enforcement purposes.
17 Eighty-five percent shall be distributed to the State General
18 Fund. In addition, at the end of the time the person's driving
19 privileges are subject to the above conditions, the agency
20 shall set a fee of not more than seventy-five dollars (\$75) to
21 reissue a regular driver's license. The fee shall be deposited
22 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.

23 "(2) The defendant shall provide proof of
24 installation of an approved ignition interlock device to the
25 Alabama State Law Enforcement Agency as a condition of the
26 issuance of a restricted driver's license.

1 "(3) Any ignition interlock driving violation
2 committed by the offender during the mandated ignition
3 interlock period shall extend the duration of ignition
4 interlock use for six months. Ignition interlock driving
5 violations include any of the following:

6 "a. A breath sample at or above a minimum blood
7 alcohol concentration level of 0.02 recorded four or more
8 times during the monthly reporting period.

9 "b. Any tampering, circumvention, or bypassing of
10 the ignition interlock device, or attempt thereof.

11 "c. Failure to comply with the servicing or
12 calibration requirements of the ignition interlock device
13 every 30 days.

14 "(v) Nothing in this section and Section 32-5A-191.4
15 shall require an employer to install an ignition interlock
16 device in a vehicle owned or operated by the employer for use
17 by an employee required to use the device as a condition of
18 driving pursuant to this section and Section 32-5A-191.4.

19 "(w) The provisions in this section and Section
20 32-5A-191.4 relating to ignition interlock devices shall not
21 apply to persons who commit violations of this section while
22 under 19 years of age and who are adjudicated in juvenile
23 court, unless specifically ordered otherwise by the court.

24 "(x) (1) The amendatory language in Act 2014-222 to
25 this section, authorizing the Alabama State Law Enforcement
26 Agency to stay a driver's license suspension or revocation

1 upon compliance with the ignition interlock requirement shall
2 apply retroactively if any of the following occurs:

3 "a. The offender files an appeal with the court of
4 jurisdiction requesting all prior suspensions or revocation,
5 or both, be stayed upon compliance with the ignition interlock
6 requirement.

7 "b. The offender wins appeal with the court of
8 jurisdiction relating to this section.

9 "c. The court of jurisdiction notifies the Alabama
10 State Law Enforcement Agency that the offender is eligible to
11 have the driver's license stayed.

12 "d. The Alabama State Law Enforcement Agency issues
13 an ignition interlock restricted driver's license.

14 "e. The offender remains in compliance of ignition
15 interlock requirements.

16 "(2) The remainder of the driver license revocation,
17 suspension, or both, shall be commuted upon the successful
18 completion of the period of time in which the ignition
19 interlock device is mandated to be installed and operational.