

1 HB14
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3 By Representative Pettus
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ENROLLED, An Act,

To amend Section 32-5A-191 of the Code of Alabama 1975, relating to persons charged with the offense of driving under the influence; to provide for a mandatory fee to be collected from any individual who completes a pretrial diversion or deferred program in a municipal, district, or circuit court if the individual was charged with driving under the influence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-191 of the Code of Alabama 1975, is amended to read as follows:

"§32-5A-191.

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

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

"(2) Under the influence of alcohol;

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

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

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

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

12 Notwithstanding the foregoing, upon the first violation of
13 this subsection by a person whose blood alcohol level is
14 between 0.02 and 0.08, the person's driver's license or
15 driving privilege shall be suspended for a period of 30 days
16 in lieu of any penalties provided in subsection (e) of this
17 section, and there shall be no disclosure, other than to
18 courts, law enforcement agencies, the person's attorney of
19 record, and the person's employer, by any entity or person of
20 any information, documents, or records relating to the
21 person's arrest, conviction, or adjudication of or finding of
22 delinquency based on this subsection.

23 "All persons, except as otherwise provided in this
24 subsection for a first offense, including, but not limited to,
25 a juvenile, child, or youthful offender, convicted or

1 adjudicated of or subjected to a finding of delinquency based
2 on this subsection shall be fined pursuant to this section,
3 notwithstanding any other law to the contrary, and the person
4 shall also be required to attend and complete a DUI or
5 substance abuse court referral program in accordance with
6 subsection (k).

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

16 "(2) A person shall not drive or be in actual
17 physical control of a commercial motor vehicle, as defined in
18 49 CFR Part 383.5 of the Federal Motor Carrier Safety
19 Regulations as adopted pursuant to Section 32-9A-2, if there
20 is 0.04 percent or greater by weight of alcohol in his or her
21 blood. Notwithstanding the other provisions of this section,
22 the commercial driver's license or commercial driving
23 privilege of a person convicted of violating this subdivision
24 shall be disqualified for the period provided in accordance
25 with 49 CFR Part 383.51, as applicable, and the person's

1 regular driver's license or privilege to drive a regular motor
2 vehicle shall be governed by the remainder of this section if
3 the person is guilty of a violation of another provision of
4 this section.

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

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

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

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

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

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

1 driving privileges are subject to the condition of the
2 installation and use of a certified ignition interlock device
3 on a motor vehicle. After a minimum of 45 days of the license
4 revocation or suspension pursuant to Section 32-5A-304, this
5 section, or both, is completed, upon receipt of a court order
6 from the convicting court, upon issuance of an ignition
7 interlock restricted driver license, and upon proof of
8 installation or an operational approved ignition interlock
9 device on the designated vehicle of the person convicted, the
10 mandated ignition interlock period of two years approved in
11 this subsection shall start and the suspension period,
12 revocation period, or both, as required under this subsection
13 shall be stayed. The remainder of the driver license
14 revocation period, suspension period, or both, shall be
15 commuted upon the successful completion of the period of time
16 in which the ignition interlock device is mandated to be
17 installed and operational.

18 "(g) On a third conviction, a person convicted of
19 violating this section shall be punished by a fine of not less
20 than two thousand one hundred dollars (\$2,100) nor more than
21 ten thousand one hundred dollars (\$10,100) and by
22 imprisonment, which may include hard labor, in the county or
23 municipal jail for not less than 60 days nor more than one
24 year, to include a minimum of 60 days which shall be served in
25 the county or municipal jail and cannot be probated or

1 suspended. In addition, the Secretary of the Alabama State Law
2 Enforcement Agency shall revoke the driving privilege or
3 driver's license of the person convicted for a period of three
4 years and the offender shall be required to have an ignition
5 interlock device installed and operating on the designated
6 motor vehicle driven by the offender for a period of three
7 years from the date of issuance of a driver's license
8 indicating that the person's driving privileges are subject to
9 the condition of the installation and use of a certified
10 ignition interlock device on a motor vehicle. After a minimum
11 of 180 days of the license revocation or suspension pursuant
12 to Section 32-5A-304, this section, or both, is completed,
13 upon receipt of a court order from the convicting court, upon
14 issuance of an ignition interlock restricted driver license,
15 and upon proof of installation of an operational approved
16 ignition interlock device on the designated vehicle of the
17 person convicted, the mandated ignition interlock period of
18 three years provided in this subsection shall start and the
19 suspension period, revocation period, or both, as required
20 under this subsection shall be stayed. The remainder of the
21 driver license revocation period, suspension period, or both,
22 shall be commuted upon the successful completion of the period
23 of time in which the ignition interlock device is mandated to
24 be installed and operational.

1 "(h) On a fourth or subsequent conviction, a person
2 convicted of violating this section shall be guilty of a Class
3 C felony and punished by a fine of not less than four thousand
4 one hundred dollars (\$4,100) nor more than ten thousand one
5 hundred dollars (\$10,100) and by imprisonment of not less than
6 one year and one day nor more than 10 years. Any term of
7 imprisonment may include hard labor for the county or state,
8 and where imprisonment does not exceed three years confinement
9 may be in the county jail. Where imprisonment does not exceed
10 one year and one day, confinement shall be in the county jail.
11 The minimum sentence shall include a term of imprisonment for
12 at least one year and one day, provided, however, that there
13 shall be a minimum mandatory sentence of 10 days which shall
14 be served in the county jail. The remainder of the sentence
15 may be suspended or probated, but only if as a condition of
16 probation the defendant enrolls and successfully completes a
17 state certified chemical dependency program recommended by the
18 court referral officer and approved by the sentencing court.
19 Where probation is granted, the sentencing court may, in its
20 discretion, and where monitoring equipment is available, place
21 the defendant on house arrest under electronic surveillance
22 during the probationary term. In addition to the other
23 penalties authorized, 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 five

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

22 "The Alabama habitual felony offender law shall not
23 apply to a conviction of a felony pursuant to this subsection,
24 and a conviction of a felony pursuant to this subsection shall
25 not be a felony conviction for purposes of the enhancement of

1 punishment pursuant to Alabama's habitual felony offender law.
2 However, prior misdemeanor or felony convictions for driving
3 under the influence may be considered as part of the
4 sentencing calculations or determinations under the Alabama
5 Sentencing Guidelines or rules promulgated by the Alabama
6 Sentencing Commission.

7 "(i) When any person convicted of violating this
8 section is found to have had at least 0.15 percent or more by
9 weight of alcohol in his or her blood while operating or being
10 in actual physical control of a vehicle, he or she shall be
11 sentenced to at least double the minimum punishment that the
12 person would have received if he or she has had less than 0.15
13 percent by weight of alcohol in his or her blood. Upon the
14 first violation of this subsection, the offender shall be
15 ordered by the court to have an ignition interlock device
16 installed and operating on his or her designated motor vehicle
17 for a period of two years from the date of issuance of an
18 ignition interlock-restricted driver's license. If the
19 adjudicated offense is a misdemeanor, the minimum punishment
20 shall be imprisonment for one year, all of which may be
21 suspended except as otherwise provided for in subsections (f)
22 and (g).

23 "(j) When any person over the age of 21 years is
24 convicted of violating this section and it is found that a
25 child under the age of 14 years was a passenger in the vehicle

1 at the time of the offense, the person shall be sentenced to
2 at least double the minimum punishment that the person would
3 have received if the child had not been a passenger in the
4 motor vehicle.

5 "(k) (1) In addition to the penalties provided
6 herein, any person convicted of violating this section shall
7 be referred to the court referral officer for evaluation and
8 referral to appropriate community resources. The defendant
9 shall, at a minimum, be required to complete a DUI or
10 substance abuse court referral program approved by the
11 Administrative Office of Courts and operated in accordance
12 with provisions of the Mandatory Treatment Act of 1990,
13 Sections 12-23-1 to 12-23-19, inclusive. The Alabama State Law
14 Enforcement Agency shall not reissue a driver's license to a
15 person convicted under this section without receiving proof
16 that the defendant has successfully completed the required
17 program.

18 "(2) Upon conviction, the court shall notify the
19 Alabama State Law Enforcement Agency if the person convicted
20 is required to install and maintain an approved ignition
21 interlock device. The agency shall suspend or revoke a
22 person's driving privileges until completion of the mandatory
23 suspension or revocation period required by this section, and
24 clearance of all other suspensions, revocations,
25 cancellations, or denials, and proof of installation of an

1 approved ignition interlock device is presented to the agency.
2 The agency shall not reissue a driver's license to a person
3 who has been ordered by a court or is required by law to have
4 the ignition interlock device installed until proof is
5 presented that the person is eligible for reinstatement of
6 driving privileges. Upon presentation of proof and compliance
7 with all ignition interlock requirements, the agency shall
8 issue a driver's license with a restriction indicating that
9 the licensee may operate a motor vehicle only with the
10 certified ignition interlock device installed and properly
11 operating. If the licensee fails to maintain the approved
12 ignition interlock device as required or is otherwise not in
13 compliance with any order of the court, the court shall notify
14 the agency of the noncompliance and the agency shall suspend
15 the person's driving privileges until the agency receives
16 notification from the court that the licensee is in
17 compliance. The requirement that the licensee use the ignition
18 interlock device may be removed only when the court of
19 conviction confirms to the agency that the licensee is no
20 longer subject to the ignition interlock device requirement.

21 "(1) Neither reckless driving nor any other traffic
22 infraction is a lesser included offense under a charge of
23 driving under the influence of alcohol or of a controlled
24 substance.

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

21 "(2) Fines collected for violations of this section
22 charged pursuant to a municipal ordinance where the total fine
23 is paid at one time shall be deposited as follows: The first
24 three hundred fifty dollars (\$350) collected for a first
25 conviction, the first six hundred dollars (\$600) collected for

1 a second conviction within five years, the first one thousand
2 one hundred dollars (\$1,100) collected for a third conviction,
3 and the first two thousand one hundred dollars (\$2,100)
4 collected for a fourth or subsequent conviction shall be
5 deposited to the State Treasury with the first one hundred
6 dollars (\$100) collected for each conviction credited to the
7 Alabama Chemical Testing Training and Equipment Trust Fund and
8 the second one hundred dollars (\$100) to the Alabama Head and
9 Spinal Cord Injury Trust Fund after deducting five percent of
10 the one hundred dollars (\$100) for administrative costs and
11 depositing this amount in the general fund of the
12 municipality, and the balance credited to the State General
13 Fund. Any amounts collected over these amounts shall be
14 deposited as otherwise provided by law.

15 " (3) Fines collected for violations of this section
16 charged pursuant to a municipal ordinance, where the fine is
17 paid on a partial or installment basis, shall be deposited as
18 follows: The first two hundred dollars (\$200) of the fine
19 collected for any conviction shall be deposited to the State
20 Treasury with the first one hundred dollars (\$100) collected
21 for any conviction credited to the Alabama Chemical Testing
22 Training and Equipment Trust Fund and the second one hundred
23 dollars (\$100) for any conviction credited to the Alabama Head
24 and Spinal Cord Injury Trust Fund after deducting five percent
25 of the one hundred dollars (\$100) for administrative costs and

1 depositing this amount in the general fund of the
2 municipality. The second three hundred dollars (\$300) of the
3 fine collected for a first conviction, the second eight
4 hundred dollars (\$800) collected for a second conviction, the
5 second one thousand eight hundred dollars (\$1,800) collected
6 for a third conviction, and the second three thousand eight
7 hundred dollars (\$3,800) collected for a fourth conviction
8 shall be divided with 50 percent of the funds collected to be
9 deposited to the State Treasury to be credited to the State
10 General Fund and 50 percent deposited as otherwise provided by
11 law for municipal ordinance violations. Any amounts collected
12 over these amounts shall be deposited as otherwise provided by
13 law for municipal ordinance violations.

14 "(4) Notwithstanding any provision of law to the
15 contrary, 90 percent of any fine assessed and collected for
16 any DUI offense charged by municipal ordinance violation in
17 district or circuit court shall be computed only on the amount
18 assessed over the minimum fine authorized, and upon collection
19 shall be distributed to the municipal general fund with the
20 remaining 10 percent distributed to the State General Fund.

21 "(5) In addition to fines imposed pursuant to this
22 subsection, a mandatory fee of one hundred dollars (\$100)
23 shall be collected from any individual ~~that~~ who successfully
24 completes any pretrial diversion or deferral program in any
25 municipal, district, or circuit court where the individual was

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

5 "(6) In addition to the fines and fees imposed
6 pursuant to this subsection, a mandatory fee of one hundred
7 dollars (\$100) shall be collected from any individual who
8 successfully completes any pretrial diversion or deferral
9 program in any municipal, district, or circuit court where the
10 individual was charged with a violation of this section or a
11 corresponding municipal ordinance. The one hundred dollars
12 (\$100) shall be deposited into the Alabama Head and Spinal
13 Cord Injury Trust Fund.

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

20 "(o) Upon verification that a defendant arrested
21 pursuant to this section is currently on probation from
22 another court of this state as a result of a conviction for
23 any criminal offense, the prosecutor shall provide written or
24 oral notification of the defendant's subsequent arrest and

1 pending prosecution to the court in which the prior conviction
2 occurred.

3 "(p) A prior conviction within a five-year period
4 for driving under the influence of alcohol or drugs from this
5 state, a municipality within this state, or another state or
6 territory or a municipality of another state or territory
7 shall be considered by a court for imposing a sentence
8 pursuant to this section.

9 "(q) Any person convicted of driving under the
10 influence of alcohol, or a controlled substance, or both, or
11 any substance which impairs the mental or physical faculties
12 in violation of this section, a municipal ordinance adopting
13 this section, or a similar law from another state or territory
14 or a municipality of another state or territory more than once
15 in a five-year period shall have his or her motor vehicle
16 registration for all vehicles owned by the repeat offender
17 suspended by the Alabama Department of Revenue for the
18 duration of the offender's driver's license suspension period,
19 unless such action would impose an undue hardship to any
20 individual, not including the repeat offender, who is
21 completely dependent on the motor vehicle for the necessities
22 of life, including any family member of the repeat offender
23 and any co-owner of the vehicle or, in the case of a repeat
24 offender, if the repeat offender has a functioning ignition

1 interlock device installed on the designated vehicle for the
2 duration of the offender's driver's license suspension period.

3 "(r) (1) Any person ordered by the court to have an
4 ignition interlock device installed on a designated vehicle,
5 and any person who elects to have the ignition interlock
6 device installed on a designated vehicle for the purpose of
7 reducing a period of suspension or revocation of his or her
8 driver's license, shall pay to the court, for each of the
9 first four months following his or her conviction or the first
10 four months following the installation of the ignition
11 interlock device on his or her vehicle, seventy-five dollars
12 (\$75) per month, which shall be divided as follows:

13 "a. Forty-five percent to the Alabama Interlock
14 Indigent Fund.

15 "b. Twenty percent to the State Judicial
16 Administration Fund administered by the Administrative Office
17 of Courts.

18 "c. Twenty percent to the Highway Traffic Safety
19 Fund administered by the Alabama State Law Enforcement Agency.

20 "d. Fifteen percent to the District Attorney's
21 Solicitor Fund.

22 "(2) In addition to paying the court clerk
23 seventy-five dollars (\$75) per month for the first four months
24 following the conviction or the voluntary installation of the
25 ignition interlock device, the defendant shall pay all costs

1 associated with the installation, purchase, maintenance, or
2 lease of the ignition interlock devices to an approved
3 ignition interlock provider pursuant to the rules of the
4 Department of Forensic Sciences, unless the defendant is
5 subject to Section 32-5A-191.4(g)(4) during which he or she
6 shall pay one-half the cost for the available indigency
7 period.

8 "(s) The defendant shall designate the vehicle to be
9 used by identifying the vehicle by the vehicle identification
10 number to the court. The defendant, at his or her own expense,
11 may designate additional motor vehicles on which an ignition
12 interlock device may be installed for the use of the
13 defendant.

14 "(t) (1) Any person who is required to comply with
15 the ignition interlock provisions of this section as a
16 condition of restoration or reinstatement of his or her
17 driver's license, shall only operate the designated vehicle
18 equipped with a functioning ignition interlock device for the
19 period of time consistent with the offense for which he or she
20 was convicted as provided for in this section.

21 "(2) The duration of the time an ignition interlock
22 device is required by this section shall be doubled if the
23 offender refused the prescribed chemical test for
24 intoxication, or if the offender's blood alcohol concentration

1 was 0.15 grams percent or greater unless already doubled by a
2 previous section.

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

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

21 "(3) Any ignition interlock driving violation
22 committed by the offender during the mandated ignition
23 interlock period shall extend the duration of ignition
24 interlock use for six months from the date of violation.

1 Ignition interlock driving violations include any of the
2 following:

3 "a. A breath sample at or above a minimum blood
4 alcohol concentration level of 0.02 recorded more than four
5 times during the monthly reporting period.

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

8 "c. Failure to comply with the servicing or
9 calibration requirements of the ignition interlock device
10 every 30 days.

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

16 "(w) The provisions in this section and Section
17 32-5A-191.4 relating to ignition interlock devices shall not
18 apply to persons who commit violations of this section while
19 under 19 years of age and who are adjudicated in juvenile
20 court, unless specifically ordered otherwise by the court.

21 "(x) (1) The amendatory language in Act 2014-222 to
22 this section, authorizing the Alabama State Law Enforcement
23 Agency to stay a driver's license suspension or revocation
24 upon compliance with the ignition interlock requirement shall
25 apply retroactively if any of the following occurs:

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

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

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

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

12 "e. The offender remains in compliance of ignition
13 interlock requirements.

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

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

