

1 SB313
2 189521-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 13-FEB-18

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8 SYNOPSIS: Under existing law, when a person whose
9 license is administratively suspended for having
10 .08 or more by weight of alcohol in the blood is
11 convicted of DUI, the person receives credit for
12 administrative license suspension time served
13 toward the conviction suspension. Also, the Alabama
14 State Law Enforcement Agency is required to rescind
15 the administrative suspension order and remove it
16 from the driving record when the DUI charge is
17 dismissed, nolle prossed, or if the person is
18 acquitted.

19 This bill would provide the same suspension
20 credit and benefit of removal from the driving
21 record to anyone whose license is suspended for
22 having an amount of alcohol in the blood above the
23 legal limit or refusing to submit to a chemical
24 test under implied consent laws.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 32-5A-304, Code of Alabama 1975,
4 relating to administrative driver license suspension; to
5 provide suspension credit from any administrative license
6 suspension served toward the suspension period under DUI
7 conviction; and to require the Alabama State Law Enforcement
8 Agency to rescind the administrative suspension order and
9 remove it from the driving record when the DUI charge is
10 dismissed, nolle prossed, or if the person is acquitted.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 32-5A-304, Code of Alabama 1975,
13 is amended to read as follows:

14 "§32-5A-304.

15 "(a) A driving privilege suspension shall become
16 effective 45 days after the person has received a notice of
17 intended suspension as provided in Section 32-5A-303, or is
18 deemed to have received a notice of suspension by mail as
19 provided in Section 32-5A-302 if no notice of intended
20 suspension was served.

21 "(b) The period of driving privilege suspension
22 under this section shall be as follows:

23 "(1) Ninety days if the driving record of a person
24 shows no prior alcohol or drug-related enforcement contacts
25 during the immediately preceding five years.

1 "(2) One year if the driving record of a person
2 shows one prior alcohol or drug-related enforcement contact
3 during the immediately preceding five years.

4 "(3) Three years if the driving record of a person
5 shows two or three alcohol or drug-related enforcement
6 contacts during the immediately preceding five years.

7 "(4) Five years if the driving record of a person
8 shows four or more alcohol or drug-related enforcement
9 contacts during the immediately preceding five years.

10 "(5) For purposes of this section, "alcohol or
11 drug-related enforcement contacts" shall include all
12 suspensions under this article, any suspension or revocation
13 entered in this or any other state for a refusal to submit to
14 chemical testing under an implied consent law, and any
15 conviction in this or any other state for a violation which
16 involves driving a motor vehicle while having an unlawful
17 percent of alcohol in the blood, or while under the influence
18 of alcohol or drugs, or alcohol and drugs except that no more
19 than one alcohol or drug-related contact on any one DUI arrest
20 may be considered by the agency in determining the period of
21 suspension.

22 "(c) If a license is suspended under this ~~section~~
23 ~~for having .08 or more by weight of alcohol in the blood of~~
24 ~~the person~~ article and the person is also convicted on
25 criminal charges arising out of the same occurrence for a
26 violation of Section 32-5A-191, the suspension under this
27 section shall be imposed, giving credit for suspension time

1 served toward the duration of suspension or revocation
2 required under Section 32-5A-191. If a license is suspended
3 under this ~~section for having .08 or more by weight of alcohol~~
4 ~~in the blood of the person~~ article and the criminal charge
5 against the person for violation of Section 32-5A-191 is
6 dismissed, nolle prossed, or the person is acquitted of the
7 charge, the director shall rescind the suspension order and
8 remove the administrative suspension from the person's driving
9 record, except for those persons holding a commercial driver
10 license, a commercial learner license, or a person operating a
11 commercial motor vehicle."

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