

1 HB49
2 180952-1
3 By Representative Pettus
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/25/2017

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8 SYNOPSIS: Under existing law, the punishment for
9 driving under the influence includes fines and
10 imprisonment. The law requires that \$100 of the
11 fine, minus administrative costs, be deposited in
12 the Alabama Head and Spinal Cord Injury Trust Fund.
13 However, a court may waive the fine.

14 This bill would make the imposition of the
15 \$100 fine allocated to the Alabama Head and Spinal
16 Cord Injury Trust Fund mandatory so that it may not
17 be waived by a court.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to driving under the influence; to amend
24 Section 32-5A-191, Code of Alabama 1975; to make the \$100 fine
25 allocated to the Alabama Head and Spinal Cord Injury Trust
26 Fund that is imposed for driving under the influence a
27 mandatory fine that may not be waived by a court.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§32-5A-191.

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

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

9 "(2) Under the influence of alcohol;

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

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

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

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

27 Notwithstanding the foregoing, upon the first violation of

1 this subsection by a person whose blood alcohol level is
2 between 0.02 and 0.08, the person's driver's license or
3 driving privilege shall be suspended for a period of 30 days
4 in lieu of any penalties provided in subsection (e) of this
5 section, and there shall be no disclosure, other than to
6 courts, law enforcement agencies, the person's attorney of
7 record, and the person's employer, by any entity or person of
8 any information, documents, or records relating to the
9 person's arrest, conviction, or adjudication of or finding of
10 delinquency based on this subsection.

11 "All persons, except as otherwise provided in this
12 subsection for a first offense, including, but not limited to,
13 a juvenile, child, or youthful offender, convicted or
14 adjudicated of or subjected to a finding of delinquency based
15 on this subsection shall be fined pursuant to this section,
16 notwithstanding any other law to the contrary, and the person
17 shall also be required to attend and complete a DUI or
18 substance abuse court referral program in accordance with
19 subsection (k).

20 "(c) (1) A school bus or day care driver shall not
21 drive or be in actual physical control of any vehicle while in
22 performance of his or her duties if there is greater than 0.02
23 percent by weight of alcohol in his or her blood. A person
24 convicted pursuant to this subsection shall be subject to the
25 penalties provided by this section, except that on the first
26 conviction the Secretary of the Alabama State Law Enforcement

1 Agency shall suspend the driving privilege or driver's license
2 for a period of one year.

3 "(2) A person shall not drive or be in actual
4 physical control of a commercial motor vehicle, as defined in
5 49 CFR Part 383.5 of the Federal Motor Carrier Safety
6 Regulations as adopted pursuant to Section 32-9A-2, if there
7 is 0.04 percent or greater by weight of alcohol in his or her
8 blood. Notwithstanding the other provisions of this section,
9 the commercial driver's license or commercial driving
10 privilege of a person convicted of violating this subdivision
11 shall be disqualified for the period provided in accordance
12 with 49 CFR Part 383.51, as applicable, and the person's
13 regular driver's license or privilege to drive a regular motor
14 vehicle shall be governed by the remainder of this section if
15 the person is guilty of a violation of another provision of
16 this section.

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

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

25 "(e) Upon first conviction, a person violating this
26 section shall be punished by imprisonment in the county or
27 municipal jail for not more than one year, or by fine of not

1 less than six hundred dollars (\$600) nor more than two
2 thousand one hundred dollars (\$2,100), or by both a fine and
3 imprisonment. In addition, on a first conviction, the
4 Secretary of the Alabama State Law Enforcement Agency shall
5 suspend the driving privilege or driver's license of the
6 person convicted for a period of 90 days. The 90-day
7 suspension shall be stayed if the offender elects to have an
8 approved ignition interlock device installed and operating on
9 the designated motor vehicle driven by the offender for six
10 months. The offender shall present proof of installation of
11 the approved ignition interlock device to the Alabama State
12 Law Enforcement Agency and obtain an ignition interlock
13 restricted driver license. The remainder of the suspension
14 shall be commuted upon the successful completion of the
15 elected use, mandated use, or both, of the ignition interlock
16 device. If, on a first conviction, any person refusing to
17 provide a blood alcohol concentration or if a child under the
18 age of 14 years was a passenger in the vehicle at the time of
19 the offense or if someone else besides the offender was
20 injured at the time of the offense, the Secretary of the
21 Alabama State Law Enforcement Agency shall suspend the driving
22 privilege or driver's license of the person convicted for a
23 period of 90 days and the person shall be required to have an
24 ignition interlock device installed and operating on the
25 designated motor vehicle driven by the offender for a period
26 of two years from the date of issuance of a driver's license
27 indicating that the person's driving privileges are subject to

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

17 "(f) On a second conviction within a five-year
18 period, a person convicted of violating this section shall be
19 punished by a fine of not less than one thousand one hundred
20 dollars (\$1,100) nor more than five thousand one hundred
21 dollars (\$5,100) and by imprisonment, which may include hard
22 labor in the county or municipal jail for not more than one
23 year. The sentence shall include a mandatory sentence, which
24 is not subject to suspension or probation, of imprisonment in
25 the county or municipal jail for not less than five days or
26 community service for not less than 30 days. In addition, the
27 Secretary of the Alabama State Law Enforcement Agency shall

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

24 "(g) On a third conviction, a person convicted of
25 violating this section shall be punished by a fine of not less
26 than two thousand one hundred dollars (\$2,100) nor more than
27 ten thousand one hundred dollars (\$10,100) and by

1 imprisonment, which may include hard labor, in the county or
2 municipal jail for not less than 60 days nor more than one
3 year, to include a minimum of 60 days which shall be served in
4 the county or municipal jail and cannot be probated or
5 suspended. In addition, the Secretary of the Alabama State Law
6 Enforcement Agency shall revoke the driving privilege or
7 driver's license of the person convicted for a period of three
8 years and the offender shall be required to have an ignition
9 interlock device installed and operating on the designated
10 motor vehicle driven by the offender for a period of three
11 years from the date of issuance of a driver's license
12 indicating that the person's driving privileges are subject to
13 the condition of the installation and use of a certified
14 ignition interlock device on a motor vehicle. After a minimum
15 of 180 days of the license revocation or suspension pursuant
16 to Section 32-5A-304, this section, or both, is completed,
17 upon receipt of a court order from the convicting court, upon
18 issuance of an ignition interlock restricted driver license,
19 and upon proof of installation of an operational approved
20 ignition interlock device on the designated vehicle of the
21 person convicted, the mandated ignition interlock period of
22 three years provided in this subsection shall start and the
23 suspension period, revocation period, or both, as required
24 under this subsection shall be stayed. The remainder of the
25 driver license revocation period, suspension period, or both,
26 shall be commuted upon the successful completion of the period

1 of time in which the ignition interlock device is mandated to
2 be installed and operational.

3 "(h) On a fourth or subsequent conviction, a person
4 convicted of violating this section shall be guilty of a Class
5 C felony and punished by a fine of not less than four thousand
6 one hundred dollars (\$4,100) nor more than ten thousand one
7 hundred dollars (\$10,100) and by imprisonment of not less than
8 one year and one day nor more than 10 years. Any term of
9 imprisonment may include hard labor for the county or state,
10 and where imprisonment does not exceed three years confinement
11 may be in the county jail. Where imprisonment does not exceed
12 one year and one day, confinement shall be in the county jail.
13 The minimum sentence shall include a term of imprisonment for
14 at least one year and one day, provided, however, that there
15 shall be a minimum mandatory sentence of 10 days which shall
16 be served in the county jail. The remainder of the sentence
17 may be suspended or probated, but only if as a condition of
18 probation the defendant enrolls and successfully completes a
19 state certified chemical dependency program recommended by the
20 court referral officer and approved by the sentencing court.
21 Where probation is granted, the sentencing court may, in its
22 discretion, and where monitoring equipment is available, place
23 the defendant on house arrest under electronic surveillance
24 during the probationary term. In addition to the other
25 penalties authorized, the Secretary of the Alabama State Law
26 Enforcement Agency shall revoke the driving privilege or
27 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
26 punishment pursuant to Alabama's habitual felony offender law.
27 However, prior misdemeanor or felony convictions for driving

1 under the influence may be considered as part of the
2 sentencing calculations or determinations under the Alabama
3 Sentencing Guidelines or rules promulgated by the Alabama
4 Sentencing Commission.

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

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

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

14 "(2) Upon conviction, the court shall notify the
15 Alabama State Law Enforcement Agency if the person convicted
16 is required to install and maintain an approved ignition
17 interlock device. The agency shall suspend or revoke a
18 person's driving privileges until completion of the mandatory
19 suspension or revocation period required by this section, and
20 clearance of all other suspensions, revocations,
21 cancellations, or denials, and proof of installation of an
22 approved ignition interlock device is presented to the agency.
23 The agency shall not reissue a driver's license to a person
24 who has been ordered by a court or is required by law to have
25 the ignition interlock device installed until proof is
26 presented that the person is eligible for reinstatement of
27 driving privileges. Upon presentation of proof and compliance

1 with all ignition interlock requirements, the agency shall
2 issue a driver's license with a restriction indicating that
3 the licensee may operate a motor vehicle only with the
4 certified ignition interlock device installed and properly
5 operating. If the licensee fails to maintain the approved
6 ignition interlock device as required or is otherwise not in
7 compliance with any order of the court, the court shall notify
8 the agency of the noncompliance and the agency shall suspend
9 the person's driving privileges until the agency receives
10 notification from the court that the licensee is in
11 compliance. The requirement that the licensee use the ignition
12 interlock device may be removed only when the court of
13 conviction confirms to the agency that the licensee is no
14 longer subject to the ignition interlock device requirement.

15 "(l) Neither reckless driving nor any other traffic
16 infraction is a lesser included offense under a charge of
17 driving under the influence of alcohol or of a controlled
18 substance.

19 "(m) (1) Except for fines collected for violations of
20 this section charged pursuant to a municipal ordinance, fines
21 collected for violations of this section shall be deposited to
22 the State General Fund; however, beginning October 1, 1995, of
23 any amount collected over two hundred fifty dollars (\$250) for
24 a first conviction, over five hundred dollars (\$500) for a
25 second conviction within five years, over one thousand dollars
26 (\$1,000) for a third conviction within five years, and over
27 two thousand dollars (\$2,000) for a fourth or subsequent

1 conviction within five years, the first one hundred dollars
2 (\$100) of that additional amount shall be deposited to the
3 Alabama Chemical Testing Training and Equipment Trust Fund,
4 after three percent of the one hundred dollars (\$100) is
5 deducted for administrative costs, and beginning October 1,
6 1997, and thereafter, the second one hundred dollars (\$100) of
7 that additional amount shall be deposited in the Alabama Head
8 and Spinal Cord Injury Trust Fund after deducting five percent
9 of the one hundred dollars (\$100) for administrative costs and
10 the remainder of the funds shall be deposited to the State
11 General Fund. Fines collected for violations of this section
12 charged pursuant to a municipal ordinance where the total fine
13 is paid at one time shall be deposited as follows: The first
14 three hundred fifty dollars (\$350) collected for a first
15 conviction, the first six hundred dollars (\$600) collected for
16 a second conviction within five years, the first one thousand
17 one hundred dollars (\$1,100) collected for a third conviction,
18 and the first two thousand one hundred dollars (\$2,100)
19 collected for a fourth or subsequent conviction shall be
20 deposited to the State Treasury with the first one hundred
21 dollars (\$100) collected for each conviction credited to the
22 Alabama Chemical Testing Training and Equipment Trust Fund and
23 the second one hundred dollars (\$100) to the Alabama Head and
24 Spinal Cord Injury Trust Fund after deducting five percent of
25 the one hundred dollars (\$100) for administrative costs and
26 depositing this amount in the general fund of the
27 municipality, and the balance credited to the State General

1 Fund. Any amounts collected over these amounts shall be
2 deposited as otherwise provided by law. Fines collected for
3 violations of this section charged pursuant to a municipal
4 ordinance, where the fine is paid on a partial or installment
5 basis, shall be deposited as follows: The first two hundred
6 dollars (\$200) of the fine collected for any conviction shall
7 be deposited to the State Treasury with the first one hundred
8 dollars (\$100) collected for any conviction credited to the
9 Alabama Chemical Testing Training and Equipment Trust Fund and
10 the second one hundred dollars (\$100) for any conviction
11 credited to the Alabama Head and Spinal Cord Injury Trust Fund
12 after deducting five percent of the one hundred dollars (\$100)
13 for administrative costs and depositing this amount in the
14 general fund of the municipality. The second three hundred
15 dollars (\$300) of the fine collected for a first conviction,
16 the second eight hundred dollars (\$800) collected for a second
17 conviction, the second one thousand eight hundred dollars
18 (\$1,800) collected for a third conviction, and the second
19 three thousand eight hundred dollars (\$3,800) collected for a
20 fourth conviction shall be divided with 50 percent of the
21 funds collected to be deposited to the State Treasury to be
22 credited to the State General Fund and 50 percent deposited as
23 otherwise provided by law for municipal ordinance violations.
24 Any amounts collected over these amounts shall be deposited as
25 otherwise provided by law for municipal ordinance violations.
26 Notwithstanding any provision of law to the contrary, 90
27 percent of any fine assessed and collected for any DUI offense

1 charged by municipal ordinance violation in district or
2 circuit court shall be computed only on the amount assessed
3 over the minimum fine authorized, and upon collection shall be
4 distributed to the municipal general fund with the remaining
5 10 percent distributed to the State General Fund. In addition
6 to fines imposed pursuant to this subsection, a mandatory fee
7 of one hundred dollars (\$100) shall be collected from any
8 individual that successfully completes any pretrial diversion
9 or deferral program in any municipal, district, or circuit
10 court where the individual was charged with a violation of
11 this section or a corresponding municipal ordinance. The one
12 hundred dollars (\$100) shall be deposited into the Alabama
13 Chemical Testing Training and Equipment Fund.

14 "(2) The fine of one hundred dollars (\$100), minus
15 administrative costs of five percent, to be deposited in the
16 Alabama Head and Spinal Cord Injury Trust Fund, as described
17 in subdivision (1), is mandatory and may not be waived by a
18 court.

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

25 "(o) Upon verification that a defendant arrested
26 pursuant to this section is currently on probation from
27 another court of this state as a result of a conviction for

1 any criminal offense, the prosecutor shall provide written or
2 oral notification of the defendant's subsequent arrest and
3 pending prosecution to the court in which the prior conviction
4 occurred.

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

11 "(q) Any person convicted of driving under the
12 influence of alcohol, or a controlled substance, or both, or
13 any substance which impairs the mental or physical faculties
14 in violation of this section, a municipal ordinance adopting
15 this section, or a similar law from another state or territory
16 or a municipality of another state or territory more than once
17 in a five-year period shall have his or her motor vehicle
18 registration for all vehicles owned by the repeat offender
19 suspended by the Alabama Department of Revenue for the
20 duration of the offender's driver's license suspension period,
21 unless such action would impose an undue hardship to any
22 individual, not including the repeat offender, who is
23 completely dependent on the motor vehicle for the necessities
24 of life, including any family member of the repeat offender
25 and any co-owner of the vehicle or, in the case of a repeat
26 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
26 associated with the installation, purchase, maintenance, or
27 lease of the ignition interlock devices to an approved

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

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

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

19 "(2) The duration of the time an ignition interlock
20 device is required by this section shall be doubled if the
21 offender refused the prescribed chemical test for
22 intoxication, or if the offender's blood alcohol concentration
23 was 0.15 grams percent or greater unless already doubled by a
24 previous section.

25 "(u) (1) The Alabama State Law Enforcement Agency may
26 set a fee of not more than one hundred fifty dollars (\$150)
27 for the issuance of a driver's license indicating that the

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

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

16 "(3) Any ignition interlock driving violation
17 committed by the offender during the mandated ignition
18 interlock period shall extend the duration of ignition
19 interlock use for six months from the date of violation.
20 Ignition interlock driving violations include any of the
21 following:

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

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

1 "c. Failure to comply with the servicing or
2 calibration requirements of the ignition interlock device
3 every 30 days.

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

9 "(w) The provisions in this section and Section
10 32-5A-191.4 relating to ignition interlock devices shall not
11 apply to persons who commit violations of this section while
12 under 19 years of age and who are adjudicated in juvenile
13 court, unless specifically ordered otherwise by the court.

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

19 "a. The offender files an appeal with the court of
20 jurisdiction requesting all prior suspensions or revocation,
21 or both, be stayed upon compliance with the ignition interlock
22 requirement.

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

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

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

3 "e. The offender remains in compliance of ignition
4 interlock requirements.

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

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