

1 SB142
2 172964-3
3 By Senators Reed and Coleman-Madison
4 RFD: Health and Human Services
5 First Read: 03-FEB-16

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8 SYNOPSIS: Existing law provides for the Impaired
9 Drivers Trust Fund.

10 This bill would change the name of the fund
11 to the Alabama Head and Spinal Cord Injury Trust
12 Fund.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To amend Sections 16-38A-1, 16-38A-2, 16-38A-4,
19 32-5A-191, and 32-5A-191.2 of the Code of Alabama 1975,
20 relating to the Impaired Drivers Trust Fund; to change the
21 name of the fund to the Alabama Head and Spinal Cord Injury
22 Trust Fund.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 16-38A-1, 16-38A-2, 16-38A-4,
25 32-5A-191, and 32-5A-191.2 of the Code of Alabama 1975, are
26 amended to read as follows:

27 "§16-38A-1.

1 "There is created in the State Treasury the ~~Impaired~~
2 ~~Drivers~~ Alabama Head and Spinal Cord Injury Trust Fund.

3 "§16-38A-2.

4 "There is created the ~~Impaired Drivers~~ Alabama Head
5 and Spinal Cord Injury Trust Fund Advisory Board to be
6 appointed as herein provided. The following agencies and
7 organizations shall appoint one representative to the board:

8 "(1) The Alabama Medical Association.

9 "(2) The Alabama Head Injury Foundation.

10 "(3) The Governor.

11 "(4) The Department of Public Health.

12 "(5) The Department of Human Resources.

13 "(6) The Division of Special Education Services of
14 the Department of Education.

15 "(7) The Alabama Developmental Disabilities Planning
16 Council.

17 "(8) The Department of Mental Health.

18 "(9) The Injury Prevention Research Center at the
19 University of Alabama in Birmingham.

20 "(10) The Alabama Head Injury Task Force.

21 "(11) The Alabama Hospital Association.

22 "(12) The Insurance Commissioner of Alabama.

23 "(13) The Epilepsy Foundation of North and Central
24 Alabama.

25 "(14) The Alabama Medicaid Agency.

26 "(15) The Alabama Coalition of Citizens with
27 Disabilities.

1 "(16) One member of the Alabama Senate appointed by
2 the Lieutenant Governor.

3 "(17) One member of the Alabama House of
4 Representatives appointed by the Speaker of the House of
5 Representatives.

6 "§16-38A-4.

7 "(a) The board shall establish priorities and
8 criteria for disbursement of monies in the ~~Impaired Drivers~~
9 Alabama Head and Spinal Cord Injury Trust Fund and to assure
10 maximum benefits from the trust. The Division of
11 Rehabilitation Services in the State Department of Education
12 shall expend monies from the trust fund in accordance with the
13 priorities and criteria established by the board.

14 "(b) The board shall investigate the needs of
15 citizens with head injuries and spinal cord injuries, identify
16 the gaps in services to the citizens, and issue a report to
17 the Legislature on the first day of the 1994 Regular Session
18 with recommendations for meeting the needs.

19 "(c) The board shall keep full and complete written
20 minutes of its proceedings.

21 "§32-5A-191.

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

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

26 "(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 ~~Department of Public Safety~~ Alabama State Law
14 Enforcement Agency shall suspend or revoke the driver's
15 license of any person, including, but not limited to, a
16 juvenile, child, or youthful offender, convicted or
17 adjudicated of, or subjected to a finding of, delinquency
18 based on this subsection. Notwithstanding the foregoing, upon
19 the first violation of this subsection by a person whose blood
20 alcohol level is between 0.02 and 0.08, the person's driver's
21 license or driving privilege shall be suspended for a period
22 of 30 days in lieu of any penalties provided in subsection (e)
23 of this section, and there shall be no disclosure, other than
24 to 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 ~~Director of Public Safety~~ Secretary of the
19 Alabama State Law Enforcement Agency shall suspend the driving
20 privilege or driver's license 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 ~~Director~~
22 ~~of Public Safety~~ Secretary of the Alabama State Law
23 Enforcement Agency shall suspend the driving privilege or
24 driver's license of the person convicted for a period of 90
25 days. The 90-day suspension shall be stayed if the offender
26 elects to have an approved ignition interlock device installed
27 and operating on the designated motor vehicle driven by the

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

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

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

1 condition of the installation and use of a certified ignition
2 interlock device on a motor vehicle. After a minimum of 45
3 days of the license revocation or suspension pursuant to
4 Section 32-5A-304, 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 or 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 approved 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 "(g) On a third conviction, a person convicted of
18 violating this section shall be punished by a fine of not less
19 than two thousand one hundred dollars (\$2,100) nor more than
20 ten thousand one hundred dollars (\$10,100) and by
21 imprisonment, which may include hard labor, in the county or
22 municipal jail for not less than 60 days nor more than one
23 year, to include a minimum of 60 days which shall be served in
24 the county or municipal jail and cannot be probated or
25 suspended. In addition, the ~~Director of Public Safety~~
26 Secretary of the Alabama State Law Enforcement Agency shall
27 revoke the driving privilege or driver's license of the person

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

23 "(h) On a fourth or subsequent conviction, a person
24 convicted of violating this section shall be guilty of a Class
25 C felony and punished by a fine of not less than four thousand
26 one hundred dollars (\$4,100) nor more than ten thousand one
27 hundred dollars (\$10,100) and by imprisonment of not less than

1 one year and one day nor more than 10 years. Any term of
2 imprisonment may include hard labor for the county or state,
3 and where imprisonment does not exceed three years confinement
4 may be in the county jail. Where imprisonment does not exceed
5 one year and one day, confinement shall be in the county jail.
6 The minimum sentence shall include a term of imprisonment for
7 at least one year and one day, provided, however, that there
8 shall be a minimum mandatory sentence of 10 days which shall
9 be served in the county jail. The remainder of the sentence
10 may be suspended or probated, but only if as a condition of
11 probation the defendant enrolls and successfully completes a
12 state certified chemical dependency program recommended by the
13 court referral officer and approved by the sentencing court.
14 Where probation is granted, the sentencing court may, in its
15 discretion, and where monitoring equipment is available, place
16 the defendant on house arrest under electronic surveillance
17 during the probationary term. In addition to the other
18 penalties authorized, the ~~Director of Public Safety~~ Secretary
19 of the Alabama State Law Enforcement Agency shall revoke the
20 driving privilege or driver's license of the person convicted
21 for a period of five years and the offender shall be required
22 to have an ignition interlock device installed and operating
23 on the designated motor vehicle driven by the offender for a
24 period of five years from the date of issuance of a driver's
25 license indicating that the person's driving privileges are
26 subject to the condition of the installation and use of a
27 certified ignition interlock device on a motor vehicle. After

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

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

26 "(i) When any person convicted of violating this
27 section is found to have had at least 0.15 percent or more by

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

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

22 "(k) (1) In addition to the penalties provided
23 herein, any person convicted of violating this section shall
24 be referred to the court referral officer for evaluation and
25 referral to appropriate community resources. The defendant
26 shall, at a minimum, be required to complete a DUI or
27 substance abuse court referral program approved by the

1 Administrative Office of Courts and operated in accordance
2 with provisions of the Mandatory Treatment Act of 1990,
3 Sections 12-23-1 to 12-23-19, inclusive. The ~~Department of~~
4 ~~Public Safety~~ Alabama State Law Enforcement Agency shall not
5 reissue a driver's license to a person convicted under this
6 section without receiving proof that the defendant has
7 successfully completed the required program.

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

1 not in compliance with any order of the court, the court shall
2 notify the agency of the noncompliance and the agency shall
3 suspend the person's driving privileges until the agency
4 receives notification from the court that the licensee is in
5 compliance. The requirement that the licensee use the ignition
6 interlock device may be removed only when the court of
7 conviction confirms to the agency that the licensee is no
8 longer subject to the ignition interlock device requirement.

9 "(l) Neither reckless driving nor any other traffic
10 infraction is a lesser included offense under a charge of
11 driving under the influence of alcohol or of a controlled
12 substance.

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

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

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

1 to fines imposed pursuant to this subsection, a mandatory fee
2 of one hundred dollars (\$100) shall be collected from any
3 individual that successfully completes any pretrial diversion
4 or deferral program in any municipal, district, or circuit
5 court where the individual was charged with a violation of
6 this section or a corresponding municipal ordinance. The one
7 hundred dollars (\$100) shall be deposited into the Alabama
8 Chemical Testing Training and Equipment Fund.

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

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

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

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

19 "(r) (1) Any person ordered by the court to have an
20 ignition interlock device installed on a designated vehicle,
21 and any person who elects to have the ignition interlock
22 device installed on a designated vehicle for the purpose of
23 reducing a period of suspension or revocation of his or her
24 driver's license, shall pay to the court, for each of the
25 first four months following his or her conviction or the first
26 four months following the installation of the ignition

1 interlock device on his or her vehicle, seventy-five dollars
2 (\$75) per month, which shall be divided as follows:

3 "a. Forty-five percent to the Alabama Interlock
4 Indigent Fund.

5 "b. Twenty percent to the State Judicial
6 Administration Fund administered by the Administrative Office
7 of Courts.

8 "c. Twenty percent to the Highway Traffic Safety
9 Fund administered by the ~~Department of Public Safety~~ Alabama
10 State Law Enforcement Agency.

11 "d. Fifteen percent to the District Attorney's
12 Solicitor Fund.

13 "(2) In addition to paying the court clerk
14 seventy-five dollars (\$75) per month for the first four months
15 following the conviction or the voluntary installation of the
16 ignition interlock device, the defendant shall pay all costs
17 associated with the installation, purchase, maintenance, or
18 lease of the ignition interlock devices to an approved
19 ignition interlock provider pursuant to the rules of the
20 Department of Forensic Sciences, unless the defendant is
21 subject to Section 32-5A-191.4(g)(4) during which he or she
22 shall pay one-half the cost for the available indigency
23 period.

24 "(s) The defendant shall designate the vehicle to be
25 used by identifying the vehicle by the vehicle identification
26 number to the court. The defendant, at his or her own expense,
27 may designate additional motor vehicles on which an ignition

1 interlock device may be installed for the use of the
2 defendant.

3 "(t) (1) Any person who is required to comply with
4 the ignition interlock provisions of this section as a
5 condition of restoration or reinstatement of his or her
6 driver's license, shall only operate the designated vehicle
7 equipped with a functioning ignition interlock device for the
8 period of time consistent with the offense for which he or she
9 was convicted as provided for in this section.

10 "(2) The duration of the time an ignition interlock
11 device is required by this section shall be doubled if the
12 offender refused the prescribed chemical test for
13 intoxication, or if the offender's blood alcohol concentration
14 was 0.15 grams percent or greater unless already doubled by a
15 previous section.

16 "(u) (1) The ~~Department of Public Safety~~ Alabama
17 State Law Enforcement Agency may set a fee of not more than
18 one hundred fifty dollars (\$150) for the issuance of a
19 driver's license indicating that the person's driving
20 privileges are subject to the condition of the installation
21 and use of a certified ignition interlock device on a motor
22 vehicle. Fifteen percent of the fee shall be distributed to
23 the general fund of the county where the person was convicted
24 to be utilized for law enforcement purposes. Eighty-five
25 percent shall be distributed to the State General Fund. In
26 addition, at the end of the time the person's driving
27 privileges are subject to the above conditions, the agency

1 shall set a fee of not more than seventy-five dollars (\$75) to
2 reissue a regular driver's license. The fee shall be deposited
3 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.

4 "(2) The defendant shall provide proof of
5 installation of an approved ignition interlock device to the
6 ~~Department of Public Safety~~ Alabama State Law Enforcement
7 Agency as a condition of the issuance of a restricted driver's
8 license.

9 "(3) Any ignition interlock driving violation
10 committed by the offender during the mandated ignition
11 interlock period shall extend the duration of ignition
12 interlock use for six months from the date of violation.
13 Ignition interlock driving violations include any of the
14 following:

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

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

20 "c. Failure to comply with the servicing or
21 calibration requirements of the ignition interlock device
22 every 30 days.

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

1 "(w) The provisions in this section and Section
2 32-5A-191.4 relating to ignition interlock devices shall not
3 apply to persons who commit violations of this section while
4 under 19 years of age and who are adjudicated in juvenile
5 court, unless specifically ordered otherwise by the court.

6 "(x) (1) The amendatory language in Act 2014-222 to
7 this section, authorizing the ~~Department of Public Safety~~
8 Alabama State Law Enforcement Agency to stay a driver's
9 license suspension or revocation upon compliance with the
10 ignition interlock requirement shall apply retroactively if
11 any of the following occurs:

12 "a. The offender files an appeal with the court of
13 jurisdiction requesting all prior suspensions or revocation,
14 or both, be stayed upon compliance with the ignition interlock
15 requirement.

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

18 "c. The court of jurisdiction notifies the
19 ~~Department of Public Safety~~ Alabama State Law Enforcement
20 Agency that the offender is eligible to have the driver's
21 license stayed.

22 "d. The ~~Department of Public Safety~~ Alabama State
23 Law Enforcement Agency issues an ignition interlock restricted
24 driver's license.

25 "e. The offender remains in compliance of ignition
26 interlock requirements.

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

5 "§32-5A-191.2.

6 "(a) Beginning October 1, 1994, moneys in the
7 ~~Impaired Drivers~~ Alabama Head and Spinal Cord Injury Trust
8 Fund shall be distributed to the Division of Rehabilitation
9 Services in the State Department of Education for the
10 following purposes:

11 "(1) As a payer of last resort for the costs of care
12 provided in this state for citizens of this state who have
13 survived neuro-trauma with head or spinal cord injuries.
14 Expenditures for spinal cord injury and head injury care shall
15 be made by the Division of Rehabilitation Services according
16 to criteria established by the ~~Impaired Drivers~~ Alabama Head
17 and Spinal Cord Injury Trust Fund Advisory Board. Expenditures
18 may include but need not be limited to, post acute medical
19 care, rehabilitation therapies, medication, attendant care,
20 home accessibility modification, and equipment necessary for
21 activities of daily living.

22 "(2) Public information, prevention education, and
23 research coordinated by the Alabama Head Injury Foundation.

24 "(b) The Division of Rehabilitation Services shall
25 issue a report to the Legislature on the first day of the
26 regular session of each year, summarizing the activities

1 supported by the moneys from the additional fines levied in
2 this section and Section 32-5A-191.1."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.