

1 SB255
2 173505-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 17-FEB-16

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8 SYNOPSIS: Under existing law, penalties are provided
9 for driving under the influence of alcohol or
10 controlled substances.

11 This bill would further define the offense
12 of driving under the influence.

13 This bill would provide that a person may be
14 charged with driving under the influence if he or
15 she has a measurable amount of specified substances
16 in his or her body unless the person has a valid
17 prescription for the use of the substance or is
18 otherwise authorized to use the substance.

19 This bill would also specify specific blood
20 alcohol levels for drivers under the age of 21 and
21 for those operating a school bus.

22 Existing law provides that only a prior
23 conviction within a five-year period may be
24 considered when the court imposes a sentence. This
25 bill would remove this limitation and allow the
26 court to consider any prior conviction for driving
27 under the influence from this state, a municipality

1 in this state, another state or territory, or
2 another municipality outside this state if it
3 occurred within 10 years of the arrest for the
4 current violation.

5 This bill would increase the minimum
6 mandatory sentence for a fourth or subsequent
7 conviction of driving under the influence from 10
8 to 90 days and would specify the timeframe for the
9 release of certain persons after an arrest.

10 This bill also substantially reorganizes the
11 existing provisions of law relating to driving
12 under the influence, the suspension and revocation
13 of driver license upon a conviction for driving
14 under the influence, and ignition interlock
15 requirements.

16 Existing law provides that a person who
17 drives a motor vehicle while his or her driver
18 license or driving privilege is cancelled, denied,
19 suspended, or revoked is guilty of a misdemeanor
20 punishable by a minimum fine of \$100 up to a
21 maximum \$500 and imprisonment of no more than 180
22 days.

23 This bill would provide that a person
24 convicted for a third or subsequent time for
25 operating a motor vehicle while his or her license
26 or driving privilege is cancelled, denied,
27 suspended, or revoked, including a DUI-related

1 offense, would be guilty of a Class A misdemeanor
2 with a minimum mandatory sentence of 30 days in
3 jail.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment. However,
20 the bill does not require approval of a local
21 governmental entity or enactment by a 2/3 vote to
22 become effective because it comes within one of the
23 specified exceptions contained in the amendment.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 To amend Section 32-5A-191, Code of Alabama 1975,
3 relating to driving under the influence of alcohol or
4 controlled substances, to further define the offense; to
5 prohibit a person from driving who has a measurable amount of
6 specified substances in the person's body; to specify specific
7 blood alcohol levels for drivers under the age of 21 and for
8 those operating a school bus; to further provide for a minimum
9 mandatory sentence for a fourth or subsequent violation; to
10 remove the requirement that the court only consider a prior
11 conviction within a five-year period; to further specify the
12 timeframe for the release of persons arrested for driving
13 under the influence; to reorganize provisions relating to
14 driving under the influence, the suspension or revocation of
15 driver licenses upon convictions, and ignition interlock
16 requirements; and in connection therewith would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official ReCompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 32-5A-191 and 32-6-19, Code of
24 Alabama 1975, are amended to read as follows:

25 "§32-5A-191.

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

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

3 "~~Under the influence of alcohol;~~ There is
4 greater than five nanograms Delta-9-tetrahydrocannabinol (THC)
5 per milliliter of blood or any quantifiable amount of any
6 Schedule 1 or 2 controlled substances or any quantifiable
7 amount of any of the following substances in the person's
8 blood or oral fluid:

9 "a. Alprazolam.

10 "b. Carisoprodol/meprobamate.

11 "c. Clonazepam.

12 "d. Diazepam/nordiazepam.

13 "e. Lorazepam.

14 "f. Tramadol.

15 "g. Zolpidem.

16 "(3) Under the influence of ~~a controlled substance~~
17 alcohol, a controlled substance, or any other substance, or
18 combination of two or more of those substances, to a degree
19 which renders him or her incapable of safely driving;

20 "~~Under the combined influence of alcohol and a~~
21 ~~controlled substance to a degree which renders him or her~~
22 ~~incapable of safely driving;~~ or There is 0.02 percent or more
23 by weight of alcohol in his or her blood and the person is
24 under the age of 21 years;

25 "~~Under the influence of any substance which~~
26 ~~impairs the mental or physical faculties of such person to a~~
27 ~~degree which renders him or her incapable of safely driving.~~

1 There is 0.02 percent or more by weight of alcohol in his or
2 her blood and the person is a school bus or day care driver
3 acting in performance of his or her duties; or

4 "(6) There is 0.04 percent or more by weight of
5 alcohol in his or her blood and the person is driving or in
6 actual physical control of a commercial motor vehicle as
7 defined in 49 CFR Part 383.5 of the Federal Motor Carrier
8 Safety Regulations as adopted pursuant to Section 32-9A-2.

9 ~~"(b) A person who is under the age of 21 years shall~~
10 ~~not drive or be in actual physical control of any vehicle if~~
11 ~~there is 0.02 percent or more by weight of alcohol in his or~~
12 ~~her blood. The Department of Public Safety shall suspend or~~
13 ~~revoke the driver's license of any person, including, but not~~
14 ~~limited to, a juvenile, child, or youthful offender, convicted~~
15 ~~or adjudicated of, or subjected to a finding of, delinquency~~
16 ~~based on this subsection. Notwithstanding the foregoing, upon~~
17 ~~the first violation of this subsection by a person whose blood~~
18 ~~alcohol level is between 0.02 and 0.08, the person's driver's~~
19 ~~license or driving privilege shall be suspended for a period~~
20 ~~of 30 days in lieu of any penalties provided in subsection (e)~~
21 ~~of this section, and there shall be no disclosure, other than~~
22 ~~to courts, law enforcement agencies, the person's attorney of~~
23 ~~record, and the person's employer, by any entity or person of~~
24 ~~any information, documents, or records relating to the~~
25 ~~person's arrest, conviction, or adjudication of or finding of~~
26 ~~delinquency based on this subsection. It is an affirmative~~
27 ~~defense to a violation of subdivision (a) (2) if the person has~~

1 a lawful prescription for the substance or is otherwise
2 authorized by law to use the substance. This affirmative
3 defense is strictly limited to subdivision (a) (2). A person
4 may still be convicted under subdivision (a) (3) even if he or
5 she possesses a prescription for the substance or substances
6 found in his or her body.

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

16 ~~" (c) (1) A school bus or day care driver shall not~~
17 ~~drive or be in actual physical control of any vehicle while in~~
18 ~~performance of his or her duties if there is greater than 0.02~~
19 ~~percent by weight of alcohol in his or her blood. A person~~
20 ~~convicted pursuant to this subsection shall be subject to the~~
21 ~~penalties provided by this section, except that on the first~~
22 ~~conviction the Director of Public Safety shall suspend the~~
23 ~~driving privilege or driver's license for a period of one year~~
24 The fact that any person charged with violating this section
25 is or has been legally entitled to use alcohol or a controlled
26 substance, or any other substance, does not constitute a

1 defense against any charge of violating this section except as
2 set out in subsection (b).

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 time~~
18 ~~as it relates to a court order, approval, and installation of~~
19 ~~an ignition interlock device shall not apply to commercial~~
20 ~~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 or adjudication, a person~~
26 ~~violating this section shall be punished by imprisonment in~~
27 ~~the county or municipal jail for not more than one year, or by~~

1 fine of not less than six hundred dollars (\$600) nor more than
2 two thousand one hundred dollars (\$2,100), or by both a fine
3 and imprisonment. ~~In addition, on a first conviction, the~~
4 ~~Director of Public Safety shall suspend the driving privilege~~
5 ~~or driver's license of the person convicted for a period of 90~~
6 ~~days. The 90-day suspension shall be stayed if the offender~~
7 ~~elects to have an approved ignition interlock device installed~~
8 ~~and operating on the designated motor vehicle driven by the~~
9 ~~offender for six months. The offender shall present proof of~~
10 ~~installation of the approved ignition interlock device to the~~
11 ~~Department of Public Safety and obtain an ignition interlock~~
12 ~~restricted driver license. The remainder of the suspension~~
13 ~~shall be commuted upon the successful completion of the~~
14 ~~elected use, mandated use, or both, of the ignition interlock~~
15 ~~device. If, on a first conviction, any person refusing to~~
16 ~~provide a blood alcohol concentration or if a child under the~~
17 ~~age of 14 years was a passenger in the vehicle at the time of~~
18 ~~the offense or if someone else besides the offender was~~
19 ~~injured at the time of the offense, the Director of the~~
20 ~~Department of Public Safety shall suspend the driving~~
21 ~~privilege or driver's license of the person convicted for a~~
22 ~~period of 90 days and the person shall be required to have an~~
23 ~~ignition interlock device installed and operating on the~~
24 ~~designated motor vehicle driven by the offender for a period~~
25 ~~of two years from the date of issuance of a driver's license~~
26 ~~indicating that the person's driving privileges are subject to~~
27 ~~the condition of the installation and use of a certified~~

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

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

1 ~~one year and the offender shall be required to have an~~
2 ~~ignition interlock device installed and operating on the~~
3 ~~designated motor vehicle driven by the offender for a period~~
4 ~~of two 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 45 days of the license revocation or suspension pursuant to~~
9 ~~Section 32-5A-304, this section, or both, is completed, upon~~
10 ~~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 or an operational approved~~
13 ~~ignition interlock device on the designated vehicle of the~~
14 ~~person convicted, the mandated ignition interlock period of~~
15 ~~two years approved 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 ~~"(g) (f)~~ On a third conviction, a person convicted of
23 violating this section shall be punished by a fine of not less
24 than two thousand one hundred dollars (\$2,100) nor more than
25 ten thousand one hundred dollars (\$10,100) and by
26 imprisonment, which may include hard labor, in the county or
27 municipal jail for not less than 60 days nor more than one

1 year, to include a minimum of 60 days which shall be served in
2 the county or municipal jail and cannot be probated or
3 suspended. ~~In addition, the Director of Public Safety shall~~
4 ~~revoke the driving privilege or driver's license of the person~~
5 ~~convicted for a period of three years and the offender shall~~
6 ~~be required to have an ignition interlock device installed and~~
7 ~~operating on the designated motor vehicle driven by the~~
8 ~~offender for a period of three years from the date of issuance~~
9 ~~of a driver's license indicating that the person's driving~~
10 ~~privileges are subject to the condition of the installation~~
11 ~~and use of a certified ignition interlock device on a motor~~
12 ~~vehicle. After a minimum of 180 days of the license revocation~~
13 ~~or suspension pursuant to Section 32-5A-304, this section, or~~
14 ~~both, is completed, upon receipt of a court order from the~~
15 ~~convicting court, upon issuance of an ignition interlock~~
16 ~~restricted driver license, and upon proof of installation of~~
17 ~~an operational approved ignition interlock device on the~~
18 ~~designated vehicle of the person convicted, the mandated~~
19 ~~ignition interlock period of three years provided in this~~
20 ~~subsection shall start and the suspension period, revocation~~
21 ~~period, or both, as required under this subsection shall be~~
22 ~~stayed. The remainder of the driver license revocation period,~~
23 ~~suspension period, or both, shall be commuted upon the~~
24 ~~successful completion of the period of time in which the~~
25 ~~ignition interlock device is mandated to be installed and~~
26 ~~operational.~~

1 "~~(h)~~ (g) (1) On a fourth or subsequent conviction, a
2 person convicted of violating this section shall be guilty of
3 a Class C felony and punished by a fine of not less than four
4 thousand one hundred dollars (\$4,100) nor more than ten
5 thousand one hundred dollars (\$10,100) and by imprisonment of
6 not less than one year and one day nor more than 10 years. Any
7 term of imprisonment may include hard labor for the county or
8 state, and where imprisonment does not exceed three years
9 confinement may be in the county jail. Where imprisonment does
10 not exceed one year and one day, confinement shall be in the
11 county jail. The minimum sentence shall include a term of
12 imprisonment for at least one year and one day, provided,
13 however, that there shall be a minimum mandatory sentence of
14 ~~10~~ 90 days which shall be served in the county jail. The
15 remainder of the sentence may be suspended or probated, but
16 only if as a condition of probation the defendant enrolls and
17 successfully completes a state certified chemical dependency
18 program recommended by the court referral officer and approved
19 by the sentencing court. Where probation is granted, the
20 sentencing court may, in its discretion, and where monitoring
21 equipment is available, place the defendant on house arrest
22 under electronic surveillance during the probationary term. ~~In~~
23 ~~addition to the other penalties authorized, the Director of~~
24 ~~Public Safety shall revoke the driving privilege or driver's~~
25 ~~license of the person convicted for a period of five years and~~
26 ~~the offender shall be required to have an ignition interlock~~
27 ~~device installed and operating on the designated motor vehicle~~

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

20 " (2) The Alabama habitual felony offender law shall
21 not apply to a conviction of a felony pursuant to this
22 subsection, and a conviction of a felony pursuant to this
23 subsection shall not be a felony conviction for purposes of
24 the enhancement of punishment pursuant to Alabama's habitual
25 felony offender law. However, prior misdemeanor or felony
26 convictions for driving under the influence may be considered
27 as part of the sentencing calculations or determinations under

1 the Alabama Sentencing Guidelines or rules promulgated by the
2 Alabama Sentencing Commission.

3 "(h) A prior conviction for driving under the
4 influence from this state, a municipality within this state,
5 or another state or territory or a municipality of another
6 state or territory shall be considered by a court for imposing
7 a sentence pursuant to this section, if the conviction
8 occurred within 10 years of the arrest for the current
9 violation.

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

26 "(j) A person convicted of violating this section
27 relating to the use of any controlled substance shall be

1 required to be placed on random drug screen testing and submit
2 to any appropriate treatment while on probation with the court
3 in addition to any ignition interlock requirements required
4 under Section 2 of the act adding this subsection. A positive
5 screen shall result in sanctions as the court may deem
6 appropriate to ensure the safety of the public.

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

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

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

1 ~~conviction confirms to the department that the licensee is no~~
2 ~~longer subject to the ignition interlock device requirement.~~

3 "~~(1)~~ (m) Neither reckless driving nor any other
4 traffic infraction is a lesser included offense under a charge
5 of driving under the influence of alcohol or of a controlled
6 substance.

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

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

20 "(3) Fines collected for violations of this section
21 charged pursuant to a municipal ordinance, where the fine is
22 paid on a partial or installment basis, shall be deposited as
23 follows: The first two hundred dollars (\$200) of the fine
24 collected for any conviction shall be deposited to the State
25 Treasury with the first one hundred dollars (\$100) collected
26 for any conviction credited to the Alabama Chemical Testing
27 Training and Equipment Trust Fund and the second one hundred

1 dollars (\$100) for any conviction credited to the Impaired
2 Drivers Trust Fund after deducting five percent of the one
3 hundred dollars (\$100) for administrative costs and depositing
4 this amount in the general fund of the municipality. The
5 second three hundred dollars (\$300) of the fine collected for
6 a first conviction, the second eight hundred dollars (\$800)
7 collected for a second conviction, the second one thousand
8 eight hundred dollars (\$1,800) collected for a third
9 conviction, and the second three thousand eight hundred
10 dollars (\$3,800) collected for a fourth conviction shall be
11 divided with 50 percent of the funds collected to be deposited
12 to the State Treasury to be credited to the State General Fund
13 and 50 percent deposited as otherwise provided by law for
14 municipal ordinance violations. Any amounts collected over
15 these amounts shall be deposited as otherwise provided by law
16 for municipal ordinance violations.

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

24 "(5) In addition to fines imposed pursuant to this
25 subsection, a mandatory fee of one hundred dollars (\$100)
26 shall be collected from any individual that successfully
27 completes any pretrial diversion or deferral program in any

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

6 "~~(n)~~ (o) A person who has been arrested for violating
7 this section shall not be released from jail under bond or
8 otherwise, until there is ~~less than the same percent~~ 0.05
9 percent or less by weight of alcohol in his or her blood ~~as~~
10 ~~specified in subsection (a)(1)~~ or, in the case of a person who
11 ~~is~~ under the age of 21 years, ~~subsection (b) hereof~~ less than
12 0.02 percent by weight of alcohol in his or her blood, or in
13 the case of a person under the influence of a controlled
14 substance, 12 hours after arrest.

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

20 "~~(r) (1)~~ Any person ordered by the court to have an
21 ~~ignition interlock device installed on a designated vehicle,~~
22 ~~and any person who elects to have the ignition interlock~~
23 ~~device installed on a designated vehicle for the purpose of~~
24 ~~reducing a period of suspension or revocation of his or her~~
25 ~~driver's license, shall pay to the court, for each of the~~
26 ~~first four months following his or her conviction or the first~~
27 ~~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.~~

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

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

23 ~~"(s) The defendant shall designate the vehicle to be~~
24 ~~used by identifying the vehicle by the vehicle identification~~
25 ~~number to the court. The defendant, at his or her own expense,~~
26 ~~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 may set a~~
17 ~~fee of not more than one hundred fifty dollars (\$150) for the~~
18 ~~issuance of a driver's license indicating that the person's~~
19 ~~driving privileges are subject to the condition of the~~
20 ~~installation and use of a certified ignition interlock device~~
21 ~~on a motor vehicle. Fifteen percent of the fee shall be~~
22 ~~distributed to the general fund of the county where the person~~
23 ~~was convicted to be utilized for law enforcement purposes.~~
24 ~~Eighty-five percent shall be distributed to the State General~~
25 ~~Fund. In addition, at the end of the time the person's driving~~
26 ~~privileges are subject to the above conditions, the department~~
27 ~~shall set a fee of not more than seventy-five dollars (\$75) to~~

1 ~~reissue a regular driver's license. The fee shall be deposited~~
2 ~~as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.~~

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

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

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

16 ~~"b. Any tampering, circumvention, or bypassing of~~
17 ~~the ignition interlock device, or attempt thereof.~~

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

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

26 ~~(w) The provisions in this section and Section~~
27 ~~32-5A-191.4 relating to ignition interlock devices shall not~~

1 ~~apply to persons who commit violations of this section while~~
2 ~~under 19 years of age and who are adjudicated in juvenile~~
3 ~~court, unless specifically ordered otherwise by the court.~~

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

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

13 ~~"b. The offender wins appeal with the court of~~
14 ~~jurisdiction relating to this section.~~

15 ~~"c. The court of jurisdiction notifies the~~
16 ~~Department of Public Safety that the offender is eligible to~~
17 ~~have the driver's license stayed.~~

18 ~~"d. The Department of Public Safety issues an~~
19 ~~ignition interlock restricted driver's license.~~

20 ~~"e. The offender remains in compliance of ignition~~
21 ~~interlock requirements.~~

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

26 ~~"§32-6-19.~~

1 "(a) (1) ~~Any~~ Except as otherwise provided in
2 subdivision (4), a person whose driver's or chauffeur's
3 license issued in this or another state or whose driving
4 privilege as a nonresident has been cancelled, denied,
5 suspended, or revoked as provided in this article and who
6 drives any motor vehicle upon the highways of this state while
7 his or her license or privilege is cancelled, denied,
8 suspended, or revoked shall be guilty of a misdemeanor and
9 upon conviction shall be punished by a fine of not less than
10 one hundred dollars (\$100) nor more than five hundred dollars
11 (\$500), and in addition thereto may be imprisoned for not more
12 than 180 days. In addition to all fines, fees, costs, and
13 punishments prescribed by law, there shall be imposed or
14 assessed an additional penalty of fifty dollars (\$50) to be
15 placed in the Traffic Safety Trust Fund and the Peace Officers
16 Standards and Training Fund. Also, at the discretion of the
17 ~~Director of Public Safety~~ the Secretary of Alabama State Law
18 Enforcement Agency, the person's license may be revoked for an
19 additional revocation period of six months.

20 "(2) The additional penalty of fifty dollars (\$50)
21 shall be assessed in all criminal and quasi-criminal
22 proceedings in municipal, district, and circuit courts,
23 including, but not limited to, final bond forfeitures,
24 municipal ordinances violations, wherein the defendant is
25 adjudged guilty or pleads guilty and in all juvenile
26 delinquency and youthful offender adjudications.

1 "(3) If the fifty dollar (\$50) penalty required by
2 subdivision (1) is not imposed by the court, the clerk of the
3 court shall automatically assess it upon conviction.

4 "(4) In addition to the other penalties provided in
5 this subsection, upon a third or subsequent conviction of a
6 violation of this subsection, a person convicted of violating
7 this subsection shall be guilty of a Class A misdemeanor and
8 shall receive a minimum mandatory sentence of 30 days in jail.

9 "(b) Notwithstanding any provision of law, any
10 person who operates a motor vehicle upon the highways of this
11 state while his or her driver's license or driving privilege
12 is revoked for any reason under the laws of this state or
13 similar laws of any other state or territory, or while his or
14 her driver's license or driving privilege is suspended as a
15 consequence of a DUI-related offense, including, but not
16 limited to, being adjudicated delinquent or a youthful
17 offender based on a DUI-related offense, or while his or her
18 driver's license or driving privilege is suspended as a result
19 of failure to comply with the implied consent law of this
20 state or laws of another state, or who has been adjudicated a
21 delinquent child or a youthful offender based on an offense
22 that if the person had been an adult would have been a
23 conviction of driving under the influence of a controlled
24 substance or alcohol or failure to comply with the implied
25 consent law, shall be immediately removed from the vehicle.
26 The vehicle, regardless of ownership or possessory interest of
27 the operator or person present in the vehicle, except when the

1 owner of the vehicle or another family member of the owner is
2 present in the vehicle and presents a valid driver's license,
3 shall be impounded by any duly sworn law enforcement officer.
4 If there is an emergency or medical necessity jeopardizing
5 life or limb, the law enforcement officer may elect not to
6 impound the vehicle.

7 "(c) (1) The law enforcement officer making the
8 impoundment shall direct an approved towing service to tow the
9 vehicle to the garage of the towing service, storage lot, or
10 other place of safety and maintain custody and control of the
11 vehicle until the registered owner or authorized agent of the
12 registered owner claims the vehicle by paying all reasonable
13 and customary towing and storage fees for the services of the
14 towing company. The vehicle shall then be released to the
15 registered owner or an agent of the owner.

16 "(2) Any towing service or towing company removing
17 the vehicle at the direction of the law enforcement officer in
18 accordance with this section shall have a lien on the motor
19 vehicle for all reasonable and customary fees relating to the
20 towing and storage of the motor vehicle. This lien shall be
21 subject and subordinate to all prior security interests and
22 other liens affecting the vehicle whether evidenced on the
23 certificate of title or otherwise. Notice of any sale or other
24 proceedings relative to this lien shall be given to the
25 holders of all prior security interest or other liens by
26 official service of process at least 15 days prior to any sale
27 or other proceedings."

1 Section 2. (a) The Alabama State Law Enforcement
2 Agency shall suspend or revoke the driver license of any
3 person, including, but not limited to, a juvenile, child, or
4 youthful offender, convicted or adjudicated of or subjected to
5 a finding of delinquency upon violating Section 32-5A-191,
6 Code of Alabama 1975 as follows:

7 (1) Upon the first conviction for a violation under
8 subdivisions (a) (1), (a) (2), or (a) (3) of Section 32-5A-191,
9 Code of Alabama 1975, the Secretary of the Alabama State Law
10 Enforcement Agency shall suspend the driving privilege or
11 driver license of the person convicted for a period of 90
12 days. The 90-day suspension shall be stayed if the offender
13 elects to have an approved ignition interlock device installed
14 and operating on the designated motor vehicle driven by the
15 offender for six months. The election shall be made by the
16 offender before the convicting court at any time after
17 conviction. The offender shall then present proof of
18 installation of the approved ignition interlock device to the
19 Alabama State Law Enforcement Agency and obtain an ignition
20 interlock restricted driver license. The remainder of the
21 suspension shall be commuted upon the successful completion of
22 the elected use, mandated use, or both, of the ignition
23 interlock device.

24 (2) Upon the first conviction for a violation under
25 subdivision (a) (4) of Section 32-5A-191, Code of Alabama 1975,
26 the Secretary of the Alabama State Law Enforcement Agency

1 shall suspend the driver's license or driving privilege of the
2 person convicted for a period of 30 days.

3 (3) Upon the first conviction for a violation under
4 subdivision (a) (5) of Section 32-5A-191, Code of Alabama 1975,
5 the Secretary of the Alabama State Law Enforcement Agency
6 shall suspend the driving privilege or driver license for a
7 period of one year.

8 (4)a. If, on a first conviction of any violation of
9 Section 32-5A-191, Code of Alabama 1975, the offender is found
10 to have had 0.15 percent or more by weight of alcohol in his
11 or her blood while operating or being in actual physical
12 control of a vehicle, or the offender is found to have refused
13 to provide a blood alcohol concentration, or if a child under
14 the age of 16 years is found to have been a passenger in the
15 vehicle at the time of the offense, or if someone other than
16 the offender was found to have been injured at the time of the
17 offense, the Secretary of the Alabama State Law Enforcement
18 Agency shall suspend the driving privilege or driver license
19 of the person convicted as provided in subdivisions (1), (2),
20 or (3) and the person shall be required to have an ignition
21 interlock device installed and operating on the designated
22 motor vehicle driven by the offender for a period of two years
23 from the date of issuance of a driver license indicating that
24 the person's driving privileges are subject to the condition
25 of the installation and use of a certified ignition interlock
26 device on a motor vehicle.

1 b. After a minimum of 45 days of the license
2 suspension pursuant to Section 32-5A-304, Code of Alabama
3 1975, or this section, or both, is completed, upon receipt of
4 a court order from the convicting court, upon issuance of an
5 ignition interlock restricted driver license, and upon proof
6 of installation of an operational approved ignition interlock
7 device on the designated vehicle of the person convicted, the
8 mandated ignition interlock period of two years provided in
9 this subsection shall start and the suspension period required
10 under this subsection shall be stayed.

11 c. The remainder of the driver license suspension
12 period shall be commuted upon the successful completion of the
13 period of time in which the ignition interlock device is
14 mandated to be installed and operational.

15 (5)a. Upon a second conviction of any violation of
16 Section 32-5A-191, Code of Alabama 1975, the Secretary of the
17 Alabama State Law Enforcement Agency shall revoke the driving
18 privileges or driver license of the person convicted for a
19 period of one year and the offender shall be required to have
20 an ignition interlock device installed and operating on the
21 designated motor vehicle driven by the offender for a period
22 of two years from the date of issuance of a driver license
23 indicating that the person's driving privileges are subject to
24 the condition of the installation and use of a certified
25 ignition interlock device on a motor vehicle.

26 b. After a minimum of 45 days of the license
27 revocation pursuant to Section 32-5A-304, Code of Alabama

1 1975, this section, or both, is completed, upon receipt of a
2 court order from the convicting court, upon issuance of an
3 ignition interlock restricted driver license, and upon proof
4 of installation or an operational approved ignition interlock
5 device on the designated vehicle of the person convicted, the
6 mandated ignition interlock period of two years approved in
7 this subsection shall start and the revocation period required
8 under this subsection shall be stayed.

9 c. The remainder of the driver license revocation
10 period shall be commuted upon the successful completion of the
11 period of time in which the ignition interlock device is
12 mandated to be installed and operational.

13 (6)a. On a third conviction of any violation of
14 Section 32-5A-191, Code of Alabama 1975, the Secretary of the
15 Alabama State Law Enforcement Agency shall revoke the driving
16 privilege or driver license of the person convicted for a
17 period of three years and the offender shall be required to
18 have an ignition interlock device installed and operating on
19 the designated motor vehicle driven by the offender for a
20 period of three years from the date of issuance of a driver
21 license indicating that the person's driving privileges are
22 subject to the condition of the installation and use of a
23 certified ignition interlock device on a motor vehicle.

24 b. After a minimum of 180 days of the license
25 revocation pursuant to Section 32-5A-304, Code of Alabama
26 1975, this section, or both, is completed, upon receipt of a
27 court order from the convicting court, upon issuance of an

1 ignition interlock restricted driver license, and upon proof
2 of installation of an operational approved ignition interlock
3 device on the designated vehicle of the person convicted, the
4 mandated ignition interlock period of three years provided in
5 this subsection shall start and the revocation period required
6 under this subsection shall be stayed.

7 c. The remainder of the driver license revocation
8 period shall be commuted upon the successful completion of the
9 period of time in which the ignition interlock device is
10 mandated to be installed and operational.

11 (7)a. On a fourth or subsequent conviction of any
12 violation of Section 32-5A-191, Code of Alabama 1975, the
13 Secretary of the Alabama State Law Enforcement Agency shall
14 revoke the driving privilege or driver license of the person
15 convicted for a period of five years and the offender shall be
16 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 five years from the date of issuance
19 of a driver 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.

23 b. After a minimum of one year of the license
24 revocation pursuant to Section 32-5A-304, Code of Alabama
25 1975, this section, or both, is completed, upon receipt of a
26 court order from the convicting court, upon issuance of an
27 ignition interlock restricted driver license, and upon proof

1 of installation of an operational approved ignition interlock
2 device on the designated vehicle of the person convicted, the
3 mandated ignition interlock period of five years provided in
4 this subsection shall start and the revocation period required
5 under this subsection shall be stayed.

6 c. The remainder of the driver license revocation
7 period shall be commuted upon the successful completion of the
8 period of time in which the ignition interlock device is
9 mandated to be installed and operational.

10 (8)a. Upon the conviction of a person driving or in
11 actual physical control of a commercial motor vehicle as
12 defined in 49 CFR Part 383.5 of the Federal Motor Carrier
13 Safety Regulations as adopted pursuant to Section 32-9A-2,
14 Code of Alabama 1975, shall be disqualified for the period
15 provided in accordance with 49 CFR Part 383.51, as applicable,
16 and the person's regular driver license or privilege to drive
17 a regular motor vehicle shall be governed by the remainder of
18 this section if the person is guilty of a violation of another
19 provision of this section.

20 b. Any commutation of suspension or revocation time
21 as it relates to a court order, approval, and installation of
22 an ignition interlock device shall not apply to commercial
23 driving privileges or disqualifications.

24 (b) (1) Upon conviction of a violation of Section
25 32-5A-191, Code of Alabama 1975, the court shall notify the
26 Alabama State Law Enforcement Agency if the person convicted
27 has elected or is required to install and maintain an approved

1 ignition interlock device. The Alabama State Law Enforcement
2 Agency shall suspend or revoke the person's driving privileges
3 until completion of the mandatory suspension or revocation
4 period required by this section, clearance of all other
5 suspensions, revocations, cancellations, or denials, and proof
6 of installation of an approved ignition interlock device is
7 presented to the agency. Upon presentation of proof and
8 compliance with all ignition interlock requirements, the
9 agency shall issue a driver license with a restriction
10 indicating that the licensee may operate a motor vehicle only
11 with the certified ignition interlock device installed and
12 properly operating.

13 (2) If the licensee fails to maintain the approved
14 ignition interlock device as required or is otherwise not in
15 compliance with any order of the court, the court shall notify
16 the agency of the noncompliance and the agency shall suspend
17 the person's driving privileges until the agency receives
18 notification from the court that the licensee is in
19 compliance.

20 (3) The requirement that the licensee use the
21 ignition interlock device may be removed only when the court
22 of conviction confirms to the agency that the licensee is no
23 longer subject to the ignition interlock device requirement.

24 (c) (1) Any person ordered by the court to have an
25 ignition interlock device installed on a designated vehicle or
26 who elects to have an ignition interlock device installed on a
27 designated vehicle for the purpose of reducing the period of

1 suspension of his or her driver license, shall pay to the
2 court, in addition to all other fines and costs, an Interlock
3 Fee of three hundred dollars (\$300), which shall be divided as
4 follows:

5 a. Forty-five percent to the Alabama Interlock
6 Indigent Fund.

7 b. Twenty percent to the State Judicial
8 Administration Fund administered by the Administrative Office
9 of Courts.

10 c. Twenty percent to the Highway Traffic Safety Fund
11 administered by the Alabama State Law Enforcement Agency.

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

14 (2) In addition to the Interlock Fee, the defendant
15 shall pay all costs associated with the installation,
16 purchase, maintenance, or lease of the ignition interlock
17 devices to an approved ignition interlock provider pursuant to
18 the rules of the Department of Forensic Sciences, unless the
19 defendant is subject to subdivision (a)(4) of Section
20 32-5A-191.4, Code of Alabama 1975, during which he or she
21 shall pay one-half the cost for the available indigency
22 period.

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

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

3 (e) (1) Any person who is required to comply with the
4 ignition interlock provisions of this section as a condition
5 of restoration or reinstatement of his or her driver license,
6 shall operate only the designated vehicle equipped with a
7 functioning ignition interlock device for the period of time
8 consistent with the offense for which he or she was convicted
9 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.

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

1 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1, Code of
2 Alabama 1975.

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

9 a. A breath sample at or above a minimum blood
10 alcohol concentration level of 0.02 recorded more than four
11 times during the monthly reporting period.

12 b. Any tampering, circumvention, or bypassing of the
13 ignition interlock device, or attempt thereof.

14 c. Failure to comply with the servicing or
15 calibration requirements of the ignition interlock device
16 every 30 days.

17 (g) Nothing in this section and Section 32-5A-191.4,
18 Code of Alabama 1975, shall require an employer to install an
19 ignition interlock device in a vehicle owned or operated by
20 the employer for use by an employee required to use the device
21 as a condition of driving pursuant to this section and Section
22 32-5A-191.4, Code of Alabama 1975.

23 (h) This section and Section 32-5A-191.4, Code of
24 Alabama 1975, relating to ignition interlock devices shall not
25 apply to persons who commit violations of this section while
26 under 19 years of age and who are adjudicated in juvenile
27 court, unless specifically ordered otherwise by the court.

1 (i) (1) The Alabama State Law Enforcement Agency may
2 stay a driver license suspension or revocation upon compliance
3 with the ignition interlock requirement retroactively to July
4 1, 2014, if any of the following occurs:

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

9 b. The offender wins appeal with the court of
10 jurisdiction relating to this section.

11 c. The court of jurisdiction notifies the Alabama
12 State Law Enforcement Agency that the offender is eligible to
13 have the driver license stayed.

14 d. The Alabama State Law Enforcement Agency issues
15 an ignition interlock restricted driver license.

16 e. The offender remains in compliance of ignition
17 interlock requirements.

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

22 Section 3. Unless expressly provided otherwise in
23 this act, any conviction, sentence, probation, probation
24 revocation, pending charge, treatment condition, or any other
25 proceeding or order instituted under Section 32-5A-191, Code
26 of Alabama 1975, prior to this act must and shall continue,
27 remain in place, and is generally saved.

1 Section 4. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 5. 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.