

1 SB29  
2 178654-1  
3 By Senator Whatley  
4 RFD: Tourism and Marketing  
5 First Read: 15-AUG-16

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8 SYNOPSIS: Under existing law, if the Alabama State Law  
9 Enforcement Agency determines administratively that  
10 a person was driving under the influence and the  
11 offender's driving record shows no prior alcohol or  
12 drug-related enforcement contacts during the  
13 immediately preceding five years, the offender's  
14 driving privilege is suspended for 90 days.

15 This bill would provide that the suspension  
16 would be stayed if the offender elects to have an  
17 approved ignition interlock device installed on his  
18 or her designated motor vehicle.

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20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Section 32-5A-304 of the Code of Alabama  
25 1975, relating to the administrative suspension by the Alabama  
26 State Law Enforcement Agency of a person's driving privilege  
27 if the person was driving under the influence; to provide for

1 the stay of the suspension under certain conditions for  
2 persons without a recent alcohol or drug-related enforcement  
3 contact if the offender elects to have an approved ignition  
4 interlock device installed on his or her designated vehicle.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 32-5A-304 of the Code of Alabama  
7 1975, is amended to read as follows:

8 "§32-5A-304.

9 "(a) A driving privilege suspension shall become  
10 effective 45 days after the person has received a notice of  
11 intended suspension as provided in Section 32-5A-303, or is  
12 deemed to have received a notice of suspension by mail as  
13 provided in Section 32-5A-302 if no notice of intended  
14 suspension was served.

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

17 "(1) Ninety days if the driving record of a person  
18 shows no prior alcohol or drug-related enforcement contacts  
19 during the immediately preceding five years. Notwithstanding  
20 the other provisions of this section, the suspension imposed  
21 pursuant to this subdivision shall be stayed if the offender  
22 elects to have an approved ignition interlock device installed  
23 and operating on the designated motor vehicle driven by the  
24 offender for six months. The offender shall present proof of  
25 installation of the approved ignition interlock device to the  
26 Alabama State Law Enforcement Agency and obtain an ignition  
27 interlock restricted driver license. The remainder of the

1 suspension shall be commuted upon the successful completion of  
2 the elected use of the ignition interlock device.

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

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

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

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

24 "(c) If a license is suspended under this section  
25 for having .08 or more by weight of alcohol in the blood of  
26 the person and the person is also convicted on criminal  
27 charges arising out of the same occurrence for a violation of

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

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