

1 HB477
2 138328-2
3 By Representatives Jones and Colston
4 RFD: Judiciary
5 First Read: 06-MAR-12

1 "(2) One year if the person had 0.15 percent or more
2 by weight of alcohol in the person's blood and shows no prior
3 alcohol or drug-related enforcement contacts during the
4 immediately preceding five years or if the driving record of a
5 person shows one prior alcohol or drug-related enforcement
6 contact during the immediately preceding five years.

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

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

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

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

1 charges arising out of the same occurrence for a violation of
2 Section 32-5A-191, the suspension under this section shall be
3 imposed, but no period of suspension or revocation shall be
4 imposed under Section 32-5A-191. If a license is suspended
5 under this section for having .08 or more by weight of alcohol
6 in the blood of the person and the criminal charge against the
7 person for violation of Section 32-5A-191 is dismissed, nolle
8 prosequed, or the person is acquitted of the charge, the
9 director shall rescind the suspension order and remove the
10 administrative suspension from the person's driving record."

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 06-MAR-12

Read for the second time and placed
on the calendar 1 amendment 12-APR-12

Read for the third time and passed
as amended..... 01-MAY-12

Yeas 94, Nays 0, Abstains 0

Greg Pappas
Clerk