

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

1 138328-1:n:03/01/2012:FC/tan LRS2012-1366

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8 SYNOPSIS: Under existing law, the driver's license of
9 a person is subject to suspension if the person
10 fails or refuses a test related to driving under
11 the influence.

12 This bill would increase the period of
13 suspension of a person's driver's license when a
14 person tests 0.15 percent of alcohol or more to
15 correspond with recent changes in the period of
16 suspension if a person is convicted of DUI.

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18 A BILL

19 TO BE ENTITLED

20 AN ACT

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22 To amend Section 32-5A-304 of the Code of Alabama
23 1975, to further provide for the suspension of the driver's
24 license of a person by the Department of Public Safety when
25 the person fails or refuses certain tests relating to driving
26 under the influence.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-5A-304.

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

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

"(1) Ninety days if the driving record of a person shows no prior alcohol or drug-related enforcement contacts during the immediately preceding five years.

"(2) One year if the person had 0.15 percent or more by weight of alcohol in the person's blood or if the driving record of a person shows one prior alcohol or drug-related enforcement contact during the immediately preceding five years.

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

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

"(5) For purposes of this section, "alcohol or drug-related enforcement contacts" shall include any

1 suspension under this article, any suspension or revocation
2 entered in this or any other state for a refusal to submit to
3 chemical testing under an implied consent law, and any
4 conviction in this or any other state for a violation which
5 involves driving a motor vehicle while having an unlawful
6 percent of alcohol in the blood, or while under the influence
7 of alcohol or drugs, or alcohol and drugs except that no more
8 than one alcohol or drug-related contact on any one DUI arrest
9 may be considered by the department in determining the period
10 of suspension.

11 "(c) If a license is suspended under this section
12 for having .08 or more by weight of alcohol in the blood of
13 the person and the person is also convicted on criminal
14 charges arising out of the same occurrence for a violation of
15 Section 32-5A-191, the suspension under this section shall be
16 imposed, but no period of suspension or revocation shall be
17 imposed under Section 32-5A-191. If a license is suspended
18 under this section for having .08 or more by weight of alcohol
19 in the blood of the person and the criminal charge against the
20 person for violation of Section 32-5A-191 is dismissed, nolle
21 prossed, or the person is acquitted of the charge, the
22 director shall rescind the suspension order and remove the
23 administrative suspension from the person's driving record."

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