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3 SENATE TRANSPORTATION & ENERGY COMMITTEE SUBSTITUTE FOR SB180  
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8 SYNOPSIS: Under existing law, for purposes of enhanced  
9 criminal penalties, a court may only consider a  
10 defendant's driving under the influence convictions  
11 from the past five years.

12 This bill would require a court to consider  
13 a defendant's misdemeanor DUI convictions from the  
14 past 10 years.

15 This bill would require a court to consider  
16 all of a defendant's prior felony DUI convictions,  
17 regardless of the date.

18 Under existing law, a person shall be guilty  
19 of a Class C felony upon a fourth or subsequent  
20 conviction for DUI.

21 This bill would provide that a person with a  
22 prior felony DUI conviction would be guilty of a  
23 Class C felony upon a subsequent conviction for  
24 DUI.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the

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

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

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Section 32-5A-191, Code of Alabama 1975, as  
25 last amended by Act 2016-259, 2016 Regular Session, relating  
26 to driving under the influence; to provide for further

1 consideration by a court of a defendant's prior misdemeanor  
2 driving under the influence convictions; to require a court to  
3 consider all of a defendant's prior felony driving under the  
4 influence convictions when that defendant is convicted of a  
5 subsequent DUI; and in connection therewith would have as its  
6 purpose or effect the requirement of a new or increased  
7 expenditure of local funds within the meaning of Amendment 621  
8 of the Constitution of Alabama of 1901, now appearing as  
9 Section 111.05 of the Official ReCompilation of the  
10 Constitution of Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 32-5A-191, Code of Alabama 1975,  
13 as last amended by Act 2016-259, 2016 Regular Session, is  
14 amended to read as follows:

15 "§32-5A-191.

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

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

20 "(2) Under the influence of alcohol;

21 "(3) Under the influence of a controlled substance  
22 to a degree which renders him or her incapable of safely  
23 driving;

24 "(4) Under the combined influence of alcohol and a  
25 controlled substance to a degree which renders him or her  
26 incapable of safely driving; or

1           "(5) Under the influence of any substance which  
2           impairs the mental or physical faculties of such person to a  
3           degree which renders him or her incapable of safely driving.

4           "(b) A person who is under the age of 21 years shall  
5           not drive or be in actual physical control of any vehicle if  
6           there is 0.02 percent or more by weight of alcohol in his or  
7           her blood. The Alabama State Law Enforcement Agency shall  
8           suspend or revoke the driver's license of any person,  
9           including, but not limited to, a juvenile, child, or youthful  
10          offender, convicted or adjudicated of, or subjected to a  
11          finding of, delinquency based on this subsection.

12          Notwithstanding the foregoing, upon the first violation of  
13          this subsection by a person whose blood alcohol level is  
14          between 0.02 and 0.08, the person's driver's license or  
15          driving privilege shall be suspended for a period of 30 days  
16          in lieu of any penalties provided in subsection (e) of this  
17          section, and there shall be no disclosure, other than to  
18          courts, law enforcement agencies, the person's attorney of  
19          record, and the person's employer, by any entity or person of  
20          any information, documents, or records relating to the  
21          person's arrest, conviction, or adjudication of or finding of  
22          delinquency based on this subsection.

23          "All persons, except as otherwise provided in this  
24          subsection for a first offense, including, but not limited to,  
25          a juvenile, child, or youthful offender, convicted or  
26          adjudicated of or subjected to a finding of delinquency based

1 on this subsection shall be fined pursuant to this section,  
2 notwithstanding any other law to the contrary, and the person  
3 shall also be required to attend and complete a DUI or  
4 substance abuse court referral program in accordance with  
5 subsection (k).

6 "(c) (1) A school bus or day care driver shall not  
7 drive or be in actual physical control of any vehicle while in  
8 performance of his or her duties if there is greater than 0.02  
9 percent by weight of alcohol in his or her blood. A person  
10 convicted pursuant to this subsection shall be subject to the  
11 penalties provided by this section, except that on the first  
12 conviction the Secretary of the Alabama State Law Enforcement  
13 Agency shall suspend the driving privilege or driver's license  
14 for a period of one year.

15 "(2) A person shall not drive or be in actual  
16 physical control of a commercial motor vehicle, as defined in  
17 49 CFR Part 383.5 of the Federal Motor Carrier Safety  
18 Regulations as adopted pursuant to Section 32-9A-2, if there  
19 is 0.04 percent or greater by weight of alcohol in his or her  
20 blood. Notwithstanding the other provisions of this section,  
21 the commercial driver's license or commercial driving  
22 privilege of a person convicted of violating this subdivision  
23 shall be disqualified for the period provided in accordance  
24 with 49 CFR Part 383.51, as applicable, and the person's  
25 regular driver's license or privilege to drive a regular motor  
26 vehicle shall be governed by the remainder of this section if

1 the person is guilty of a violation of another provision of  
2 this section.

3 "(3) Any commutation of suspension or revocation  
4 time as it relates to a court order, approval, and  
5 installation of an ignition interlock device shall not apply  
6 to commercial driving privileges or disqualifications.

7 "(d) The fact that any person charged with violating  
8 this section is or has been legally entitled to use alcohol or  
9 a controlled substance shall not constitute a defense against  
10 any charge of violating this section.

11 "(e) Upon first conviction, a person violating this  
12 section shall be punished by imprisonment in the county or  
13 municipal jail for not more than one year, or by fine of not  
14 less than six hundred dollars (\$600) nor more than two  
15 thousand one hundred dollars (\$2,100), or by both a fine and  
16 imprisonment. In addition, on a first conviction, the  
17 Secretary of the Alabama State Law Enforcement Agency shall  
18 suspend the driving privilege or driver's license of the  
19 person convicted for a period of 90 days. The 90-day  
20 suspension shall be stayed if the offender elects to have an  
21 approved ignition interlock device installed and operating on  
22 the designated motor vehicle driven by the offender for six  
23 months. The offender shall present proof of installation of  
24 the approved ignition interlock device to the Alabama State  
25 Law Enforcement Agency and obtain an ignition interlock  
26 restricted driver license. The remainder of the suspension

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

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

5 "(f) On a second conviction ~~within a five-year~~  
6 ~~period~~, a person convicted of violating this section shall be  
7 punished by a fine of not less than one thousand one hundred  
8 dollars (\$1,100) nor more than five thousand one hundred  
9 dollars (\$5,100) and by imprisonment, which may include hard  
10 labor in the county or municipal jail for not more than one  
11 year. The sentence shall include a mandatory sentence, which  
12 is not subject to suspension or probation, of imprisonment in  
13 the county or municipal jail for not less than five days or  
14 community service for not less than 30 days. In addition, the  
15 Secretary of the Alabama State Law Enforcement Agency shall  
16 revoke the driving privileges or driver's license of the  
17 person convicted for a period of one year and the offender  
18 shall be required to have an ignition interlock device  
19 installed and operating on the designated motor vehicle driven  
20 by the offender for a period of two years from the date of  
21 issuance of a driver's license indicating that the person's  
22 driving privileges are subject to the condition of the  
23 installation and use of a certified ignition interlock device  
24 on a motor vehicle. After a minimum of 45 days of the license  
25 revocation or suspension pursuant to Section 32-5A-304, this  
26 section, or both, is completed, upon receipt of a court order



1 from the convicting court, upon issuance of an ignition  
2 interlock restricted driver license, and upon proof of  
3 installation or an operational approved ignition interlock  
4 device on the designated vehicle of the person convicted, the  
5 mandated ignition interlock period of two years approved in  
6 this subsection shall start and the suspension period,  
7 revocation period, or both, as required under this subsection  
8 shall be stayed. The remainder of the driver license  
9 revocation period, suspension period, or both, shall be  
10 commuted upon the successful completion of the period of time  
11 in which the ignition interlock device is mandated to be  
12 installed and operational.

13 "(g) On a third conviction, a person convicted of  
14 violating this section shall be punished by a fine of not less  
15 than two thousand one hundred dollars (\$2,100) nor more than  
16 ten thousand one hundred dollars (\$10,100) and by  
17 imprisonment, which may include hard labor, in the county or  
18 municipal jail for not less than 60 days nor more than one  
19 year, to include a minimum of 60 days which shall be served in  
20 the county or municipal jail and cannot be probated or  
21 suspended. In addition, the Secretary of the Alabama State Law  
22 Enforcement Agency shall revoke the driving privilege or  
23 driver's license of the person convicted for a period of three  
24 years and the offender shall be required to have an ignition  
25 interlock device installed and operating on the designated  
26 motor vehicle driven by the offender for a period of three

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

19 "(h) On a fourth or subsequent conviction, or if the  
20 person has a previous felony DUI conviction a person convicted  
21 of violating this section shall be guilty of a Class C felony  
22 and punished by a fine of not less than four thousand one  
23 hundred dollars (\$4,100) nor more than ten thousand one  
24 hundred dollars (\$10,100) and by imprisonment of not less than  
25 one year and one day nor more than 10 years. Any term of  
26 imprisonment may include hard labor for the county or state,

1 and where imprisonment does not exceed three years confinement  
2 may be in the county jail. Where imprisonment does not exceed  
3 one year and one day, confinement shall be in the county jail.  
4 The minimum sentence shall include a term of imprisonment for  
5 at least one year and one day, provided, however, that there  
6 shall be a minimum mandatory sentence of 10 days which shall  
7 be served in the county jail. The remainder of the sentence  
8 may be suspended or probated, but only if as a condition of  
9 probation the defendant enrolls and successfully completes a  
10 state certified chemical dependency program recommended by the  
11 court referral officer and approved by the sentencing court.  
12 Where probation is granted, the sentencing court may, in its  
13 discretion, and where monitoring equipment is available, place  
14 the defendant on house arrest under electronic surveillance  
15 during the probationary term. In addition to the other  
16 penalties authorized, the Secretary of the Alabama State Law  
17 Enforcement Agency shall revoke the driving privilege or  
18 driver's license of the person convicted for a period of five  
19 years and the offender shall be required to have an ignition  
20 interlock device installed and operating on the designated  
21 motor vehicle driven by the offender for a period of five  
22 years from the date of issuance of a driver's 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. After a minimum  
26 of one year of the license revocation or suspension pursuant

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

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

24 "(i) When any person convicted of violating this  
25 section is found to have had at least 0.15 percent or more by  
26 weight of alcohol in his or her blood while operating or being

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

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

21 "(k) (1) In addition to the penalties provided  
22 herein, any person convicted of violating this section shall  
23 be referred to the court referral officer for evaluation and  
24 referral to appropriate community resources. The defendant  
25 shall, at a minimum, be required to complete a DUI or  
26 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 Alabama State Law  
4 Enforcement Agency shall not reissue a driver's license to a  
5 person convicted under this section without receiving proof  
6 that the defendant has successfully completed the required  
7 program.

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

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

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

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

1 dollars (\$100) is deducted for administrative costs, and  
2 beginning October 1, 1997, and thereafter, the second one  
3 hundred dollars (\$100) of that additional amount shall be  
4 deposited in the Alabama Head and Spinal Cord Injury Trust  
5 Fund after deducting five percent of the one hundred dollars  
6 (\$100) for administrative costs and the remainder of the funds  
7 shall be deposited to the State General Fund. Fines collected  
8 for violations of this section charged pursuant to a municipal  
9 ordinance where the total fine is paid at one time shall be  
10 deposited as follows: The first three hundred fifty dollars  
11 (\$350) collected for a first conviction, the first six hundred  
12 dollars (\$600) collected for a second conviction within ~~five~~  
13 10 years, the first one thousand one hundred dollars (\$1,100)  
14 collected for a third conviction, and the first two thousand  
15 one hundred dollars (\$2,100) collected for a fourth or  
16 subsequent conviction shall be deposited to the State Treasury  
17 with the first one hundred dollars (\$100) collected for each  
18 conviction credited to the Alabama Chemical Testing Training  
19 and Equipment Trust Fund and the second one hundred dollars  
20 (\$100) to the Alabama Head and Spinal Cord Injury Trust Fund  
21 after deducting five percent of the one hundred dollars (\$100)  
22 for administrative costs and depositing this amount in the  
23 general fund of the municipality, and the balance credited to  
24 the State General Fund. Any amounts collected over these  
25 amounts shall be deposited as otherwise provided by law. Fines  
26 collected for violations of this section charged pursuant to a



1 municipal ordinance, where the fine is paid on a partial or  
2 installment basis, shall be deposited as follows: The first  
3 two hundred dollars (\$200) of the fine collected for any  
4 conviction shall be deposited to the State Treasury with the  
5 first one hundred dollars (\$100) collected for any conviction  
6 credited to the Alabama Chemical Testing Training and  
7 Equipment Trust Fund and the second one hundred dollars (\$100)  
8 for any conviction credited to the Alabama Head and Spinal  
9 Cord Injury Trust Fund after deducting five percent of the one  
10 hundred dollars (\$100) for administrative costs and depositing  
11 this amount in the general fund of the municipality. The  
12 second three hundred dollars (\$300) of the fine collected for  
13 a first conviction, the second eight hundred dollars (\$800)  
14 collected for a second conviction, the second one thousand  
15 eight hundred dollars (\$1,800) collected for a third  
16 conviction, and the second three thousand eight hundred  
17 dollars (\$3,800) collected for a fourth conviction shall be  
18 divided with 50 percent of the funds collected to be deposited  
19 to the State Treasury to be credited to the State General Fund  
20 and 50 percent deposited as otherwise provided by law for  
21 municipal ordinance violations. Any amounts collected over  
22 these amounts shall be deposited as otherwise provided by law  
23 for municipal ordinance violations. Notwithstanding any  
24 provision of law to the contrary, 90 percent of any fine  
25 assessed and collected for any DUI offense charged by  
26 municipal ordinance violation in district or circuit court

1 shall be computed only on the amount assessed over the minimum  
2 fine authorized, and upon collection shall be distributed to  
3 the municipal general fund with the remaining 10 percent  
4 distributed to the State General Fund. In addition to fines  
5 imposed pursuant to this subsection, a mandatory fee of one  
6 hundred dollars (\$100) shall be collected from any individual  
7 that successfully completes any pretrial diversion or deferral  
8 program in any municipal, district, or circuit court where the  
9 individual was charged with a violation of this section or a  
10 corresponding municipal ordinance. The one hundred dollars  
11 (\$100) shall be deposited into the Alabama Chemical Testing  
12 Training and Equipment Fund.

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

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

1           "(p) A prior conviction ~~within a five-year period~~  
2 for driving under the influence ~~of alcohol or drugs~~ from this  
3 state, a municipality within this state, or another state or  
4 territory or a municipality of another state or territory  
5 shall be considered by a court for imposing a sentence  
6 pursuant to this section if the prior conviction occurred  
7 within 10 years of the date of the current offense, except  
8 that if the person has a previous felony DUI conviction, then  
9 all subsequent DUI convictions shall be treated as felonies  
10 regardless of the date of the previous felony DUI conviction.

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

1 interlock device installed on the designated vehicle for the  
2 duration of the offender's driver's license suspension period.

3 "(r) (1) Any person ordered by the court to have an  
4 ignition interlock device installed on a designated vehicle,  
5 and any person who elects to have the ignition interlock  
6 device installed on a designated vehicle for the purpose of  
7 reducing a period of suspension or revocation of his or her  
8 driver's license, shall pay to the court, for each of the  
9 first four months following his or her conviction or the first  
10 four months following the installation of the ignition  
11 interlock device on his or her vehicle, seventy-five dollars  
12 (\$75) per month, which shall be divided as follows:

13 "a. Forty-five percent to the Alabama Interlock  
14 Indigent Fund.

15 "b. Twenty percent to the State Judicial  
16 Administration Fund administered by the Administrative Office  
17 of Courts.

18 "c. Twenty percent to the Highway Traffic Safety  
19 Fund administered by the Alabama State Law Enforcement Agency.

20 "d. Fifteen percent to the District Attorney's  
21 Solicitor Fund.

22 "(2) In addition to paying the court clerk  
23 seventy-five dollars (\$75) per month for the first four months  
24 following the conviction or the voluntary installation of the  
25 ignition interlock device, the defendant shall pay all costs  
26 associated with the installation, purchase, maintenance, or

1 lease of the ignition interlock devices to an approved  
2 ignition interlock provider pursuant to the rules of the  
3 Department of Forensic Sciences, unless the defendant is  
4 subject to Section 32-5A-191.4(g)(4) during which he or she  
5 shall pay one-half the cost for the available indigency  
6 period.

7 "(s) The defendant shall designate the vehicle to be  
8 used by identifying the vehicle by the vehicle identification  
9 number to the court. The defendant, at his or her own expense,  
10 may designate additional motor vehicles on which an ignition  
11 interlock device may be installed for the use of the  
12 defendant.

13 "(t) (1) Any person who is required to comply with  
14 the ignition interlock provisions of this section as a  
15 condition of restoration or reinstatement of his or her  
16 driver's license, shall only operate the designated vehicle  
17 equipped with a functioning ignition interlock device for the  
18 period of time consistent with the offense for which he or she  
19 was convicted as provided for in this section.

20 "(2) The duration of the time an ignition interlock  
21 device is required by this section shall be doubled if the  
22 offender refused the prescribed chemical test for  
23 intoxication, or if the offender's blood alcohol concentration  
24 was 0.15 grams percent or greater unless already doubled by a  
25 previous section.

1           "(u) (1) The Alabama State Law Enforcement Agency may  
2 set a fee of not more than one hundred fifty dollars (\$150)  
3 for the issuance of a driver's license indicating that the  
4 person's driving privileges are subject to the condition of  
5 the installation and use of a certified ignition interlock  
6 device on a motor vehicle. Fifteen percent of the fee shall be  
7 distributed to the general fund of the county where the person  
8 was convicted to be utilized for law enforcement purposes.  
9 Eighty-five percent shall be distributed to the State General  
10 Fund. In addition, at the end of the time the person's driving  
11 privileges are subject to the above conditions, the agency  
12 shall set a fee of not more than seventy-five dollars (\$75) to  
13 reissue a regular driver's license. The fee shall be deposited  
14 as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1.

15           "(2) The defendant shall provide proof of  
16 installation of an approved ignition interlock device to the  
17 Alabama State Law Enforcement Agency as a condition of the  
18 issuance of a restricted driver's license.

19           "(3) Any ignition interlock driving violation  
20 committed by the offender during the mandated ignition  
21 interlock period shall extend the duration of ignition  
22 interlock use for six months from the date of violation.  
23 Ignition interlock driving violations include any of the  
24 following:

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

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

6           "c. Failure to comply with the servicing or  
7 calibration requirements of the ignition interlock device  
8 every 30 days.

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

14           "(w) The provisions in this section and Section  
15 32-5A-191.4 relating to ignition interlock devices shall not  
16 apply to persons who commit violations of this section while  
17 under 19 years of age and who are adjudicated in juvenile  
18 court, unless specifically ordered otherwise by the court.

19           "(x) (1) The amendatory language in Act 2014-222 to  
20 this section, authorizing the Alabama State Law Enforcement  
21 Agency to stay a driver's license suspension or revocation  
22 upon compliance with the ignition interlock requirement shall  
23 apply retroactively if any of the following occurs:

24           "a. The offender files an appeal with the court of  
25 jurisdiction requesting all prior suspensions or revocation,

1 or both, be stayed upon compliance with the ignition interlock  
2 requirement.

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

5 "c. The court of jurisdiction notifies the Alabama  
6 State Law Enforcement Agency that the offender is eligible to  
7 have the driver's license stayed.

8 "d. The Alabama State Law Enforcement Agency issues  
9 an ignition interlock restricted driver's license.

10 "e. The offender remains in compliance of ignition  
11 interlock requirements.

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

16 Section 2. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

24 Section 3. The provisions of this act are severable.  
25 If any part of this act is declared invalid or



1       unconstitutional, that declaration shall not affect the part  
2       which remains.

3                 Section 4. This act shall become effective on the  
4       first day of the third month following its passage and  
5       approval by the Governor, or its otherwise becoming law.