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3 SENATE TRANSPORTATION & ENERGY COMMITTEE SUBSTITUTE FOR SB30  
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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 driving record of the person shows no prior alcohol  
12 or drug-related enforcement contacts during the  
13 immediately preceding five years, the driving  
14 privilege of the person is suspended for 90 days.

15 This bill would provide that the suspension  
16 would be stayed under certain conditions if the  
17 person elects to have an approved ignition  
18 interlock device installed on his or her designated  
19 motor vehicle.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To amend Section 32-5A-304 of the Code of Alabama  
26 1975, as last amended by Act 2016-152 of the 2016 Regular

1 Session (Acts 2016), relating to the administrative suspension  
2 by the Alabama State Law Enforcement Agency of the driving  
3 privilege of a person if the person was driving under the  
4 influence; to provide for the stay of the suspension under  
5 certain conditions for persons without a recent alcohol or  
6 drug-related enforcement contact if the person elects to have  
7 an approved ignition interlock device installed on his or her  
8 designated vehicle.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 32-5A-304 of the Code of Alabama  
11 1975, as last amended by Act 2016-152 of the 2016 Regular  
12 Session (Acts 2016), is amended to read as follows:

13 "§32-5A-304.

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

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

22 "(1) Ninety days if the driving record of a person  
23 shows no prior alcohol or drug-related enforcement contacts  
24 during the immediately preceding five years. Notwithstanding  
25 the other provisions of this section, the suspension imposed  
26 pursuant to this subdivision shall be stayed if the person

1 elects to have an approved ignition interlock device installed  
2 and operating on the designated motor vehicle driven by the  
3 person for six months. The person shall present proof of  
4 installation of the approved ignition interlock device to the  
5 court having jurisdiction over violations of Section  
6 32-5A-191, and obtain an ignition interlock restricted driver  
7 license. The remainder of the suspension shall be commuted  
8 upon the successful completion of the elected use of the  
9 ignition interlock device. The administrative interlock period  
10 specified in this subdivision shall not affect the duration of  
11 any interlock period imposed upon a subsequent conviction for  
12 a violation of Section 32-5A-191.

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

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

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

22           "(5) For purposes of this section, "alcohol or  
23 drug-related enforcement contacts" shall include all  
24 suspensions under this article, any suspension or revocation  
25 entered in this or any other state for a refusal to submit to  
26 chemical testing under an implied consent law, and any

1 conviction in this or any other state for a violation which  
2 involves driving a motor vehicle while having an unlawful  
3 percent of alcohol in the blood, or while under the influence  
4 of alcohol or drugs, or alcohol and drugs except that no more  
5 than one alcohol or drug-related contact on any one DUI arrest  
6 may be considered by the agency in determining the period of  
7 suspension.

8 "(c) If a license is suspended under this section  
9 for having .08 or more by weight of alcohol in the blood of  
10 the person and the person is also convicted on criminal  
11 charges arising out of the same occurrence for a violation of  
12 Section 32-5A-191, the suspension under this section shall be  
13 imposed, giving credit for suspension time served toward the  
14 duration of suspension or revocation required under Section  
15 32-5A-191. If a license is suspended under this section for  
16 having .08 or more by weight of alcohol in the blood of the  
17 person and the criminal charge against the person for  
18 violation of Section 32-5A-191 is dismissed, nolle prossed, or  
19 the person is acquitted of the charge, the director shall  
20 rescind the suspension order and remove the administrative  
21 suspension from the person's driving record, except for those  
22 persons holding a commercial driver license, a commercial  
23 learner license, or a person operating a commercial motor  
24 vehicle."

25 Section 2. (a) Any person electing to have the  
26 ignition interlock device installed on a designated vehicle

1 under subdivision (1) of subsection (b) of Section 32-5A-304,  
2 Code of Alabama 1975, shall pay all fees required under  
3 subsection (r) of Section 32-5A-191, Code of Alabama 1975.

4 (b) A determination of indigency for the  
5 installation and use of an ignition interlock device under  
6 subdivision (1) of subsection (b) of Section 32-5A-304, Code  
7 of Alabama 1975, shall be made in accordance with subdivision  
8 (3) of subsection (i) of Section 32-5A-191.4, Code of Alabama  
9 1975.

10 (c) The commission of any ignition interlock device  
11 violation under subsection (j) or (m) of Section 32-5A-191.4,  
12 Code of Alabama 1975, by a person who elected to have an  
13 ignition interlock device installed under subdivision (1) of  
14 subsection (b) of Section 32-5A-304, Code of Alabama 1975,  
15 constitutes a violation of the person's bond.

16 Section 3. The provisions of this act are severable.  
17 If any part of this act is declared invalid or  
18 unconstitutional, that declaration shall not affect the part  
19 which remains.

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