

1 SB180  
2 182001-2  
3 By Senator Orr  
4 RFD: Transportation and Energy  
5 First Read: 14-FEB-17

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7  
8 SYNOPSIS: Under existing law, a person is prohibited  
9 from operating a motor vehicle while under the  
10 influence of alcohol or a controlled substance.

11 This bill would further define the offense  
12 of driving under the influence (DUI).

13 This bill would provide that a person may be  
14 charged with driving under the influence if he or  
15 she has a measurable amount of specified substances  
16 in his or her body and would specify that it is an  
17 affirmative defense if the person has a lawful  
18 prescription regime for the use of the substance.

19 Under existing law, for purposes of enhanced  
20 penalties, a court may only consider a defendant's  
21 driving under the influence convictions from the  
22 past five years.

23 This bill would require a court to consider  
24 a defendant's misdemeanor DUI convictions from the  
25 past 10 years.

26 This bill would require a court to consider  
27 all of a defendant's felony DUI convictions.

1 Under existing law, upon a person's fourth  
2 or subsequent conviction for DUI, the person shall  
3 be guilty of a Class C felony.

4 This bill would also specify that a person  
5 with a prior felony DUI conviction would be guilty  
6 of a Class C felony for a subsequent conviction for  
7 DUI.

8 Under existing law, a person convicted of  
9 driving under the influence of a controlled  
10 substance may be subject to the ignition interlock  
11 program.

12 This bill would also require a person  
13 convicted of driving under the influence of a  
14 controlled substance to participate in random drug  
15 testing and other appropriate treatment.

16 This bill would also substantially  
17 reorganize the existing provisions of law relating  
18 to driving under the influence, the suspension and  
19 revocation of a driver's license upon conviction  
20 for DUI, and the ignition interlock requirements.

21  
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25  
26 To amend Section 32-5A-191, Code of Alabama 1975, as  
27 last amended by Act 2016-259, 2016 Regular Session, relating

1 to driving under the influence; to further define the offense  
2 of driving under the influence; to provide that a person may  
3 be charged with driving under the influence if he or she has a  
4 measurable amount of specified substances in his or her body  
5 and would specify that it is an affirmative defense if the  
6 person has a lawful prescription regime for the use of the  
7 substance; to provide for further consideration by a court of  
8 a defendant's prior misdemeanor driving under the influence  
9 convictions; to require a court to consider all of a  
10 defendant's prior DUI felony convictions when that defendant  
11 is convicted of a subsequent driving under the influence  
12 offense; to provide for an enhanced sentence when a defendant  
13 with a prior driving under the influence felony conviction  
14 receives a subsequent driving under the influence conviction;  
15 to require a person convicted of driving under the influence  
16 of a controlled substance to undergo random drug testing and  
17 other appropriate treatment; and to substantially reorganize  
18 the existing provisions of law relating to driving under the  
19 influence, the suspension and revocation of a driver's license  
20 upon conviction for DUI, and the ignition interlock  
21 requirements.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. To amend Section 32-5A-191, Code of  
24 Alabama 1975, as last amended by Act 2016-259, 2016 Regular  
25 Session, to read as follows:

26 "§32-5A-191.

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

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

5           "~~(2) Under the influence of alcohol;~~ There is a  
6 blood concentration of the following substances that is equal  
7 to or greater than:

8           "a. 90 ng/mL of Alprazolam.

9           "b. 200 ng/mL of Amphetamine.

10          "c. 10,000 ng/mL of Butalbital.

11          "d. 10,000 ng/mL of Carisoprodol or meprobamate.

12          "e. 70 ng/mL of Clonazepam.

13          "f. 20 ng/mL of Cocaine.

14          "g. 5 ng/mL of Delta-9-tetrahydrocannabinol (THC).

15          "h. 500 ng/mL of Diazepam or nordiazepam.

16          "i. 60 ng/mL of Hydrocodone.

17          "j. 100 ng/mL of Lorazepam.

18          "k. 250 ng/mL of Methadone.

19          "l. 10 ng/mL of Methamphetamine.

20          "m. 100 ng/mL of Morphine.

21          "n. 100 ng/mL of Oxycodone.

22          "o. 800 ng/mL of Tramadol.

23          "p. 50 ng/mL of Zolpidem.

24          "(3) Under the influence of alcohol, a controlled  
25 substance, or any other substance, or a combination of two or  
26 more of those substances, to a degree which renders him or her  
27 incapable of safely driving;

1           ~~"(4) Under the combined influence of alcohol and a~~  
2 ~~controlled substance to a degree which renders him or her~~  
3 ~~incapable of safely driving; or There is 0.02 percent or more~~  
4 ~~by weight of alcohol in his or her blood and the person is~~  
5 ~~under the age of 21 years;~~

6           ~~"(5) Under the influence of any substance which~~  
7 ~~impairs the mental or physical faculties of such person to a~~  
8 ~~degree which renders him or her incapable of safely driving.~~  
9 ~~There is 0.02 percent or more by weight of alcohol in his or~~  
10 ~~her blood and the person is a school bus or day care driver~~  
11 ~~acting in performance of his or her duties; or~~

12           ~~"(6) There is 0.04 percent or more by weight of~~  
13 ~~alcohol in his or her blood and the person is driving or in~~  
14 ~~actual physical control of a commercial motor vehicle as~~  
15 ~~defined in 49 CFR Part 383.5 of the Federal Motor Carrier~~  
16 ~~Safety Regulations as adopted pursuant to Section 32-9A-2.~~

17           ~~"(b) A person who is under the age of 21 years shall~~  
18 ~~not drive or be in actual physical control of any vehicle if~~  
19 ~~there is 0.02 percent or more by weight of alcohol in his or~~  
20 ~~her blood. The Alabama State Law Enforcement Agency shall~~  
21 ~~suspend or revoke the driver's license of any person,~~  
22 ~~including, but not limited to, a juvenile, child, or youthful~~  
23 ~~offender, convicted or adjudicated of, or subjected to a~~  
24 ~~finding of, delinquency based on this subsection.~~  
25 ~~Notwithstanding the foregoing, upon the first violation of~~  
26 ~~this subsection by a person whose blood alcohol level is~~  
27 ~~between 0.02 and 0.08, the person's driver's license or~~

1 ~~driving privilege shall be suspended for a period of 30 days~~  
2 ~~in lieu of any penalties provided in subsection (e) of this~~  
3 ~~section, and there shall be no disclosure, other than to~~  
4 ~~courts, law enforcement agencies, the person's attorney of~~  
5 ~~record, and the person's employer, by any entity or person of~~  
6 ~~any information, documents, or records relating to the~~  
7 ~~person's arrest, conviction, or adjudication of or finding of~~  
8 ~~delinquency based on this subsection. It is an affirmative~~  
9 ~~defense to a violation of subdivision (a) (2) if the person has~~  
10 ~~a lawful prescription regime capable of producing these levels~~  
11 ~~for the substance. This affirmative defense is strictly~~  
12 ~~limited to subdivision (a) (2). A person may still be convicted~~  
13 ~~under subdivision (a) (3) even if he or she possesses a~~  
14 ~~prescription for the substance or substances found in his or~~  
15 ~~her body.~~

16 ~~"All persons, except as otherwise provided in this~~  
17 ~~subsection for a first offense, including, but not limited to,~~  
18 ~~a juvenile, child, or youthful offender, convicted or~~  
19 ~~adjudicated of or subjected to a finding of delinquency based~~  
20 ~~on this subsection shall be fined pursuant to this section,~~  
21 ~~notwithstanding any other law to the contrary, and the person~~  
22 ~~shall also be required to attend and complete a DUI or~~  
23 ~~substance abuse court referral program in accordance with~~  
24 ~~subsection (k).~~

25 ~~"(c) (1) A school bus or day care driver shall not~~  
26 ~~drive or be in actual physical control of any vehicle while in~~  
27 ~~performance of his or her duties if there is greater than 0.02~~

1 percent by weight of alcohol in his or her blood. A person  
2 convicted pursuant to this subsection shall be subject to the  
3 penalties provided by this section, except that on the first  
4 conviction the Secretary of the Alabama State Law Enforcement  
5 Agency shall suspend the driving privilege or driver's license  
6 for a period of one year. The fact that any person charged  
7 with violating this section is or has been legally entitled to  
8 use alcohol or a controlled substance, or any other substance,  
9 does not constitute a defense against any charge of violating  
10 this section except as set out in subsection (b).

11 "(2) A person shall not drive or be in actual  
12 physical control of a commercial motor vehicle, as defined in  
13 49 CFR Part 383.5 of the Federal Motor Carrier Safety  
14 Regulations as adopted pursuant to Section 32-9A-2, if there  
15 is 0.04 percent or greater by weight of alcohol in his or her  
16 blood. Notwithstanding the other provisions of this section,  
17 the commercial driver's license or commercial driving  
18 privilege of a person convicted of violating this subdivision  
19 shall be disqualified for the period provided in accordance  
20 with 49 CFR Part 383.51, as applicable, and the person's  
21 regular driver's license or privilege to drive a regular motor  
22 vehicle shall be governed by the remainder of this section if  
23 the person is guilty of a violation of another provision of  
24 this section.

25 "(3) Any commutation of suspension or revocation  
26 time as it relates to a court order, approval, and



1 ~~installation of an ignition interlock device shall not apply~~  
2 ~~to commercial driving privileges or disqualifications.~~

3 ~~"(d)(c)~~ The fact that any person charged with  
4 violating this section is or has been legally entitled to use  
5 alcohol or a controlled substance, or any other substance,  
6 shall not constitute a defense against any charge of violating  
7 this section.

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

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

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

1 ~~this subsection shall start and the suspension period,~~  
2 ~~revocation period, or both, as required under this subsection~~  
3 ~~shall be stayed. The remainder of the driver license~~  
4 ~~revocation period, suspension period, or both, shall be~~  
5 ~~commuted upon the successful completion of the period of time~~  
6 ~~in which the ignition interlock device is mandated to be~~  
7 ~~installed and operational.~~

8           "~~(g)~~ (f) On a third conviction, a person convicted of  
9 violating this section shall be punished by a fine of not less  
10 than two thousand one hundred dollars (\$2,100) nor more than  
11 ten thousand one hundred dollars (\$10,100) and by  
12 imprisonment, which may include hard labor, in the county or  
13 municipal jail for not less than 60 days nor more than one  
14 year, to include a minimum of 60 days which shall be served in  
15 the county or municipal jail and cannot be probated or  
16 suspended. ~~In addition, 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 three~~  
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 three~~  
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 180 days of the license revocation or suspension pursuant~~  
27 ~~to Section 32-5A-304, this section, or both, is completed,~~

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

13 "(h)(g)(1) On a fourth or subsequent conviction, or  
14 if the person has a previous felony DUI conviction, a person  
15 convicted of violating this section shall be guilty of a Class  
16 C felony and punished by a fine of not less than four thousand  
17 one hundred dollars (\$4,100) nor more than ten thousand one  
18 hundred dollars (\$10,100) and by imprisonment of not less than  
19 one year and one day nor more than 10 years. Any term of  
20 imprisonment may include hard labor for the county or state,  
21 and where imprisonment does not exceed three years, l  
22 confinement may be in the county jail. Where imprisonment does  
23 not exceed one year and one day, confinement shall be in the  
24 county jail. The minimum sentence shall include a term of  
25 imprisonment for at least one year and one day, provided,  
26 however, that there shall be a minimum mandatory sentence of  
27 ~~10~~ 90 days which shall be served in the county jail. The

1 remainder of the sentence may be suspended or probated, but  
2 only if as a condition of probation the defendant enrolls and  
3 successfully completes a state certified chemical dependency  
4 program recommended by the court referral officer and approved  
5 by the sentencing court. Where probation is granted, the  
6 sentencing court may, in its discretion, and where monitoring  
7 equipment is available, place the defendant on house arrest  
8 under electronic surveillance during the probationary term. ~~In~~  
9 ~~addition to the other penalties authorized, the Secretary of~~  
10 ~~the Alabama State Law Enforcement Agency shall revoke the~~  
11 ~~driving privilege or driver's license of the person convicted~~  
12 ~~for a period of five years and the offender shall be required~~  
13 ~~to have an ignition interlock device installed and operating~~  
14 ~~on the designated motor vehicle driven by the offender for a~~  
15 ~~period of five years from the date of issuance of a driver's~~  
16 ~~license indicating that the person's driving privileges are~~  
17 ~~subject to the condition of the installation and use of a~~  
18 ~~certified ignition interlock device on a motor vehicle. After~~  
19 ~~a minimum of one year of the license revocation or suspension~~  
20 ~~pursuant to Section 32-5A-304, this section, or both, is~~  
21 ~~completed, upon receipt of a court order from the convicting~~  
22 ~~court, upon issuance of an ignition interlock restricted~~  
23 ~~driver license, and upon proof of installation of an~~  
24 ~~operational approved ignition interlock device on the~~  
25 ~~designated vehicle of the person convicted, the mandated~~  
26 ~~ignition interlock period of five years provided in this~~  
27 ~~subsection shall start and the suspension period, revocation~~

1 ~~period, or both, as required under this subsection shall be~~  
2 ~~stayed. The remainder of the driver license revocation period,~~  
3 ~~suspension period, or both, shall be commuted upon the~~  
4 ~~successful completion of the period of time in which the~~  
5 ~~ignition interlock device is mandated to be installed and~~  
6 ~~operational.~~

7           "(2) The Alabama habitual felony offender law shall  
8 not apply to a conviction of a felony pursuant to this  
9 subsection, and a conviction of a felony pursuant to this  
10 subsection shall not be a felony conviction for purposes of  
11 the enhancement of punishment pursuant to Alabama's habitual  
12 felony offender law. However, prior misdemeanor or felony  
13 convictions for driving under the influence may be considered  
14 as part of the sentencing calculations or determinations under  
15 the Alabama Sentencing Guidelines or rules promulgated by the  
16 Alabama Sentencing Commission.

17           "(h) A prior conviction for driving under the  
18 influence from this state, a municipality within this state,  
19 or another state or territory or a municipality of another  
20 state or territory shall be considered by a court for imposing  
21 a sentence pursuant to this section if the prior conviction  
22 occurred within 10 years of the date of the current offense,  
23 except that if the person has a prior DUI felony conviction, a  
24 subsequent DUI conviction shall be treated as a felony,  
25 regardless of the date of the prior DUI conviction.

26           "(i) When any person convicted of violating this  
27 section is found to have had at least 0.15 percent or more by

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

15 "(j) A person convicted of violating subdivision  
16 (a) (2) shall be required to participate in random drug screen  
17 testing and submit to any appropriate treatment while on  
18 probation in addition to any ignition interlock requirements  
19 required under Section 2, as added by the act adding this  
20 amendatory language. A positive drug screen shall result in  
21 sanctions as the court may find appropriate to ensure the  
22 safety of the public.

23 ~~"(j)~~ (k) When any person over the age of 21 years is  
24 convicted of violating this section and it is found that a  
25 child under the age of 14 years was a passenger in the vehicle  
26 at the time of the offense, the person shall be sentenced to  
27 at least double the minimum punishment that the person would



1 have received if the child had not been a passenger in the  
2 motor vehicle.

3 ~~"(k)(1)(1)~~ (1) In addition to the penalties provided  
4 herein, any person convicted of violating this section shall  
5 be referred to the court referral officer for evaluation and  
6 referral to appropriate community resources. The defendant  
7 shall, at a minimum, be required to complete a DUI or  
8 substance abuse court referral program approved by the  
9 Administrative Office of Courts and operated in accordance  
10 with provisions of the Mandatory Treatment Act of 1990,  
11 Sections 12-23-1 to 12-23-19, inclusive. The Alabama State Law  
12 Enforcement Agency shall not reissue a driver's license to a  
13 person convicted under this section without receiving proof  
14 that the defendant has successfully completed the required  
15 program.

16 ~~(2) Upon conviction, the court shall notify the~~  
17 ~~Alabama State Law Enforcement Agency if the person convicted~~  
18 ~~is required to install and maintain an approved ignition~~  
19 ~~interlock device. The agency shall suspend or revoke a~~  
20 ~~person's driving privileges until completion of the mandatory~~  
21 ~~suspension or revocation period required by this section, and~~  
22 ~~clearance of all other suspensions, revocations,~~  
23 ~~cancellations, or denials, and proof of installation of an~~  
24 ~~approved ignition interlock device is presented to the agency.~~  
25 ~~The agency shall not reissue a driver's license to a person~~  
26 ~~who has been ordered by a court or is required by law to have~~  
27 ~~the ignition interlock device installed until proof is~~

1 presented that the person is eligible for reinstatement of  
2 driving privileges. Upon presentation of proof and compliance  
3 with all ignition interlock requirements, the agency shall  
4 issue a driver's license with a restriction indicating that  
5 the licensee may operate a motor vehicle only with the  
6 certified ignition interlock device installed and properly  
7 operating. If the licensee fails to maintain the approved  
8 ignition interlock device as required or is otherwise not in  
9 compliance with any order of the court, the court shall notify  
10 the agency of the noncompliance and the agency shall suspend  
11 the person's driving privileges until the agency receives  
12 notification from the court that the licensee is in  
13 compliance. The requirement that the licensee use the ignition  
14 interlock device may be removed only when the court of  
15 conviction confirms to the agency that the licensee is no  
16 longer subject to the ignition interlock device requirement.

17 ~~"(1)~~ (m) Neither reckless driving nor any other  
18 traffic infraction is a lesser included offense under a charge  
19 of driving under the influence of alcohol or of a controlled  
20 substance.

21 ~~"(m)~~ (n) (1) Except for fines collected for violations  
22 of this section charged pursuant to a municipal ordinance,  
23 fines collected for violations of this section shall be  
24 deposited to the State General Fund; however, beginning  
25 October 1, 1995, of any amount collected over two hundred  
26 fifty dollars (\$250) for a first conviction, over five hundred  
27 dollars (\$500) for a second conviction within five years, over

1 one thousand dollars (\$1,000) for a third conviction within  
2 five years, and over two thousand dollars (\$2,000) for a  
3 fourth or subsequent conviction within five years, the first  
4 one hundred dollars (\$100) of that additional amount shall be  
5 deposited to the Alabama Chemical Testing Training and  
6 Equipment Trust Fund, after three percent of the one hundred  
7 dollars (\$100) is deducted for administrative costs, and  
8 beginning October 1, 1997, and thereafter, the second one  
9 hundred dollars (\$100) of that additional amount shall be  
10 deposited in the Alabama Head and Spinal Cord Injury Trust  
11 Fund after deducting five percent of the one hundred dollars  
12 (\$100) for administrative costs and the remainder of the funds  
13 shall be deposited to the State General Fund.

14 "(2) Fines collected for violations of this section  
15 charged pursuant to a municipal ordinance where the total fine  
16 is paid at one time shall be deposited as follows: The first  
17 three hundred fifty dollars (\$350) collected for a first  
18 conviction, the first six hundred dollars (\$600) collected for  
19 a second conviction within five years, the first one thousand  
20 one hundred dollars (\$1,100) collected for a third conviction,  
21 and the first two thousand one hundred dollars (\$2,100)  
22 collected for a fourth or subsequent conviction shall be  
23 deposited to the State Treasury with the first one hundred  
24 dollars (\$100) collected for each conviction credited to the  
25 Alabama Chemical Testing Training and Equipment Trust Fund and  
26 the second one hundred dollars (\$100) to the Alabama Head and  
27 Spinal Cord Injury Trust Fund after deducting five percent of

1 the one hundred dollars (\$100) for administrative costs and  
2 depositing this amount in the general fund of the  
3 municipality, and the balance credited to the State General  
4 Fund. Any amounts collected over these amounts shall be  
5 deposited as otherwise provided by law.

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

1 over these amounts shall be deposited as otherwise provided by  
2 law for municipal ordinance violations.

3 "(4) Notwithstanding any provision of law to the  
4 contrary, 90 percent of any fine assessed and collected for  
5 any DUI offense charged by municipal ordinance violation in  
6 district or circuit court shall be computed only on the amount  
7 assessed over the minimum fine authorized, and upon collection  
8 shall be distributed to the municipal general fund with the  
9 remaining 10 percent distributed to the State General Fund.

10 "(5) In addition to fines imposed pursuant to this  
11 subsection, a mandatory fee of one hundred dollars (\$100)  
12 shall be collected from any individual that successfully  
13 completes any pretrial diversion or deferral program in any  
14 municipal, district, or circuit court where the individual was  
15 charged with a violation of this section or a corresponding  
16 municipal ordinance. The one hundred dollars (\$100) shall be  
17 deposited into the Alabama Chemical Testing Training and  
18 Equipment Fund.

19 "~~(n)~~ (o) A person who has been arrested for violating  
20 this section shall not be released from jail under bond or  
21 otherwise, until there is ~~less than the same percent~~ 0.02  
22 percent or less by weight of alcohol in his or her blood ~~as~~  
23 ~~specified in subsection (a)(1) or, in the case of a person who~~  
24 ~~is under the age of 21 years, subsection (b) hereof~~ , or in  
25 the case of a person under the influence of a controlled  
26 substance, 12 hours after arrest.

1           "~~(o)~~ (p) Upon verification that a defendant arrested  
2 pursuant to this section is currently on probation from  
3 another court of this state as a result of a conviction for  
4 any criminal offense, the prosecutor shall provide written or  
5 oral notification of the defendant's subsequent arrest and  
6 pending prosecution to the court in which the prior conviction  
7 occurred.

8           ~~(p) A prior conviction within a five-year period for~~  
9 ~~driving under the influence of alcohol or drugs from this~~  
10 ~~state, a municipality within this state, or another state or~~  
11 ~~territory or a municipality of another state or territory~~  
12 ~~shall be considered by a court for imposing a sentence~~  
13 ~~pursuant to this section.~~

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

1 and any co-owner of the vehicle or, in the case of a repeat  
2 offender, if the repeat offender has a functioning ignition  
3 interlock device installed on the designated vehicle for the  
4 duration of the offender's driver's license suspension period.

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

15 ~~"a. Forty-five percent to the Alabama Interlock  
16 Indigent Fund.~~

17 ~~"b. Twenty percent to the State Judicial  
18 Administration Fund administered by the Administrative Office  
19 of Courts.~~

20 ~~"c. Twenty percent to the Highway Traffic Safety  
21 Fund administered by the Alabama State Law Enforcement Agency.~~

22 ~~"d. Fifteen percent to the District Attorney's  
23 Solicitor Fund.~~

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

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

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

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

21           "~~(2)~~ The duration of the time an ignition interlock  
22 device is required by this section shall be doubled if the  
23 offender refused the prescribed chemical test for  
24 intoxication, or if the offender's blood alcohol concentration  
25 was 0.15 grams percent or greater unless already doubled by a  
26 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:~~

25           ~~"a. A breath sample at or above a minimum blood~~  
26 ~~alcohol concentration level of 0.02 recorded more than four~~  
27 ~~times during the monthly reporting period.~~

1           ~~"b. Any tampering, circumvention, or bypassing of~~  
2 ~~the ignition interlock device, or attempt thereof.~~

3           ~~"c. Failure to comply with the servicing or~~  
4 ~~calibration requirements of the ignition interlock device~~  
5 ~~every 30 days.~~

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

11           ~~"(w) The provisions in this section and Section~~  
12 ~~32-5A-191.4 relating to ignition interlock devices shall not~~  
13 ~~apply to persons who commit violations of this section while~~  
14 ~~under 19 years of age and who are adjudicated in juvenile~~  
15 ~~court, unless specifically ordered otherwise by the court.~~

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

21           ~~"a. The offender files an appeal with the court of~~  
22 ~~jurisdiction requesting all prior suspensions or revocation,~~  
23 ~~or both, be stayed upon compliance with the ignition interlock~~  
24 ~~requirement.~~

25           ~~"b. The offender wins appeal with the court of~~  
26 ~~jurisdiction relating to this section.~~

1           ~~"c. The court of jurisdiction notifies the Alabama~~  
2 ~~State Law Enforcement Agency that the offender is eligible to~~  
3 ~~have the driver's license stayed.~~

4           ~~"d. The Alabama State Law Enforcement Agency issues~~  
5 ~~an ignition interlock restricted driver's license.~~

6           ~~"e. The offender remains in compliance of ignition~~  
7 ~~interlock requirements.~~

8           ~~"(2) The remainder of the driver license revocation,~~  
9 ~~suspension, or both, shall be commuted upon the successful~~  
10 ~~completion of the period of time in which the ignition~~  
11 ~~interlock device is mandated to be installed and operational."~~

12           Section 2. (a) The Alabama State Law Enforcement  
13 Agency shall suspend or revoke the driver's license of any  
14 person, including, but not limited to, a juvenile, child, or  
15 youthful offender, convicted or adjudicated of or subjected to  
16 a finding of delinquency upon violating Section 32-5A-191,  
17 Code of Alabama 1975, as follows:

18           (1) Upon the first conviction for a violation under  
19 subdivisions (a) (1), (a) (2), or (a) (3) of Section 32-5A-191,  
20 Code of Alabama 1975, the Secretary of the Alabama State Law  
21 Enforcement Agency shall suspend the driving privilege or  
22 driver's license of the person convicted for a period of 90  
23 days. The 90-day suspension shall be stayed if the offender  
24 elects to have an approved ignition interlock device installed  
25 and operating on the designated motor vehicle driven by the  
26 offender for six months. The election shall be made by the  
27 offender before the convicting court at any time after

1 conviction. The offender shall then present proof of  
2 installation of the approved ignition interlock device to the  
3 Alabama State Law Enforcement Agency and obtain an ignition  
4 interlock restricted driver's license. The remainder of the  
5 suspension shall be commuted upon the successful completion of  
6 the elected use or mandated use, or both, of the ignition  
7 interlock device.

8 (2) Upon the first conviction for a violation under  
9 subdivision (a) (4) of Section 32-5A-191, Code of Alabama 1975,  
10 the Secretary of the Alabama State Law Enforcement Agency  
11 shall suspend the driver's license or driving privilege of the  
12 person convicted for a period of 30 days.

13 (3) Upon the first conviction for a violation under  
14 subdivision (a) (5) of Section 32-5A-191, Code of Alabama 1975,  
15 the Secretary of the Alabama State Law Enforcement Agency  
16 shall suspend the driving privilege or driver's license for a  
17 period of one year.

18 (4)a. Upon a first conviction of any violation of  
19 Section 32-5A-191, Code of Alabama 1975, the Secretary of the  
20 Alabama State Law Enforcement Agency shall suspend the driving  
21 privilege or driver's license of the person convicted as  
22 provided in subdivisions (1), (2), or (3) and the person shall  
23 be required to have an ignition interlock device installed and  
24 operating on the designated motor vehicle driven by the  
25 offender for a period of two years from the date of issuance  
26 of a driver's license indicating that the person's driving  
27 privileges are subject to the condition of the installation

1 and use of a certified ignition interlock device on a motor  
2 vehicle, if any of the following occurred:

3 1. The offender is found to have had 0.15 percent or  
4 more by weight of alcohol in his or her blood while operating  
5 or being in actual physical control of a vehicle.

6 2. The offender is found to have refused to provide  
7 a blood alcohol concentration.

8 3. A child under the age of 16 years is found to  
9 have been a passenger in the vehicle at the time of the  
10 offense.

11 4. Someone other than the offender was found to have  
12 been injured at the time of the offense.

13 b. The mandated ignition interlock period of two  
14 years provided in this subdivision shall start and the  
15 suspension period required under this subdivision shall be  
16 stayed upon the occurrence of all of the following:

17 1. A minimum of 45 days has passed after the  
18 completion of the license suspension pursuant to Section  
19 32-5A-304, Code of Alabama 1975, or this section, or both.

20 2. The Secretary of the Alabama State Law  
21 Enforcement Agency has received the court order from the  
22 convicting court.

23 3. The ignition interlock restricted driver's  
24 license has been issued.

25 4. The Secretary of the Alabama State Law  
26 Enforcement Agency has received proof of installation of an

1 operational-approved ignition interlock device on the  
2 designated vehicle of the person convicted.

3 c. The remainder of the driver's license suspension  
4 period shall be commuted upon the successful completion of the  
5 period of time in which the ignition interlock device is  
6 mandated to be installed and operational.

7 (5)a. Upon a second conviction of any violation of  
8 Section 32-5A-191, Code of Alabama 1975, the Secretary of the  
9 Alabama State Law Enforcement Agency shall revoke the driving  
10 privileges or driver's license of the person convicted for a  
11 period of one year and the offender shall be required to have  
12 an ignition interlock device installed and operating on the  
13 designated motor vehicle driven by the offender for a period  
14 of two years from the date of issuance of a driver license  
15 indicating that the person's driving privileges are subject to  
16 the condition of the installation and use of a certified  
17 ignition interlock device on a motor vehicle.

18 b. The mandated ignition interlock period of two  
19 years approved in this subdivision shall start and the  
20 revocation period required under this subdivision shall be  
21 stayed upon the occurrence of all of the following:

22 1. A minimum of 45 days has passed after the  
23 completion of the license revocation pursuant to Section  
24 32-5A-304, Code of Alabama 1975, or this section, or both.

25 2. The Secretary of the Alabama State Law  
26 Enforcement Agency has received the court order from the  
27 convicting court.

1                   3. The ignition interlock restricted driver's  
2 license has been issued.

3                   4. The Secretary of the Alabama State Law  
4 Enforcement Agency has received proof of installation or an  
5 operational-approved ignition interlock device on the  
6 designated vehicle of the person convicted.

7                   c. The remainder of the driver's license revocation  
8 period shall be commuted upon the successful completion of the  
9 period of time in which the ignition interlock device is  
10 mandated to be installed and operational.

11                   (6)a. Upon a third conviction of any violation of  
12 Section 32-5A-191, Code of Alabama 1975, the Secretary of the  
13 Alabama State Law Enforcement Agency shall revoke the driving  
14 privilege or driver's license of the person convicted for a  
15 period of three years and the offender shall be required to  
16 have an ignition interlock device installed and operating on  
17 the designated motor vehicle driven by the offender for a  
18 period of three years from the date of issuance of a driver's  
19 license indicating that the person's driving privileges are  
20 subject to the condition of the installation and use of a  
21 certified ignition interlock device on a motor vehicle.

22                   b. The mandated ignition interlock period of three  
23 years provided in this subdivision shall start and the  
24 revocation period required under this subdivision shall be  
25 stayed upon the occurrence of all of the following:

1                   1. A minimum of 180 days has passed after the  
2 completion of the license revocation pursuant to Section  
3 32-5A-304, Code of Alabama 1975, or this section, or both.

4                   2. The Secretary of the Alabama State Law  
5 Enforcement Agency has received the court order from the  
6 convicting court.

7                   3. The ignition interlock restricted driver's  
8 license has been issued.

9                   4. The Secretary of the Alabama State Law  
10 Enforcement Agency has received proof of installation or an  
11 operational-approved ignition interlock device on the  
12 designated vehicle of the person convicted.

13                   c. The remainder of the driver's license revocation  
14 period shall be commuted upon the successful completion of the  
15 period of time in which the ignition interlock device is  
16 mandated to be installed and operational.

17                   (7)a. On a fourth or subsequent conviction of any  
18 violation of Section 32-5A-191, Code of Alabama 1975, the  
19 Secretary of the Alabama State Law Enforcement Agency shall  
20 revoke the driving privilege or driver's license of the person  
21 convicted for a period of five years and the offender shall be  
22 required to have an ignition interlock device installed and  
23 operating on the designated motor vehicle driven by the  
24 offender for a period of five years from the date of issuance  
25 of a driver's license indicating that the person's driving  
26 privileges are subject to the condition of the installation



1 and use of a certified ignition interlock device on a motor  
2 vehicle.

3 b. The mandated ignition interlock period of five  
4 years provided in this subdivision shall start and the  
5 revocation period required under this subdivision shall be  
6 stayed upon the occurrence of all of the following:

7 1. A minimum of one year has passed after the  
8 completion of the license revocation pursuant to Section  
9 32-5A-304, Code of Alabama 1975, or this section, or both.

10 2. The Secretary of the Alabama State Law  
11 Enforcement Agency has received the court order from the  
12 convicting court.

13 3. The ignition interlock restricted driver's  
14 license has been issued.

15 4. The Secretary of the Alabama State Law  
16 Enforcement Agency has received proof of installation or an  
17 operational-approved ignition interlock device on the  
18 designated vehicle of the person convicted.

19 c. The remainder of the driver's license revocation  
20 period shall be commuted upon the successful completion of the  
21 period of time in which the ignition interlock device is  
22 mandated to be installed and operational.

23 (8)a. A person convicted of violating Section  
24 32-5A-191, Code of Alabama 1975, while driving or in actual  
25 physical control of a commercial motor vehicle, as defined in  
26 49 CFR Part 383.5 of the Federal Motor Carrier Safety  
27 Regulations as adopted pursuant to Section 32-9A-2, Code of

1 Alabama 1975, shall be disqualified for the period provided in  
2 accordance with 49 CFR Part 383.51, as applicable, and the  
3 person's regular driver's license or privilege to drive a  
4 regular motor vehicle shall be governed by the remainder of  
5 this section if the person is guilty of a violation of another  
6 provision of this section.

7 b. Any commutation of suspension or revocation time  
8 as it relates to a court order, approval, and installation of  
9 an ignition interlock device shall not apply to commercial  
10 driving privileges or disqualifications.

11 (b) (1) Upon conviction of a violation of Section  
12 32-5A-191, Code of Alabama 1975, the court shall notify the  
13 Alabama State Law Enforcement Agency if the person convicted  
14 has elected or is required to install and maintain an approved  
15 ignition interlock device. The Alabama State Law Enforcement  
16 Agency shall suspend or revoke the person's driving privileges  
17 until completion of the mandatory suspension or revocation  
18 period required by this section, clearance of all other  
19 suspensions, revocations, cancellations, or denials, and proof  
20 of installation of an approved ignition interlock device is  
21 presented to the agency. Upon presentation of proof and  
22 compliance with all ignition interlock requirements, the  
23 agency shall issue a driver's license with a restriction  
24 indicating that the licensee may operate a motor vehicle only  
25 with the certified ignition interlock device installed and  
26 properly operating.

1           (2) If the licensee fails to maintain the approved  
2 ignition interlock device as required or is otherwise not in  
3 compliance with any order of the court, the court shall notify  
4 the agency of the noncompliance and the agency shall suspend  
5 the person's driving privileges until the agency receives  
6 notification from the court that the licensee is in  
7 compliance.

8           (3) The requirement that the licensee use the  
9 ignition interlock device may be removed only after the court  
10 of conviction confirms to the agency that the licensee is no  
11 longer subject to the ignition interlock device requirement.

12           (c) (1) Any person ordered by the court to have an  
13 ignition interlock device installed on a designated vehicle or  
14 who elects to have an ignition interlock device installed on a  
15 designated vehicle for the purpose of reducing the period of  
16 suspension of his or her driver's license shall pay to the  
17 court, in addition to all other fines and costs, an interlock  
18 fee of three hundred dollars (\$300), which shall be divided as  
19 follows:

20           a. Forty-five percent to the Alabama Interlock  
21 Indigent Fund.

22           b. Twenty percent to the State Judicial  
23 Administration Fund administered by the Administrative Office  
24 of Courts.

25           c. Twenty percent to the Highway Traffic Safety Fund  
26 administered by the Alabama State Law Enforcement Agency.

1                   d. Fifteen percent to the District Attorney's  
2 Solicitor Fund.

3                   (2) In addition to the interlock fee, the defendant  
4 shall pay all costs associated with the installation,  
5 purchase, maintenance, or lease of the ignition interlock  
6 devices to an approved ignition interlock provider pursuant to  
7 the rules of the Department of Forensic Sciences, unless the  
8 defendant is subject to subdivision (i)(4) of Section  
9 32-5A-191.4, Code of Alabama 1975, during which he or she  
10 shall pay one-half the cost for the available indigency  
11 period.

12                   (d) The defendant shall designate the vehicle to be  
13 used by identifying the vehicle by the vehicle identification  
14 number to the court. The defendant, at his or her own expense,  
15 may designate additional motor vehicles on which an ignition  
16 interlock device may be installed for the use of the  
17 defendant.

18                   (e)(1) Any person who is required to comply with the  
19 ignition interlock provisions of this section as a condition  
20 of restoration or reinstatement of his or her driver's  
21 license, shall operate only the designated vehicle equipped  
22 with a functioning ignition interlock device for the period of  
23 time consistent with the offense for which he or she was  
24 convicted as provided for in this section.

25                   (2) The duration of time an ignition interlock  
26 device is required by this section shall be doubled if the  
27 offender refused the prescribed chemical test for

1       intoxication, or if the offender's blood alcohol concentration  
2       was 0.15 grams percent or greater.

3               (f) (1) The Alabama State Law Enforcement Agency may  
4       set a fee of not more than one hundred fifty dollars (\$150)  
5       for the issuance of a driver's license indicating that the  
6       person's driving privileges are subject to the condition of  
7       the installation and use of a certified ignition interlock  
8       device on a motor vehicle. Fifteen percent of the fee shall be  
9       distributed to the general fund of the county where the person  
10      was convicted to be utilized for law enforcement purposes.  
11      Eighty-five percent shall be distributed to the State General  
12      Fund. In addition, at the end of the time the person's driving  
13      privileges are subject to the above conditions, the agency  
14      shall set a fee of not more than seventy-five dollars (\$75) to  
15      reissue a regular driver's license. The fee shall be deposited  
16      as provided in Sections 32-6-5, 32-6-6, and 32-6-6.1, Code of  
17      Alabama 1975.

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

24              a. A breath sample at or above a minimum blood  
25      alcohol concentration level of 0.02 recorded more than four  
26      times during the monthly reporting period.

1           b. Any tampering, circumvention, or bypassing of the  
2 ignition interlock device, or attempt thereof.

3           c. Failure to comply with the servicing or  
4 calibration requirements of the ignition interlock device  
5 every 30 days.

6           (g) Nothing in this section and Section 32-5A-191.4,  
7 Code of Alabama 1975, shall require an employer to install an  
8 ignition interlock device in a vehicle owned or operated by  
9 the employer for use by an employee required to use the device  
10 as a condition of driving pursuant to this section and Section  
11 32-5A-191.4, Code of Alabama 1975.

12           (h) This section and Section 32-5A-191.4, Code of  
13 Alabama 1975, relating to ignition interlock devices, shall  
14 not apply to persons who commit violations of this section  
15 while under 19 years of age and who are adjudicated in  
16 juvenile court, unless specifically ordered otherwise by the  
17 court.

18           (i) (1) The Alabama State Law Enforcement Agency may  
19 stay a driver's license suspension or revocation upon  
20 compliance with the ignition interlock requirement  
21 retroactively to July 1, 2014, if any of the following occurs:

22           a. The offender files an appeal with the court of  
23 jurisdiction requesting all prior suspensions or revocation,  
24 or both, be stayed upon compliance with the ignition interlock  
25 requirement.

26           b. The offender wins appeal with the court of  
27 jurisdiction relating to this section.

1           c. The court of jurisdiction notifies the Alabama  
2 State Law Enforcement Agency that the offender is eligible to  
3 have the driver's license stayed.

4           d. The Alabama State Law Enforcement Agency issues  
5 an ignition interlock restricted driver's license.

6           e. The offender remains in compliance with ignition  
7 interlock requirements.

8           (2) The remainder of the driver's license revocation  
9 or suspension, or both, shall be commuted upon the successful  
10 completion of the period of time in which the ignition  
11 interlock device is mandated to be installed and operational.

12           Section 3. Unless expressly provided otherwise in  
13 this act, any conviction, sentence, probation, probation  
14 revocation, pending charge, treatment condition, or any other  
15 proceeding or order instituted under Section 32-5A-191, Code  
16 of Alabama 1975, prior to this act must and shall continue,  
17 remain in place, and is generally saved.

18           Section 4. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 5. This act shall become effective on  
2           January 1, 2018, following its passage and approval by the  
3           Governor, or its otherwise becoming law.