

HB614 INTRODUCED



1 HB614
2 TB3DS91-1
3 By Representatives Boyd, Clarke, Gray, Lawrence, Forte, Lands,
4 Jackson, Hall, Hollis, Sellers, Datcher, Bracy, Jones, Travis,
5 England, McCampbell, Drummond, Tillman, Moore (M), Daniels,
6 Ensler, Rafferty, McClammy, Chestnut, Givan, Warren
7 RFD: Public Safety and Homeland Security
8 First Read: 24-Apr-25



SYNOPSIS:

Under existing law, a person convicted of driving under the influence for the first time has his or her driver license suspended for 90 days.

This bill would provide that a person convicted of driving under the influence for the first time shall have his or her driver license suspended for six months.

This bill would also make conforming changes.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Section 32-5A-191, Code of Alabama 1975; to revise the mandatory length of time a driver license is suspended or an ignition interlock device is installed for a first time conviction for driving under the influence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-191, Code of Alabama 1975, is amended to read as follows:

"§32-5A-191

(a) A person shall not drive or be in actual physical



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control of any vehicle while:

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

(2) Under the influence of alcohol;

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

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

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

(b) (1) A person who is under ~~the age of~~ 21 years of age shall not drive or be in actual physical control of any vehicle if there is 0.02 percent or more by weight of alcohol in his or her blood.

(2) The Alabama State Law Enforcement Agency shall suspend or revoke the ~~driver's~~ driver license of any person, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of, delinquency based on this subsection.

(3) Notwithstanding the foregoing, upon the first violation of this subsection by a person whose blood alcohol level is between 0.02 and 0.08, the person's ~~driver's~~ driver license or driving privilege shall be suspended for a period of 30 days in lieu of any penalties provided in subsection (e) ~~of this section~~, and there shall be no disclosure, other than to courts, law enforcement agencies, the person's attorney of



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record, and the person's employer, by any entity or person of any information, documents, or records relating to the person's arrest, conviction, or adjudication of or finding of delinquency based on this subsection.

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

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

(2) A person shall not drive or be in actual physical control of a commercial motor vehicle, as defined in 49 ~~CFR~~ C.F.R. Part § 383.5 of the Federal Motor Carrier Safety Regulations as adopted pursuant to Section 32-9A-2, if there is 0.04 percent or greater by weight of alcohol in his or her blood. Notwithstanding the other provisions of this section,



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the commercial ~~driver's~~ driver license or commercial driving privilege of a person convicted of violating this subdivision shall be disqualified for the period provided in accordance with 49 ~~CFR Part~~ C.F.R. § 383.51, as applicable, and the person's regular ~~driver's~~ driver license or privilege to drive a regular motor vehicle shall be governed by the remainder of this section if the person is guilty of a violation of another provision of this section.

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

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

(e) (1)a. Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than six hundred dollars (\$600) nor more than two thousand one hundred dollars (\$2,100), or by both a fine and imprisonment.

b. In addition, on a first conviction, the Secretary of the Alabama State Law Enforcement Agency shall suspend the driving privilege or ~~driver's~~ driver license of the person convicted for a period of ~~90 days~~ six months. The ~~90-day~~ six-month suspension shall be stayed if the offender elects to have an approved ignition interlock device installed and



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operating on the designated motor vehicle driven by the offender for ~~90 days~~six months.

c. The offender shall present proof of installation of the approved ignition interlock device to the Alabama State Law Enforcement Agency and obtain an ignition interlock restricted driver license. The remainder of the suspension shall be commuted upon the successful completion of the elected use, mandated use, or both, of the ignition interlock device.

(2) a. If, on a first conviction, any person refusing to provide a blood alcohol concentration or if a child under ~~the age of~~ 14 years of age was a passenger in the vehicle at the time of the offense or if someone else besides the offender was injured at the time of the offense, or if the offender is found to have had at least 0.15 percent or more by weight of alcohol in his or her blood while operating or being in actual control of a vehicle, the Secretary of the Alabama State Law Enforcement Agency shall suspend the driving privilege or ~~driver's~~driver license of the person convicted for a period of ~~90 days~~six months and the person shall be required to have an ignition interlock device installed and operating on the designated motor vehicle driven by the offender for a period of one year from the date of issuance of a ~~driver's~~driver license indicating that the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock device on a motor vehicle.

b. After a minimum of 45 days of the license revocation or suspension pursuant to Section 32-5A-304 or this section,



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or both, is completed, upon receipt of a court order from the convicting court, upon issuance of an ignition interlock restricted driver license, and upon proof of installation of an operational approved ignition interlock device on the designated vehicle of the person convicted, the mandated ignition interlock period of one year provided in this subsection shall start and the suspension period, revocation period, or both, as required under this subsection shall be stayed.

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

(f) (1) On a second conviction, a person convicted of violating this section shall be punished by a fine of not less than one thousand one hundred dollars (\$1,100) nor more than five thousand one hundred dollars (\$5,100) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year.

(2) The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than five days or community service for not less than 30 days.

(3) In addition, the Secretary of the Alabama State Law Enforcement Agency shall revoke the driving privileges or ~~driver's~~ driver license of the person convicted for a period of one year, and the offender shall be required to have an



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169 ignition interlock device installed and operating on the
170 designated motor vehicle driven by the offender for a period
171 of two years from the date of issuance of a ~~driver's~~ driver
172 license indicating that the person's driving privileges are
173 subject to the condition of the installation and use of a
174 certified ignition interlock device on a motor vehicle.

175 (4) After a minimum of 45 days of the license
176 revocation or suspension pursuant to Section 32-5A-304, this
177 section, or both, is completed, upon receipt of a court order
178 from the convicting court, upon issuance of an ignition
179 interlock restricted driver license, and upon proof of
180 installation of an operational approved ignition interlock
181 device on the designated vehicle of the person convicted, the
182 mandated ignition interlock period of two years approved in
183 this subsection shall start and the suspension period,
184 revocation period, or both, as required under this subsection
185 shall be stayed.

186 (5) The remainder of the driver license revocation
187 period, suspension period, or both, shall be commuted upon the
188 successful completion of the period of time in which the
189 ignition interlock device is mandated to be installed and
190 operational.

191 (g) (1) On a third conviction, a person convicted of
192 violating this section shall be punished by a fine of not less
193 than two thousand one hundred dollars (\$2,100) nor more than
194 ten thousand one hundred dollars (\$10,100) and by
195 imprisonment, which may include hard labor, in the county or
196 municipal jail for not less than 60 days nor more than one



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year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended.

(2) In addition, the Secretary of the Alabama State Law Enforcement Agency shall revoke the driving privilege or ~~driver's~~ driver license of the person convicted for a period of three years and the offender shall be required to have an ignition interlock device installed and operating on the designated motor vehicle driven by the offender for a period of three years from the date of issuance of a ~~driver's~~ driver license indicating that the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock device on a motor vehicle.

(3) After a minimum of 60 days of the license revocation or suspension pursuant to Section 32-5A-304, this section, or both, is completed, upon receipt of a court order from the convicting court, upon issuance of an ignition interlock restricted driver license, and upon proof of installation of an operational approved ignition interlock device on the designated vehicle of the person convicted, the mandated ignition interlock period of three years provided in this subsection shall start and the suspension period, revocation period, or both, as required under this subsection shall be stayed.

(4) The remainder of the driver license revocation period, suspension period, or both, shall be commuted upon the successful completion of the period of time in which the ignition interlock device is mandated to be installed and



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225 operational.

226 (h) (1) On a fourth or subsequent conviction, or if the
227 person has a previous felony DUI conviction, a person
228 convicted of violating this section shall be guilty of a Class
229 C felony and punished by a fine of not less than four thousand
230 one hundred dollars (\$4,100) nor more than ten thousand one
231 hundred dollars (\$10,100) and by imprisonment of not less than
232 one year and one day nor more than 10 years.

233 (2) Any term of imprisonment may include hard labor for
234 the county or state, and where imprisonment does not exceed
235 three years, confinement may be in the county jail.

236 (3) Where imprisonment does not exceed one year and one
237 day, confinement shall be in the county jail.

238 (4) The minimum sentence shall include a term of
239 imprisonment for at least one year and one day; provided,
240 however, that there shall be a minimum mandatory sentence of
241 10 days which shall be served in the county jail.

242 (5) The remainder of the sentence may be suspended or
243 probated, but only if, as a condition of probation, the
244 defendant enrolls and successfully completes a state certified
245 chemical dependency program recommended by the court referral
246 officer and approved by the sentencing court.

247 (6) Where probation is granted, the sentencing court
248 may, in its discretion, and where monitoring equipment is
249 available, place the defendant on house arrest under
250 electronic surveillance during the probationary term.

251 (7) In addition to the other penalties authorized, the



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Secretary of the Alabama State Law Enforcement Agency shall revoke the driving privilege or ~~driver's~~driver license of the person convicted for a period of five years and the offender shall be required to have an ignition interlock device installed and operating on the designated motor vehicle driven by the offender for a period of four years from the date of issuance of a ~~driver's~~driver license indicating that the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock device on a motor vehicle.

(8) After a minimum of one year of the license revocation or suspension pursuant to Section 32-5A-304, this section, or both, is completed, upon receipt of a court order from the convicting court, upon issuance of an ignition interlock restricted driver license, and upon proof of installation of an operational approved ignition interlock device on the designated vehicle of the person convicted, the mandated ignition interlock period of four years provided in this subsection shall start and the suspension period, revocation period, or both, as required under this subsection shall be stayed.

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

(10)a. The Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this



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subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

b. However, prior misdemeanor or felony convictions for driving under the influence may be considered as part of the sentencing calculations or determinations under the Alabama Sentencing Guidelines or rules ~~promulgated~~ adopted by the Alabama Sentencing Commission.

(i) (1) When any person convicted of violating this section is found to have had at least 0.15 percent or more by weight of alcohol in his or her blood while operating or being in actual physical control of a vehicle, he or she shall be sentenced to at least double the minimum punishment that the person would have received if he or she had ~~had~~ less than 0.15 percent by weight of alcohol in his or her blood.

(2) This subsection does not apply to the duration of time an ignition interlock device is required by this section.

(3) If the adjudicated offense is a misdemeanor, the minimum punishment shall be imprisonment for one year, all of which may be suspended except as otherwise provided for in subsections (f) and (g).

(j) (1) When any person over ~~the age of~~ 21 years of age is convicted of violating this section and it is found that a child under ~~the age of~~ 14 years of age was a passenger in the vehicle at the time of the offense, the person shall be sentenced to at least double the minimum punishment that the person would have received if the child had not been a



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passenger in the motor vehicle.

(2) This subsection does not apply to the duration of time an ignition interlock device is required by this section.

(k) (1) a. In addition to the penalties provided ~~herein~~ in this section, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources.

b. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, ~~Sections 12-23-1 to 12-23-19, inclusive~~ Chapter 23 of Title 12.

c. The Alabama State Law Enforcement Agency shall not reissue a ~~driver's~~ driver license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

(2) a. Upon conviction, the court shall notify the Alabama State Law Enforcement Agency if the person convicted is required to install and maintain an approved ignition interlock device.

b. The agency shall suspend or revoke a person's driving privileges until completion of the mandatory suspension or revocation period required by this section, and clearance of all other suspensions, revocations, cancellations, or denials, and proof of installation of an approved ignition interlock device is presented to the agency.

c. The agency shall not reissue a ~~driver's~~ driver



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license to a person who has been ordered by a court or is required by law to have the ignition interlock device installed until proof is presented that the person is eligible for reinstatement of driving privileges.

d. Upon presentation of proof and compliance with all ignition interlock requirements, the agency shall issue a ~~driver's~~ driver license with a restriction indicating that the licensee may operate a motor vehicle only with the certified ignition interlock device installed and properly operating.

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

f. The requirement that the licensee use the ignition interlock device may be removed only when the court of conviction confirms to the agency that the licensee is no longer subject to the ignition interlock device requirement.

(1) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

(m) (1) Except for fines collected for violations of this section charged pursuant to a municipal ordinance, fines collected for violations of this section shall be deposited to the State General Fund; however, ~~beginning October 1, 1995,~~ of



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any amount collected over two hundred fifty dollars (\$250) for a first conviction, over five hundred dollars (\$500) for a second conviction within 10 years, over one thousand dollars (\$1,000) for a third conviction within 10 years, and over two thousand dollars (\$2,000) for a fourth or subsequent conviction within 10 years, the first one hundred dollars (\$100) of that additional amount shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund, after three percent of the one hundred dollars (\$100) is deducted for administrative costs, ~~and beginning October 1, 1997, and thereafter,~~ the second one hundred dollars (\$100) of that additional amount shall be deposited in the Alabama Head and Spinal Cord Injury Trust Fund after deducting five percent of the one hundred dollars (\$100) for administrative costs and the remainder of the funds shall be deposited to the State General Fund.

(2) a. Fines collected for violations of this section charged pursuant to a municipal ordinance where the total fine is paid at one time shall be deposited as follows: The first three hundred fifty dollars (\$350) collected for a first conviction, the first six hundred dollars (\$600) collected for a second conviction within 10 years, the first one thousand one hundred dollars (\$1,100) collected for a third conviction, and the first two thousand one hundred dollars (\$2,100) collected for a fourth or subsequent conviction shall be deposited to the State Treasury with the first one hundred dollars (\$100) collected for each conviction credited to the Alabama Chemical Testing Training and Equipment Trust Fund and



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the second one hundred dollars (\$100) to the Alabama Head and Spinal Cord Injury Trust Fund after deducting five percent of the one hundred dollars (\$100) for administrative costs and depositing this amount in the general fund of the municipality, and the balance credited to the State General Fund.

b. Any amounts collected over these amounts shall be deposited as otherwise provided by law.

(3) a. Fines collected for violations of this section charged pursuant to a municipal ordinance, where the fine is paid on a partial or installment basis, shall be deposited as follows: The first two hundred dollars (\$200) of the fine collected for any conviction shall be deposited to the State Treasury with the first one hundred dollars (\$100) collected for any conviction credited to the Alabama Chemical Testing Training and Equipment Trust Fund and the second one hundred dollars (\$100) for any conviction credited to the Alabama Head and Spinal Cord Injury Trust Fund after deducting five percent of the one hundred dollars (\$100) for administrative costs and depositing this amount in the general fund of the municipality.

b. The second three hundred dollars (\$300) of the fine collected for a first conviction, the second eight hundred dollars (\$800) collected for a second conviction, the second one thousand eight hundred dollars (\$1,800) collected for a third conviction, and the second three thousand eight hundred dollars (\$3,800) collected for a fourth conviction shall be divided with 50 percent of the funds collected to be deposited



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to the State Treasury to be credited to the State General Fund and 50 percent deposited as otherwise provided by law for municipal ordinance violations.

c. Any amounts collected over these amounts shall be deposited as otherwise provided by law for municipal ordinance violations.

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

(5) a. In addition to fines imposed pursuant to this subsection, a mandatory fee of one hundred dollars (\$100) shall be collected from any individual who successfully completes any pretrial diversion or deferral program in any municipal, district, or circuit court where the individual was charged with a violation of this section or a corresponding municipal ordinance.

b. The one hundred dollars (\$100) shall be deposited into the Alabama Chemical Testing Training and Equipment Fund.

(6) a. In addition to the fines and fees imposed pursuant to this subsection, a mandatory fee of one hundred dollars (\$100) shall be collected from any individual who successfully completes any pretrial diversion or deferral program in any municipal, district, or circuit court where the



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individual was charged with a violation of this section or a corresponding municipal ordinance.

b. The one hundred dollars (\$100) shall be deposited into the Alabama Head and Spinal Cord Injury Trust Fund.

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

(2) a. A judge may require an offender to install and use a certified ignition interlock device as a condition of bond. In that instance, the Secretary of the Alabama State Law Enforcement Agency shall issue the offender a restricted driver's license indicating the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock device on a motor vehicle.

b. Any ~~driver's~~ driver license suspension or revocation period pursuant to Section 32-5A-304 shall be stayed during the period the offender is under the bond condition.

c. The period of time the offender has the ignition interlock device installed as a condition of bond shall not be credited to any requirement to have an ignition interlock device upon conviction.

(o) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or



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oral notification of the defendant's subsequent arrest and pending prosecution to the court in which the prior conviction occurred.

(p) (1) Except as provided in subdivision (2), a prior conviction for driving under the influence from this state, a municipality within this state, or another state or territory or a municipality of another state or territory shall be considered by a court for imposing a sentence pursuant to this section if the prior conviction occurred within 10 years of the date of the current offense.

(2) If the person has a previous felony DUI conviction, then all of the person's subsequent DUI convictions shall be treated as felonies regardless of the date of the previous felony DUI conviction.

(q) Any person convicted of driving under the influence of alcohol, or a controlled substance, or both, or any substance which impairs the mental or physical faculties in violation of this section, a municipal ordinance adopting this section, or a similar law from another state or territory or a municipality of another state or territory more than once in a 10-year period shall have his or her motor vehicle registration for all vehicles owned by the repeat offender suspended by the Alabama Department of Revenue for the duration of the offender's ~~driver's~~ driver license suspension period, unless such action would impose an undue hardship to any individual, not including the repeat offender, who is completely dependent on the motor vehicle for the necessities of life, including any family member of the repeat offender



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

(r) (1) Any person ordered by the court to have an ignition interlock device installed on a designated vehicle, and any person who elects to have the ignition interlock device installed on a designated vehicle for the purpose of reducing a period of suspension or revocation of his or her ~~driver's~~ driver license, shall pay to the court, following his or her conviction, two hundred dollars (\$200), which may be paid in installments and which shall be divided as follows:

a. Seventeen percent to the Alabama Interlock Indigent Fund.

b. For cases in the district or circuit court, 30 percent to the State Judicial Administration Fund administered by the Administrative Office of Courts and for cases in the municipal court, 30 percent to the municipal judicial administration fund of the municipality where the municipal court is located to be used for the operation of the municipal court.

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

d. Twenty-three percent to the District Attorney's Solicitor Fund.

(2) In addition to paying the court clerk the fee required above following the conviction or the voluntary



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installation of the ignition interlock device, the defendant shall pay all costs associated with the installation, purchase, maintenance, or lease of the ignition interlock devices to an approved ignition interlock provider pursuant to the rules of the Department of Forensic Sciences, unless the defendant is subject to Section 32-5A-191.4(i)(4).

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

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

(2) The duration of the time an ignition interlock device is required by this section shall be one year if the offender refused the prescribed chemical test for intoxication.

(u)(1)a. The Alabama State Law Enforcement Agency may set a fee of not more than one hundred fifty dollars (\$150) for the issuance of a ~~driver's~~driver license indicating that the person's driving privileges are subject to the condition of the installation and use of a certified ignition interlock



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559 device on a motor vehicle.

560 b. Fifteen percent of the fee shall be distributed to
561 the general fund of the county where the person was convicted
562 to be utilized for law enforcement purposes.

563 c. Eighty-five percent shall be distributed to the
564 State General Fund.

565 d. In addition, at the end of the time the person's
566 driving privileges are subject to the above conditions, the
567 agency shall set a fee of not more than seventy-five dollars
568 (\$75) to reissue a regular ~~driver's~~ driver license.

569 e. The fee shall be deposited as provided in Sections
570 32-6-5, 32-6-6, and 32-6-6.1.

571 (2) The defendant shall provide proof of installation
572 of an approved ignition interlock device to the Alabama State
573 Law Enforcement Agency as a condition of the issuance of a
574 restricted ~~driver's~~ driver license.

575 (3) Any ignition interlock driving violation committed
576 by the offender during the mandated ignition interlock period
577 shall extend the duration of ignition interlock use for six
578 months. Ignition interlock driving violations include any of
579 the following:

580 a. A breath sample at or above a minimum blood alcohol
581 concentration level of 0.02 recorded four or more times during
582 the monthly reporting period unless a subsequent test
583 performed within 10 minutes registers a breath alcohol
584 concentration lower than 0.02.

585 b. Any tampering, circumvention, or bypassing of the
586 ignition interlock device, or attempt thereof.



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

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

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

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

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

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

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

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



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e. The offender remains in compliance of ignition interlock requirements.

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

(y) Pursuant to Section 15-22-54, the maximum probation period for persons convicted under this section shall be extended until all ignition interlock requirements have been completed by the offender.

(z) Notwithstanding the ignition interlock requirements of this section, no person may be required to install an ignition interlock device if there is not a certified ignition interlock provider available within a 50 mile radius of his or her place of residence ~~or~~, place of business, or place of employment."

Section 2. This act shall become effective on October 1, 2025.