

IGNITION INTERLOCK REFERENCE GUIDE

(Effective August 1, 2014)

Act 14-222 of the 2014 Legislative Session requires all those convicted of Driving Under the Influence (DUI) to install an ignition interlock device on the primary vehicle to be driven by the offender. Offenders may not legally drive a non-interlocked vehicle during the mandated ignition interlock period.

1st Offense DUI

- 🚗 *BAC of .08 or greater but less than .15 – voluntary election of ignition interlock by the offender*
 - A stay of the required 90 day driver's license suspension may be granted if offender elects to install and maintains an approved ignition interlock device for six (6) months.
- 🚗 *BAC of .15 or greater – mandatory ignition interlock requirement*
 - Offender must install and maintain an approved ignition interlock device for two (2) years.
- 🚗 *Refusal, child passenger under age 14, or third party injury – mandatory ignition interlock requirement*
 - After completing 45 days of the 90 day driver's license suspension, a stay of the suspension may be granted if the offender installs and maintains an approved ignition interlock device for two (2) years.

2nd Offense DUI

- 🚗 *BAC of .08 or greater – mandatory ignition interlock requirement*
 - After completing 45 days of the one (1) year driver's license revocation, a stay of the revocation may be granted if the offender installs and maintains an approved ignition interlock device for two (2) years.
- 🚗 *BAC of .15 or greater, child passenger under age 14, or refusal – mandated duration of interlock period is DOUBLED to four (4) years.*

3rd Offense DUI

- 🚗 *BAC of .08 or greater – mandatory ignition interlock requirement*
 - After completing 180 days of the three (3) year driver's license revocation, a stay of the revocation may be granted if the offender installs and maintains an approved ignition interlock device for three (3) years.
- 🚗 *BAC of .15 or greater, child passenger under age 14, or refusal – mandated duration of interlock period is DOUBLED to six (6) years.*

4th or subsequent Offense DUI

- 🚗 *BAC of .08 or greater – mandatory ignition interlock requirement*
 - After completing one (1) year of the five (5) year driver's license revocation, a stay of the revocation may be granted if the offender installs and maintains an approved ignition interlock device for five (5) years.
- 🚗 *BAC of .15 or greater, child passenger under age 14, or refusal – mandated duration of interlock period is DOUBLED to ten (10) years.*

Exceptions to the Ignition Interlock Mandate

- 🚗 Persons who commit violations while under the age of 19 and who are adjudicated in juvenile court, unless specifically ordered otherwise by the court are exempted.
- 🚗 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.



The Ignition Interlock Reference Guide is provided compliments of Smart Start of Alabama. For more information or additional copies, call 866.447.8686 or go to www.smartstartal.com.

Ignition Interlock Driving Violations

Any violation committed by an offender during the mandated ignition interlock period **shall extend the duration of ignition interlock use by six (6) months**. Ignition Interlock Driving Violations include:

- A breath sample at or above a minimum BrAC of .02 recorded more than four (4) times in a month,
- Any tampering, circumventing, or bypassing of the ignition interlock device, or attempt thereof, and
- Failure to comply with the servicing or calibration requirements of the ignition interlock device every thirty (30) days.

Retroactive Application of the Ignition Interlock Mandate

The Department of Public Safety may stay a driver's license suspension or revocation retroactively upon compliance with the ignition interlock device requirement if:

- The offender files an appeal with the court of jurisdiction requesting all prior suspensions or revocations or both be stayed upon compliance with the ignition interlock requirement.
- The offender wins the appeal with the court of jurisdiction and the court notifies the Department of Public Safety that the offender is eligible to have his/her driver's license stayed.
- Once the Department of Public Safety issues an ignition interlock restricted license, the offender must stay in compliance with all ignition interlock requirements in order for the suspension or revocation to be commuted upon completion of the mandated ignition interlock period.

Designating the Interlock Vehicle for the Court

The offender shall designate the vehicle(s) to be driven by providing the vehicle identification number (VIN) to the court. The offender must provide proof of installation of an approved ignition interlock device to the court within 30 days of the date the offender becomes eligible to receive an ignition interlock restricted license from the Department of Public Safety. Proof of installation includes a certificate of installation or a copy of the lease agreement for the approved ignition interlock device.

Offenders shall not knowingly operate, lease or borrow a vehicle unless it is equipped with a functioning ignition interlock device. Offenders shall neither request nor solicit another person to blow into the ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the offender with an operable motor vehicle. Violators are subject to arrest and the vehicle being driven at the time is subject to impoundment. Such a violation is a **Class A Misdemeanor** and punishable as provided by law. In addition, **the mandated duration of the ignition interlock period shall be extended by six (6) months for a first or second violation and by one (1) year for a third violation of this provision.**

Interlock Related Fees to be Collected by the Court

For the first four (4) months following conviction, the offender shall pay \$75 per month to the court.

- 45% to the Alabama Interlock Indigent Fund
- 20% to the State Judicial Administration Fund administered by the AOC
- 20% to the Highway Traffic Safety Fund administered by DPS
- 15% to the District Attorney's Solicitor Fund

Offenders who do not own a vehicle, or otherwise have an ignition interlock device installed on a vehicle, shall pay \$75 per month for the entire period the offender is required or elects to have an ignition interlock device. The offender shall still serve all license suspension or revocation during this period.

- Any monies paid to the court clerk pursuant to this condition shall be deposited into the Alabama Impaired Driving Prevention and Enforcement Fund.

Approved Ignition Interlock Providers



For more information about Smart Start of Alabama, call 866.447.8686 or go to www.smartstartal.com.

The Department of Forensic Sciences maintains a list of approved ignition interlock manufacturers on its website. At the time of this printing, there were two (2) additional approved providers for the state of Alabama.