

ALABAMA IGNITION INTERLOCK REFERENCE GUIDE

Effective July 1, 2018 Version 3.0

Act 18-517 amended the requirements for all those arrested for and/or 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. Originally enacted by Act 11-613; amended by Act 14-222.

Pretrial Diversion, Deferred Adjudication, or Similar Program

Ignition Interlock Term	Mandatory for a minimum of 6 months, or the duration of the program, whichever is greater
Driver's License Eligibility	Immediately eligible for an ignition interlock restricted driver's license
Indigency	If program enrolls indigent defendants & waives all program fees, indigency for interlock also applies.

Post Conviction Ignition Interlock Requirements

Offense	Ignition Interlock Term	Driver's License Suspension / Revocation Period	Ignition Interlock Restricted Driver's License Eligibility
1st Offense			Any existing driver's license suspension(s) must be cleared with the Department of Public Safety prior to eligibility for an ignition interlock restricted driver's license. Defendants may check their eligibility by submitting a DI-46A "Reinstatement Requirements" form to DPS. The form is available at www.alea.gov under "Driver's License."
BAC < 0.15	90 days	90 days	Entire suspension is stayed if ignition interlock is voluntarily elected and installed.
BAC ≥ 0.15	1 year	90 days	Mandatory ignition interlock, immediately eligible upon court order.
2nd Offense	2 years	1 year	After serving 45 days of suspension or revocation, mandatory ignition interlock.
3rd Offense	3 years	3 years	After serving 60 days of suspension or revocation, mandatory ignition interlock.
4th or Subsequent Offense	4 years	5 years	After serving 1 year of suspension or revocation, mandatory ignition interlock.
Refusals	Additional 1 year	Varies per offense	One (1) additional year is added to the ignition interlock term. For Example: 1 st offense = 2 year term, 2 nd offense = 3 year term, & so on ...

Maximum probationary terms for DUI defendants may be extended until the ignition interlock requirement is completed (AL Code 15-22-54).

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 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.
- Ⓜ If there is not a certified ignition interlock device provider within a 50 mile radius of the defendant's place of residence or place of business or employment, the defendant is not required to install the device.



To enroll a client or for further information contact:

SMART START OF ALABAMA

Phone: 866-447-8686

Web: www.smartstartal.com

Email: team@smartstartal.com

Approved Ignition Interlock Providers: The Department of Forensic Sciences maintains a list of approved ignition interlock manufacturers on its website.

Ignition Interlock Driving Violations

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

- A breath sample at or above a minimum BrAC of .02 recorded four (4) or more times in a month unless a subsequent test performed within ten (10) minutes registers a BrAC lower than 0.02,
- Any tampering, circumventing, or bypassing of the ignition interlock device, or attempt thereof, and
- Failure to comply with the servicing / calibration requirements of the ignition interlock device every 30 days.

General Process/Procedure Once the Court Has Ordered Ignition Interlock

After a defendant is convicted and ignition interlock is ordered by the court:

- The court should submit a "Suspension Notice" form to DPS indicating that the defendant is eligible for an ignition interlock restricted driver's license.
- After completing any mandated suspension/revocation time, the defendant should install an ignition interlock by contacting Smart Start of Alabama, or another state approved vendor.
- After installing the ignition interlock, the defendant should present the certificate of installation or lease agreement to DPS in order to obtain an ignition interlock restricted driver's license. The defendant should also provide proof of installation to the court within 30 days of being eligible for the restricted driver's license.
- If the defendant removes the ignition interlock device early, the court should submit a "Suspension Notice" form to DPS indicating the defendant is NO LONGER in compliance with the device requirement. When the defendant becomes compliant again, the court should submit a "Clearance of Suspension Notice" form to DPS to re-establish eligibility for the ignition interlock restricted driver's license.
- At the end of the defendant's mandated ignition interlock period, the court should review the defendant's ignition interlock reports to validate that there are no driving violations or new offenses, that require an extension of the mandated ignition interlock period. If the defendant is violation free, the court should submit the final "Clearance of Suspension Notice" form to DPS. The defendant should allow DPS time to clear the restriction, apply for an unrestricted driver's license, schedule removal of the device with the provider and present the unrestricted driver's license at the removal appointment.

Interlock Related Fees to be Collected by the Court

Upon conviction, the defendant shall pay **an ignition interlock fee of \$200** to the court. It may be paid in installments. This fee is distributed as follows: Alabama Interlock Indigent Fund (17%), State (AOC) or Municipal Judicial Administration Funds (30%), Highway Traffic Safety Fund (DPS) (30%), and District Attorney's Solicitor Fund (23%).

Defendants who do not own a vehicle, or otherwise have an ignition interlock device installed on a vehicle, must pay \$75 per month to the court for the entire period the defendant is required or elects to have an ignition interlock device. The defendant shall serve all license suspension or revocation during this period. These fees are deposited to the Alabama Impaired Driving Prevention and Enforcement Fund. Defendants declared indigent by the court are not required to pay this fee.

Requirements and Terms of Indigency

A defendant granted indigency status for the purpose of ignition interlock:

- Must provide a copy of the **Completed Affidavit of Substantial Hardship**, to the interlock provider.
- Must provide a copy of the **court order** granting indigency status, to the interlock provider.
- The program / court must waive all fees (applies to pretrial diversion, deferred adjudication or similar programs).
- The defendant is still required to pay any fees for violation of ignition interlock requirements (lockouts) and for any optional services elected by the defendant (warranty, transfer) and for any missing or damaged equipment.
- Indigency Status can and may need to be re-verified during the required interlock term.



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