

# 2022

## Spring Municipal Law Conference

The Wynfrey Hotel, Birmingham, Alabama  
April 1, 2022

### ***ALEA Update***

Presented by

Samantha Naramore,  
Assistant Attorney General,  
Alabama Law Enforcement Agency



[www.alalm.org/AAMA.html](http://www.alalm.org/AAMA.html)  
[www.alalm.org/AMJA.html](http://www.alalm.org/AMJA.html)

# ALABAMA INTERLOCK LAW UPDATE



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## Act 2018-517 Changes

- Length of suspension time prior to being eligible for interlock & duration of interlock:

Conviction #	Suspension	Must serve	Interlock Duration
1 <sup>st</sup> (election)	90 days	0	90 days
1 <sup>st</sup> (mandatory)*	90 days	0	1 year; refusal – 2 years**
2 <sup>nd</sup>	1 year	45 days	2 years; refusal – 3 years**
3 <sup>rd</sup>	3 years	60 days	3 years; refusal – 4 years**
4 <sup>th</sup> or previous felony DUI	5 years	1 year	4 years; refusal – 5 years**

\*Mandatory interlock on 1<sup>st</sup> conviction: 0.15 +, refusal, child under 14 in vehicle, injury other than driver (See § 32-5A-191 (e), Ala. Code 1975).

\*\*Add one additional year to interlock duration (See § 32-5A-191 (t)(2), Ala. Code 1975).



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## Act 2018-517 Changes

- BAC 0.15 +, child under 14 years in vehicle – no longer doubles interlock duration.
  - Changes codified at *Ala. Code* 1975, § 32-5A-191 (i) and (j).
- Pretrial diversion programs require installation of IID for 6 months or duration of program, whichever is greater.
  - Changes codified at *Ala. Code* 1975, § 32-5A-191 (y)(1)-(4).
- Probation period extended until all IID requirements have been completed.
  - Changes codified at *Ala. Code* 1975, § 32-5A-191 (z).



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## Act 2018-517 Changes

- 10-year lookback (conviction → offense date)
  - Codified at *Ala. Code* 1975, § 32-5A-191 (p)(1).
- Once a felony, always a felony
  - Codified at *Ala. Code* 1975, § 32-5A-191 (p)(2).
- IID not required if no certified IID provider within a 50-mile radius of residence or employment
  - Changes codified at *Ala. Code* 1975, § 32-5A-191 (aa).
  - Currently 4 approved IID providers:
    - Smart Start
    - Draeger
    - Sens-O-Lock of America
    - LifeSafer



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# Act 2018-517 Changes

- Indigency:
  - If declared indigent by the court, defendant is not required to pay any costs associated with installing or maintaining interlock
    - Codified at § 32-5A-191.4(i)(4), Ala. Code 1975.
    - \*Separate order required – must be declared “indigent for the purpose of interlock. (See § 32-5A-191.4(i)(3), Ala. Code 1975).
  - Indigency determined by court by same criteria as in Ala. Code 1975, § 15-12-5(b) & (c)
    - See § 32-5A-191.4(i)(3), Ala. Code (1975).
  - Must pay any fees for any violation and pay for interlock restricted license.
    - See § 32-5A-191.4(i)(4).



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## Highlights

First DUI Conviction – no suspension required

- Election (BAC under .15%)
  - Interlock for 90 days
  - Still need order from the court
- Mandatory Interlock for 1 year if:
  - BAC of .15% or more
  - Passenger under 14 in vehicle
  - Injury to someone other than driver
- Refusal – Mandatory Interlock for 2 years
  - See § 32-5A-191 (e) and (t)(2)



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# Highlights

Second DUI Conviction – 45 days suspension required

- Interlock required for two (2) years
  - Refusal – 3 years

\*Note: revocations require proof of SR-22 insurance upon reinstatement



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# Highlights

Third DUI Conviction – 60 days suspension required

- Interlock required for three (3) years
  - Refusal – 4 years

\*Note: revocations require proof of SR-22 insurance upon reinstatement



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# Highlights

Fourth DUI Conviction or Previous Felony DUI: one-year suspension required

- Interlock required for four (4) years
  - Refusal – 5 years

\*Note: revocations require proof of SR-22 insurance upon reinstatement



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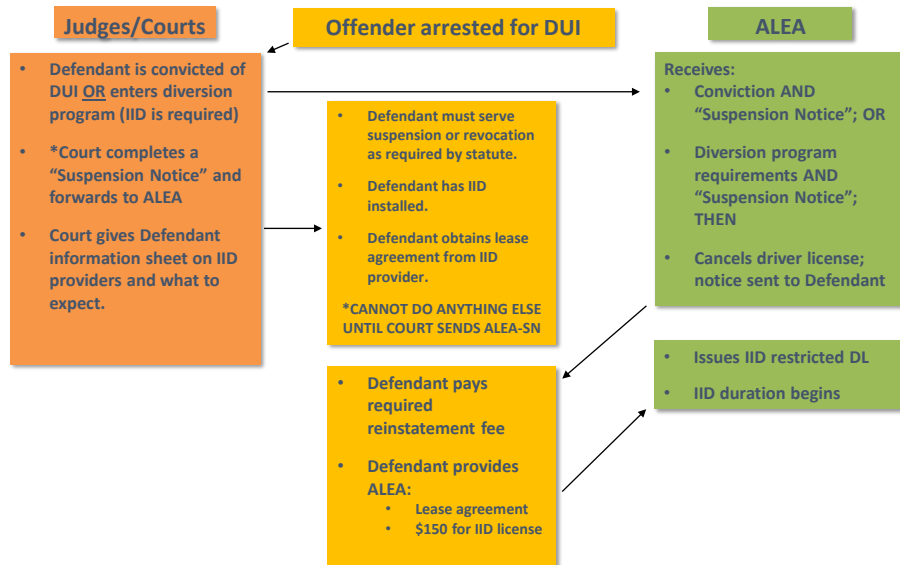
## A few notes...

- ALEA must receive a court order (or agreement with prosecutor) to issue an interlock restricted license
  - If it comes from an attorney, it must be certified.
  - See AOC E-Forms (Traffic): ALEA-SN
- ALEA must receive a clearance to remove the interlock restriction
  - See AOC E-Forms (Traffic): ALEA-CSN
  - CRO certificate
- A driver must clear all other suspensions before eligible for interlock license
- Changes to implied consent
  - Refusal of any test results in administrative suspension (\*changed from just breath test in 2021)
  - 10-year lookback period for alcohol-related contacts (\*changed from 5-year lookback in 2021)



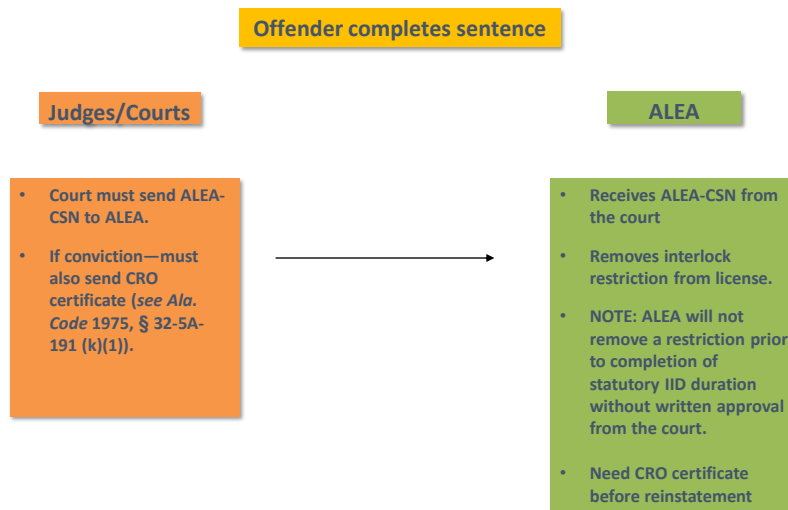
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# Interlock Process with ALEA



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# Interlock Process with ALEA



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# ALEA Forms

## Alabama Law Enforcement Agency

Notice Mail Date:  
Mar. 10, 2015

**6865-County Form 023**  
**Repealed 12-9-99 655-5452**

License #: **88888888**

### NOTIFICATION OF THE CANCELLATION OF YOUR DRIVER LICENSE and/or DRIVING PRIVILEGE

REASON: **MUST ADD INTERLOCK DEVICE RESTRICTION TO YOUR DRIVER LICENSE**

EFFECTIVE DATE OF CANCELLATION: 03/25/2015 DURATION: Until Cleared

The Alabama Law Enforcement Agency has received a court order requiring you to have an interlock device installed on your vehicle and have an interlock restriction added to your driver license. You are prohibited from operating any type vehicle until you have an interlock device installed and operating on your vehicle as ordered by the court.

An Interlock Device is currently not required until AFTER your suspension/revocation period has been completed. In order to comply with these requirements upon completion of suspension / revocation you must pay a fee of \$150 at any Reinstatement Office and provide proof of installation of an interlock device by an approved provider. This fee is in addition to any other required reinstatement fees. You will then be required to obtain a new license with the interlock restriction at any driver license examining office.

If you have a legal or lawful reason why this cancellation should not be placed into effect you may write this office stating the legal or lawful reason and a hearing may be considered upon review.

For information on interlock providers visit the Alabama Law Enforcement Agency website at [www.ALEA.gov](http://www.ALEA.gov).

By Authority of: Secretary of Law Enforcement

REM- 219 11/29/2012



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# ALEA Forms

### \*\*\* SUSPENSION NOTICE \*\*\*

#### Ignition Interlock Device Requirement

#### COURT REPORT TO THE ALABAMA LAW ENFORCEMENT AGENCY STATE OF ALABAMA

- ☐ The following person has been convicted of DUI and has been ordered to install and maintain an approved Ignition Interlock Device.  
*Check this box on the initial court order*
- ☐ The following person has been convicted of DUI and has elected to voluntarily install and maintain an approved Ignition Interlock Device.  
*Check this box on the initial court order*
- ☐ The following person has entered a Pretrial Diversion or a Deferred Prosecution Program with the court. (Must attach a copy of the diversion/program requirements)  
*Check this box on the initial court order*
- ☐ The following person has been terminated from participation in a Pretrial Diversion or Deferred Prosecution Program.  
*Check this box if the offender has been ordered to have IID due to participation in diversion program but failed to complete the program.*
- ☐ The following person has been previously court ordered to install and maintain an approved Ignition Interlock Device and is not in compliance as required.  
*Check this box if the offender has been previously ordered and the courts have been notified that the offender no longer has the IID installed in their vehicle.*

Court Number	Court Name	Address (Court of)	Offense Date
Offender's Name and Address	DOB	Driver License Number	
	Sex	Race	Birthdate
Vehicle Tag Number	State	Year	Vehicle Description
Offense Description	Conviction Date	Offense Number (Circle One) 1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup>	Offense Information (Circle Applicable) Refusal 1 <sup>st</sup> Child in Vehicle Injury (Other than Offender)
Court Order			
Court Name and Address	Court Phone Number	Court Contact Person	
Judge/Signatures/Clerk Signature	Court Seal (for electronic submission of report)	Date	

Mail to:

Alabama Law Enforcement Agency  
Driver License Unit  
P. O. Box 1471  
Montgomery, AL 36102-1471

Phone: (334) 242-4226  
Fax: (334) 353-9988  
Scan/email: [interlock@alea.gov](mailto:interlock@alea.gov)



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# ALEA Forms

**\*\*\* CLEARANCE \*\*\***  
OF  
**SUSPENSION NOTICE**  
Ignition Interlock Device Requirement

COURT REPORT TO THE ALABAMA LAW ENFORCEMENT AGENCY  
STATE OF ALABAMA

☐ The following person is back in compliance with the court requirement of installation and maintaining an approved Ignition Interlock Device. **DO NOT REMOVE IID RESTRICTION**. Check this box if the offender is still required to maintain the IID for an additional period.

☐ The following person is no longer required to maintain an approved Ignition Interlock device and has met the duration as specified by AL law. **AUTHORIZED TO REMOVE IID RESTRICTION**. Check this box if the offender is no longer required to have the IID in their vehicle.

Case Number	UTC Number	Alabama County of	Offense Date
Offender's Name and Address		DOB	Driver License Number
		Sex	Race
		Residence	
Vehicle Tag Number	Color	Year	Vehicle Description
Offense Description	Conviction Date	Offense Number (Circle One) 1st 2nd 3rd 4th	Offense Information (Circle Applicable) Reckless Child in Vehicle Injury (Other than Offender)
Court URL		Court Phone Number	Court Contact Person
Court Name and Address			
Judge/Magistrate/Clerk Signature		Court email (for electronic submission of reports)	Date

Mail to:  
Alabama Law Enforcement Agency  
Driver License Unit  
P. O. Box 1471  
Montgomery, AL 36102-1471

Phone: (334) 242-4226  
Fax: (334) 555-9988  
Scan email: [interlock@alea.gov](mailto:interlock@alea.gov)



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## Questions?

[Interlock@alea.gov](mailto:Interlock@alea.gov)

Samantha Naramore

[samantha.naramore@alea.gov](mailto:samantha.naramore@alea.gov)

(334) 676-6106

Melody Birch

[melody.birch@alea.gov](mailto:melody.birch@alea.gov)

(334) 676-6108



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# Hardship Driver License

Alabama Law Enforcement Agency  
Samantha Naramore  
Assistant Attorney General



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## Eligible Applicants

- ▶ ADOC Work Release Program
- ▶ Community Corrections Program
- ▶ ADOC Custody Releases:
  - ▶ End of Sentence
  - ▶ Parole
  - ▶ "Dunks"
  - ▶ Mandatory Releases



### 2018 Additions:

- ▶ Any person with a suspended or revoked Alabama driver license AND
- ▶ who can demonstrate to the reasonable satisfaction of ALEA they do not pose a risk to public safety AND
- ▶ Who cannot obtain reasonable transportation.



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## Not Eligible:

- ▶ DUI Adjudications or Convictions
- ▶ Serious Moving Violations involving/resulting in serious physical injury/death
- ▶ Serious Traffic Offenses (Title 32)
- ▶ Less than 16 years of age
- ▶ Medically ineligible for Class D
- ▶ Commercial Driving Privileges
- ▶ *ALEA Secretary or designee retains discretion to not issue a hardship driver license.*



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## Limited Use

- ▶ Employment
- ▶ Job training, readiness programming, interviews
- ▶ Religious services/functions
- ▶ Civic events recognized for full societal participation
- ▶ Educational institution or childcare facility
- ▶ Court-ordered program, treatment, community service
- ▶ Court appearances
- ▶ Reporting to a probation and parole office
- ▶ Community Corrections Program
- ▶ Work release program
- ▶ Medical or mental health scheduled treatment or emergency
- ▶ Pharmacy for obtaining prescriptions
- ▶ Purchasing food and household necessities
- ▶ Performing essential household duties
- ▶ Voting, if eligible

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## Application Process

- Application Form
  - Alea.gov → departments and units → driver license → driver license forms → hardship license application (DL-22)\*
- \*New form coming April 2022
- All required/applicable attachments
- Letter from authorized official (as applicable)
- Required driver information
- DL# of the suspended/revoked license
- Proof of applicable insurance
- Cost of production and issuance (\$36.25)
- Application, instructions, and FAQs available online:

<https://www.alea.gov/dps/driver-license/license-and-id-cards/hardship-driver-license>

ALABAMA LAW ENFORCEMENT AGENCY  
DRIVER LICENSE DIVISION  
800 SOUTH HUNTS STREET / P.O. BOX 4471 / MONTGOMERY, AL 36104-0471  
PHONE: (205) 446-7700 / TOLL FREE: 1-800-446-7700  
FAX: (205) 446-7700 / TOLL FREE: 1-800-446-7700  
HARDSHIP LICENSE UNIT  
E-MAIL: HARDSHIP.LICENSE@ALEA.GOV

APPLICATION MAY BE SUBMITTED TO P.O. BOX ADDRESS OR EMAIL ADDRESS ABOVE

**APPLICATION FOR HARDSHIP LICENSE**

Applicant Type (choose only one):  
☐ Participating in an ADOC regulated work release program?  
☐ Participating in a recognized compliant Community Corrections Program?  
☐ Released from Alabama Department of Corrections custody as demonstrated by ADOC Form C-80  
☐ License suspended/revoked and cannot obtain reasonable transportation?  
☐ Renewal?

*A person who has been adjudicated or convicted of DFI under Alabama Code Section 15-6A-191 is not eligible to apply for a hardship license.*

Name (First, Middle, Last): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Social Security No.: \_\_\_\_\_ AL Driver License No.: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

I do solemnly swear, affirm, and certify I am the person named herein and the statements on this application, including all required attachments, which are hereby incorporated by this reference, are true and correct.

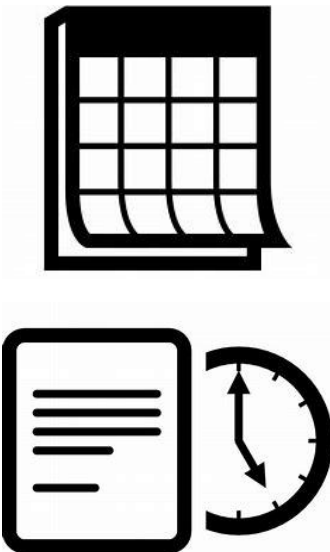
Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Attachments Required:  
☐ Letter from program director of work release or community corrections program (applies to 1 designation above)  
☐ List of anticipated places applicant will travel (work, home, church, etc.) and address of each  
☐ Documentation for all anticipated routes applicant will travel (using Google Maps, MapQuest, etc.)  
☐ List of anticipated times of travel (in relation to work shifts, religious ceremony times, etc.)  
☐ List and description of all specific vehicles applicant may use (including the Owner, if not Applicant, Make, Model, Tag No.)  
☐ **PROOF OF MANDATORY LIABILITY INSURANCE SHALL BE PROVIDED FOR EACH VEHICLE**  
☐ Statement regarding inability to obtain reasonable transportation (applies to 2 designation above)  
☐ Proof of SR-22 insurance (if applicable)  
☐ Documentation of good cause to the reasonable satisfaction of ALEA (applies to 4 designation above)

**DO NOT WRITE BELOW THIS LINE - FOR DEPARTMENT USE ONLY**

Application received date: \_\_\_\_\_ DL Record Updated: \_\_\_\_\_  
 Application approved this date: \_\_\_\_\_ Rejected this date: \_\_\_\_\_  
 Approved/Rejected by: \_\_\_\_\_ Email Sent date: \_\_\_\_\_  
 Restrictions: \_\_\_\_\_ Letter sent date: \_\_\_\_\_

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## Validity Period - Four Years

- ▶ Reapplication permitted **ONLY IF** applicant demonstrates good cause to the reasonable satisfaction of ALEA, including demonstrable reentry efforts and/or progress towards resolving issues preventing reinstatement.

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## Revocation

**Revocation** - immediate revocation as required by law, any serious traffic offense, accumulation of traffic points, or at discretion of ALEA.

Once revoked, a hardship license is not eligible for reinstatement.



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## Hardship Driver License - NOT A PERMANENT SOLUTION

- ▶ Resolve all issues preventing DL reinstatement asap
- ▶ Apply for DL reinstatement as soon as eligible and as far in advance of Hardship Driver License expiration as possible
- ▶ BE AWARE:
  - ▶ Not REAL ID Compliant
  - ▶ Only valid in Alabama



Additional information available online:

<https://www.alea.gov/dps/driver-license/license-and-id-cards/hardship-driver-license>

Contact [Samantha.Naramore@alea.gov](mailto:Samantha.Naramore@alea.gov) with questions

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Thank you!