

Alabama DUI / DWI Regulations

DUI / DWI Statute	§32-5A-191
Criteria for DUI / DWI	<p>BAC \geq 0.02 if under 21 years old or if a school bus or day care driver while on the job</p> <p>BAC \geq 0.04 while operating a commercial motor vehicle</p> <p>BAC \geq 0.08 for all non-commercial drivers aged 21 or older</p> <p>BAC \geq 0.15 "enhances" penalties</p>
Penalties for 1 st offense	<p>First Conviction:</p> <ul style="list-style-type: none"> ✧ Imprisonment - Up to 1 year in municipal or county jail (no minimum mandatory sentence) ✧ Fine - \$500 - \$2,000, plus an additional \$100 fine assessed for Impaired Drivers Trust Fund (§32-5A-191.1) ✧ Mandatory - 90-day license suspension, DUI school attendance
"Look back" period	5 years
Penalties for repeat offender	<p>Second Conviction:</p> <ul style="list-style-type: none"> ✧ Imprisonment - 48 consecutive hours, up to 1 year, or not less than 20 days community service ✧ Fine - \$1,000 - \$5,000, plus an additional \$100 fine assessed for Impaired Drivers Trust Fund (§32-5A-191.1) ✧ Mandatory - Not less than 48 hours consecutive imprisonment, or community service of not less than 20 days ✧ DL Revocation - 1 year <p>Third Conviction Within 5 Years:</p> <ul style="list-style-type: none"> ✧ Imprisonment - 60 days in municipal or county jail, up to 1 year ✧ Mandatory - 60-day imprisonment which cannot be probated or suspended ✧ Fine - \$2,000 - \$10,000, plus an additional \$100 fine assessed for Impaired Drivers Trust Fund (§32-5A-191.1) ✧ DL Revocation - 3 years <p>Fourth or Subsequent Conviction Within 5 Years - Class C Felony (§32-5A-191):</p> <ul style="list-style-type: none"> ✧ Imprisonment, 1-10 years ✧ Fine - \$4,000 - \$10,000 ✧ DL Revocation - 5 years

*National Motorists Association
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This information was current at the time of publication. The reader should check official sources for the latest versions of regulations.

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License suspensions	<p>1st offense: 90 days 2nd offense: 1 year 3rd offense: 3 years 4th and subsequent offenses: 5 years</p>
Ignition interlocks	<p>Required for 1st offense if:</p> <ul style="list-style-type: none"> ✧ BAC is ≥ 0.15 or, ✧ involved in injury-accident or, ✧ a child under 14 is in vehicle or, ✧ driver refuses breath test <p>Note: voluntary installation of ignition interlock device may supplant mandatory 90-day license suspension if BAC was less than 0.15 for 1st offense</p> <p>Required for subsequent offenses: Standard period is 6 months, but may be extended up to ten years for subsequent violations or violations involving above-mentioned aggravating circumstances.</p>
Vehicle impoundment	<p>Only allowed if driver's license is currently cancelled, denied, suspended, or revoked.</p>
Open Container laws	<ul style="list-style-type: none"> ✧ May not be accessible to the driver unless driver is hired and holds a commercial driver's license ✧ Class C Misdemeanor; \$25 fine plus court costs; no administrative "drivers points" assessed. ✧ May "enhance" DWI/DUI charges.

Sources

- <http://dps.alabama.gov/Home/wfContent.aspx?ID=40&PLH1=plhHighwayPatrol-DUIConvictions>
- <http://codes.lp.findlaw.com/alcode/32/5A/9/32-5A-191>
- <http://www.drivinglaws.org/resources/ignition-interlock-devices-alabama.htm>
- http://www.dui-usa.drinkdriving.org/Alabama_dui_drunkdriving_laws.php
- <http://www.ncsl.org/research/financial-services-and-commerce/open-container-and-consumption-statutes.aspx>
- <http://codes.lp.findlaw.com/alcode/32/5A/15/32-5A-330>

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