

1 SB325
2 149904-5
3 By Senator Coleman (N & P)
4 RFD: Local Legislation No. 2
5 First Read: 12-MAR-13

1 SB325

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3
4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to the City of Center Point, Alabama, in
8 Jefferson County; authorizing automated traffic safety law
9 enforcement in the City of Center Point, Alabama, as a civil
10 violation; providing certain procedures to be followed by the
11 City using automated photographic traffic enforcement;
12 providing that the owner of the vehicle involved in running a
13 traffic light, stop sign, or violating the speed limit in the
14 City of Center Point is presumptively liable for a civil
15 violation and the payment of a specified fine, but providing
16 procedures to contest liability; providing for jurisdiction in
17 Jefferson County and the City of Center Point over such civil
18 violations and allowing petitions for judicial review in the
19 Jefferson County Circuit Court for trial de novo; creating a
20 cause of action for any person held responsible for payment of
21 the fine against the person who was actually operating a
22 vehicle during the commission of a civil violation defined in
23 this act.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known and may be cited
2 as the "Center Point Automated Traffic Safety Act."

3 Section 2. (a) The City of Center Point, Alabama,
4 may, by ordinance, provide for the implementation of an
5 automated traffic safety system within the City as provided
6 for in this act.

7 (b) The Legislature finds and declares the
8 following:

9 (1) Vehicles that violate traffic control
10 regulations and signage have been and are a dangerous problem
11 in the City of Center Point, Alabama.

12 (2) Studies have found that automated traffic camera
13 enforcement in a municipal area is a highly accurate method
14 for detecting violations of traffic control regulations and
15 signage and is very effective in reducing the number of
16 traffic violations and decreasing the number of traffic
17 accidents, deaths, and injuries.

18 (3) Current Alabama law provides that failing to
19 stop and remain stopped at a traffic-control signal which is
20 emitting a steady red signal is a criminal misdemeanor.
21 Current Alabama law also provides that failing to abide by
22 traffic signage or speed limits is also a criminal
23 misdemeanor. Under Alabama law one who commits any of these
24 misdemeanors is subject to prosecution only if the misdemeanor
25 was witnessed by either a duly empowered police officer or

1 other witness who makes a verified complaint to a sworn
2 magistrate.

3 (4) A reduction in the number of drivers exceeding
4 speed limits and running red lights and stop signs through a
5 program utilizing photographic evidence and enforcement
6 through the imposition of civil fines will help promote and
7 protect the health, safety, and welfare of the citizens of the
8 City of Center Point. A duly enacted local act of the
9 Legislature could grant to the City of Center Point the
10 authority to establish a program to enforce traffic signal
11 violations, stop sign violations, and speeding violations by
12 the use of photographic evidence and the imposition of civil
13 fines.

14 (5) By providing for the use of automated traffic
15 cameras in traffic signal enforcement, stop sign enforcement,
16 and speed limit enforcement in the City of Center Point, the
17 Legislature expects to decrease the occurrence in the City of
18 traffic signal violations, stop sign violations, and speeding
19 violations.

20 Section 3. As used in this act, the following terms
21 shall have the following meanings:

22 (1) CITY. The City of Center Point, Alabama.

23 (2) FINE. The monetary amount assessed by the City
24 of Center Point pursuant to the ordinance authorized by this
25 act for a determination of civil liability for a traffic

1 signal violation, stop sign violation, or speeding violation,
2 which may include administrative hearing costs associated with
3 the infraction.

4 (3) CIVIL VIOLATION. A violation of the provisions
5 of the ordinance authorized by this act, the penalty for which
6 violation shall be the payment of a fine, the enforcement of
7 which will not be otherwise permissible.

8 (4) OWNER. The owner of a motor vehicle as shown on
9 the motor vehicle registration records of the Alabama
10 Department of Revenue or the analogous department or agency of
11 another state or nation. The term shall not include motor
12 vehicles displaying dealer license plates, in which event
13 "owner" shall mean the person to whom the vehicle is assigned
14 for use; nor shall the term include the owner of any stolen
15 motor vehicle, in which event "owner" shall mean the person
16 who is guilty of stealing the motor vehicle and who was
17 operating the vehicle at the time of the civil violation.

18 (5) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT
19 SYSTEM. A system that:

20 a. Consists of a still camera system and full motion
21 video camera system (30 frames per second or greater); and

22 b. Is capable of producing at least two separate
23 recorded images, i.e.,

24 1. An image of the rear of a vehicle prior to
25 entering the intersection; and

1 2. An image of the rear of the vehicle showing the
2 license plate.

3 (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

4 A system that:

5 (a) Consists of a still camera system and full
6 motion video camera system (30 frames per second or greater)
7 installed to work in conjunction with an electrically operated
8 traffic control signal; and

9 (b) Is capable of producing at least three separate
10 recorded images, i.e.,

11 1. An image of the rear of a vehicle prior to
12 entering the intersection on a red signal.

13 2. An image of the rear of the vehicle showing the
14 license plate; and

15 3. An image of the rear of the vehicle in or through
16 the intersection when the red signal is visible.

17 (c) All images must be synchronized to a single time
18 source and provide the elapsed time between the first, second,
19 and third photographs or digital images specified in this
20 subparagraph b.

21 (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A

22 system that:

23 (a) Has a mobile or fixed electronic speed
24 enforcement system, or both, which is certified and in

1 compliance with the rules of the Federal Communications
2 Commission; and

3 (b) Is capable of producing two or more recorded
4 images, at least one depicting the license plate attached to
5 the rear of a vehicle being operated at a speed in excess of
6 the applicable speed limit.

7 (8) RECORDED IMAGE. An image recorded by the system
8 depicting the rear of a vehicle which is automatically
9 recorded as a photograph or digital image, which also depicts
10 the recorded speed, date, location, and time of the recorded
11 image.

12 (9) SPEED LIMIT. The established maximum speed limit
13 on a given roadway prescribed by law.

14 (10) SPEEDING VIOLATION. Any violation of a motor
15 vehicle at a speed that exceeds the legal maximum speed limits
16 set forth in or adopted pursuant to Article 8, Chapter 5A,
17 Title 32, Sections 32-5A-170 to 32-5A-178, inclusive, Code of
18 Alabama 1975 or of any combination thereof; provided, however,
19 that speed limits set by action of the Center Point City
20 Council, if any, shall supersede the limits set in Article 8,
21 Chapter 5A, Title 32, Sections 32-5A-170 to 32-5A-178,
22 inclusive, Code of Alabama 1975. A speeding violation shall be
23 a civil violation as defined in this act.

24 (11) STOP SIGN. A fixed sign of the type authorized
25 by the Alabama Department of Transportation which requires a

1 vehicle to come to a complete stop before entering the
2 intersection.

3 (12) STOP SIGN VIOLATION. Any violation of Section
4 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds
5 into an intersection after failing to stop at a clearly marked
6 stop line. A stop sign violation shall be a civil violation as
7 defined in this act.

8 (13) TRAFFIC CONTROL SIGNAL. Any device, whether
9 manually, electrically, or mechanically operated, by which
10 traffic is alternately directed to stop and permitted to
11 proceed as defined in Section 32-1-1.1, Code of Alabama 1975.

12 (14) TRAFFIC SIGNAL VIOLATION. Any violation of
13 Section 32-5A-31, Section 32-5A-32, or Section 32-5A-35, Code
14 of Alabama 1975, or of any combination thereof, wherein a
15 vehicle proceeds into a signalized intersection at a time
16 while the traffic-control signal for that vehicle's lane of
17 travel is emitting a steady red signal. A traffic signal
18 violation shall be a civil violation as defined in this act.

19 (15) TRAINED TECHNICIAN. A sworn law enforcement
20 officer or a person certified by the Alabama Peace Officers'
21 Standards and Training Commission (APOSTC), employed or
22 contracted by the City, who has received instruction and
23 training in the proper use of the photographic traffic signal
24 enforcement system, the photographic stop sign enforcement
25 system, and the photographic vehicle speed enforcement system

1 used by the City, the City's traffic engineer or the City's
2 designee.

3 Section 4. (a) The City as provided in this act, is
4 empowered to adopt an ordinance providing for the utilization
5 by the City or its designee of a photographic traffic signal
6 enforcement system, a photographic stop sign enforcement
7 system, and a photographic vehicle speed enforcement system to
8 detect and record traffic signal violations, stop sign
9 violations, and speeding violations in the City, to issue
10 notices of civil violations by mail, and to collect fines for
11 the recorded traffic signal violations, stop sign violations
12 and speeding violations which may occur within the corporate
13 limits of the City as provided in this act.

14 (b) (1) Fines collected pursuant to an ordinance
15 authorized by this act for traffic signal violations and stop
16 sign violations shall not exceed one hundred ten dollars
17 (\$110).

18 (2) (i) Except for speeding violations that occur in
19 school zones, fines collected pursuant to an ordinance autho-
20 rized by this act for speeding violations shall not exceed the
21 fines as shown in the following table. The following fine
22 shall apply to the owner when captured by the photographic
23 vehicle speed enforcement system where the vehicle was re-
24 corded as traveling at the following speeds over the speed
25 limit:

1	Speed over Speed Limit	Fine
2	5 through 10 mph	\$60
3	Greater than 10 mph through 15 mph	\$110
4	Greater than 15 mph through 20 mph	\$135
5	Greater than 20 mph	\$160

6 (ii) The fines stated above in Section 4(b)(2)(i)
7 shall be doubled if that violation occurs and was
8 electronically recorded within a segment of the roadway or
9 intersection designated with signage or signals as a school
10 zone only during school hours when school is in session and
11 one hour before and after school hours.

12 (3) The first ten dollars (\$10) of each fine
13 authorized by this act and collected by the City or its
14 designee shall be paid to the Alabama Criminal Justice
15 Information Center as compensation for record keeping with
16 respect to violation notices issued pursuant to this act.

17 (4) Administrative hearing costs shall be assessed
18 only in contested cases. A person who is found liable after an
19 administrative hearing or who requests an administrative
20 hearing and thereafter fails to appear at the time and place
21 of the hearing shall pay the fine amount plus any late fee in
22 addition to a thirty dollar (\$30) administrative hearing fee.
23 If the person is found not liable at the administrative

1 hearing, the thirty dollar (\$30) administrative hearing fee
2 will not be assessed or any fine and fee paid related to that
3 citation shall be refunded.

4 (c) The City or its designee may place photographic
5 traffic signal enforcement systems, photographic stop sign
6 enforcement systems, and photographic vehicle speed
7 enforcement systems at locations within the City without
8 notice of the specific location and may change locations
9 without public notice.

10 (d) The City or its designee shall post a sign or
11 signs at each intersection at which a photographic traffic
12 signal enforcement system or photographic stop sign
13 enforcement system is located informing motorists that such
14 devices are in operation at the intersection. The City or its
15 designee shall post a sign or signs along each roadway or
16 street at which a photographic vehicle speed enforcement
17 system is located informing motorists that such a device is in
18 operation.

19 (e) The City may contract with a vendor to perform
20 services authorized by this act.

21 Section 5. (a) The City or its designee shall mail a
22 notice of violation by U.S. mail to the owner of the motor
23 vehicle which is recorded by the photographic traffic signal
24 enforcement system, photographic stop sign enforcement system,
25 or photographic vehicle speed enforcement system while

1 committing a traffic signal violation, stop sign violation, or
2 speeding violation. The notice shall be sent not later than
3 the 30th day after the date the traffic signal violation, stop
4 sign violation, or speeding violation is recorded to:

5 (1) The owner's address as shown on the registration
6 records of the Alabama Department of Revenue; or

7 (2) If the vehicle is registered in another state or
8 country, to the owner's address as shown on the motor vehicle
9 registration records of the department or agency of the other
10 state or country analogous to the Alabama Department of
11 Revenue.

12 (b) A notice of violation issued under this act
13 shall contain the following:

14 (1) Description of the violation;

15 (2) The date, time, and location of the violation;

16 (3) A copy of a recorded image of the vehicle;

17 (4) The amount of the fine to be imposed for the
18 violation;

19 (5) The date by which the fine must be paid;

20 (6) A statement that the person named in the notice
21 of violation may pay the fine in lieu of appearing at an
22 administrative hearing;

23 (7) Information that informs the person named in the
24 notice of violation:

1 i. Of the right to contest the imposition of the
2 fine in an administrative hearing;

3 ii. Of the manner and time in which to contest the
4 imposition of the fine; and

5 iii. That failure to pay the fine or to contest
6 liability is an admission of liability;

7 (8) A statement that a recorded image is evidence in
8 a proceeding for the imposition of a fine;

9 (9) A statement that failure to pay the fine within
10 the time allowed shall result in the imposition of a late
11 penalty not exceeding twenty-five dollars (\$25); and

12 (10) Any other information deemed necessary by the
13 City or its designee.

14 (c) A notice of violation under this act is presumed
15 to have been received on the 10th day after the date the
16 notice of violation is placed in the United States mail.

17 (d) A fine imposed pursuant to this Act shall be
18 paid within 30 days of the 10th day after the date the notice
19 of violation is mailed.

20 (e) It shall be within the discretion of the trained
21 technician to determine which of the recorded traffic signal
22 violations, stop sign violations and speeding violations are
23 to be enforced based upon the quality and legibility of the
24 recorded image.

1 Section 6. (a) An Administrative Hearing Officer
2 appointed by the Mayor of the City is vested with the power
3 and jurisdiction to conduct administrative hearings of civil
4 violations provided for in this act.

5 (b) A person who receives a notice of violation may
6 contest the imposition of the fine by submitting a request for
7 an administrative hearing of the civil violation, in writing,
8 within 15 days of the 10th day after the date the notice of
9 violation is mailed. Upon receipt of a timely request, the
10 City or its designee shall notify the person of the date and
11 time of the administrative hearing by U.S. mail.

12 (c) Failure to pay a fine or to contest liability in
13 a timely manner is an admission of liability in the full
14 amount of the fine assessed in the notice of violation.

15 (d) Any fine imposed pursuant to this Act shall not
16 be collected if, after a hearing, the Administrative Hearing
17 Officer appointed by the Mayor of the City enters a finding of
18 no liability.

19 (e) If an administrative hearing is requested, the
20 City shall have the burden of proving the traffic signal
21 violation, stop sign violation, or speeding violation by a
22 preponderance of the evidence. The reliability of the
23 photographic traffic signal enforcement system or photographic
24 stop sign enforcement system used to produce the recorded
25 image of the violation may be attested to by affidavit of a

1 trained technician. An affidavit of a trained technician that
2 alleges a violation based on an inspection of the pertinent
3 recorded image is admissible in a proceeding under this act
4 and is evidence of the facts contained in the affidavit.

5 (f) The notice of violation, the recorded and
6 reproduced images of the traffic signal violation, stop sign
7 violation, or speeding violation, regardless of the media on
8 which they are recorded, accompanied by a certification of
9 authenticity of a trained technician, and evidence of
10 ownership of a vehicle as shown by copies or summaries of
11 official records shall be admissible into evidence without
12 foundation unless the Administrative Hearing Officer finds
13 there is an indication of untrustworthiness, in which case the
14 City shall be given a reasonable opportunity to lay an
15 evidentiary foundation.

16 (g) All other matters of evidence and procedure not
17 specifically addressed in this act shall be subject to the
18 rules of evidence and the rules of procedure as they apply in
19 the small claims courts of this state, except that on any
20 petition to Jefferson County Circuit Court for trial de novo,
21 the evidence and procedures shall be as for any civil case in
22 the district court except as otherwise provided in this act.

23 (h) A person who is found liable for a civil
24 violation pursuant to this Act after an administrative hearing
25 or who requests a hearing and thereafter fails to appear at

1 the time and place of the hearing is liable for administrative
2 hearing costs and fees set out herein in addition to the
3 amount of the fine assessed for the violation. A person who is
4 found liable for a civil violation after an administrative
5 hearing shall pay the fine and costs within 10 days of the
6 hearing.

7 (i) Whenever payment of a fine is owed to the City,
8 the amount of the fine as set by ordinance may not be
9 increased, decreased, or abated by the City, and the liability
10 may be satisfied only by payment.

11 (j) It shall be an affirmative defense to the
12 imposition of civil liability under this act, to be proven by
13 a preponderance of the evidence, that:

14 (1) The traffic control signal was not in proper
15 position and sufficiently visible to an ordinarily observant
16 person;

17 (2) The operator of the motor vehicle was acting in
18 compliance with the lawful order or direction of a police
19 officer;

20 (3) The operator of the motor vehicle violated the
21 instructions of the traffic control signal so as to yield the
22 right-of-way to an immediately approaching authorized
23 emergency vehicle;

24 (4) The motor vehicle was being operated as an
25 authorized emergency vehicle under Sections 32-5A-7 and

1 32-5-213 of the Code of Alabama 1975, and that the operator
2 was acting in compliance with those chapters;

3 (5) The motor vehicle was stolen or being operated
4 by a person other than the owner of the vehicle without the
5 effective consent of the owner;

6 (6) The license plate depicted in the recorded image
7 of the violation was a stolen plate and being displayed on a
8 motor vehicle other than the motor vehicle for which the plate
9 had been issued;

10 (7) The presence of ice, snow, unusual amounts of
11 rain, or other unusually hazardous road conditions existed
12 that would make compliance with this act more dangerous under
13 the circumstances than noncompliance; or

14 (8) There was no sign installed as required by this
15 act near the location at which the violation allegedly
16 occurred warning that a photographic traffic signal
17 enforcement system was being used.

18 (k) To establish that at the time of the violation
19 the motor vehicle was a stolen vehicle or the license plate
20 displayed on the motor vehicle was a stolen plate, the owner
21 must submit proof acceptable to the hearing officer that the
22 theft of the vehicle or license plate, prior to the time of
23 the violation or promptly following the theft, had been timely
24 reported to the appropriate law enforcement agency.

1 (1) No person who rents to another person or is the
2 lessor of a motor vehicle pursuant to a written lease
3 agreement, nor any affiliates thereof, shall be liable for a
4 photographic stop sign traffic enforcement system,
5 photographic vehicle speed enforcement system, or photographic
6 traffic signal enforcement system violation involving such
7 motor vehicle during the period of the rental or lease,
8 provided that upon request of the city or its designee
9 received within 60 days after the violation occurred, such
10 person provides to the city within 30 days after receipt of
11 such request the name and address of the renter or lessee of
12 such motor vehicle. The driver's license number of the renter
13 or lessee may be subsequently specifically requested by the
14 city or its designee if needed for the enforcement of this
15 act. Upon the provision by the lessor, its affiliate or its
16 designee, of the information as described in this subsection,
17 the city or its designee may issue a new notice of violation
18 to the renter or lessee of the vehicle in the same manner it
19 would issue a notice of violation to an owner pursuant to
20 Section 5, except that the notice will be sent no later than
21 30 days after receiving the renter's or lessee's information
22 from the person, or any affiliate thereof, who rented or
23 leased the motor vehicle. The renter or lessee may be held
24 liable for the violation in the same manner that an owner may
25 be held liable pursuant hereto.

1 (m) Notwithstanding anything in this act to the
2 contrary, a person who fails to pay the amount of a fine or to
3 contest liability in a timely manner is nevertheless entitled
4 to an administrative hearing on the violation if:

5 (1) The person files a sworn affidavit with the
6 hearing officer stating the date on which the person received
7 the notice of violation that was mailed to the person, if such
8 notice was not received by the 10th day after same was mailed
9 as set out in subsection (a) of Section 5; or

10 (2) Within 15 days of the date of actual receipt of
11 such notice, such person requests an administrative hearing.

12 Section 7. (a) Following an administrative hearing,
13 the Administrative Hearing Officer shall issue an order
14 stating:

15 (1) Whether the person charged with the civil
16 violation is liable for the violation; and

17 (2) If the person is found to be liable, the amount
18 of the fine assessed against the person, along with the fees
19 and costs provided for herein.

20 (b) Orders issued under this section may be filed in
21 the office of the Judge of Probate in any county in Alabama,
22 and shall operate as a judicial lien in the same manner and
23 with the same weight and effect as any other civil judgment
24 filed therein.

1 (c) A person who is found liable after an
2 administrative hearing may challenge that finding of civil
3 liability in the Jefferson County Circuit Court, by filing a
4 petition for judicial review with the Jefferson County Circuit
5 Court. The petition for judicial review must be filed not
6 later than the 14th day after the date on which the
7 Administrative Hearing Officer entered the finding of civil
8 liability. The filing of a petition for judicial review shall
9 stay the enforcement of the fine. After a petition for
10 judicial review has been filed, civil liability will be
11 determined by the circuit court by trial de novo pursuant to
12 the jurisdiction granted in Section 12-11-30, Code of Alabama
13 1975.

14 Section 8. The circuit court hearing a petition for
15 judicial review shall utilize the procedures applicable to
16 proceedings in the Jefferson County District Court with the
17 following qualifications:

18 (1) The proceedings shall retain their civil nature
19 with the circuit court applying the preponderance of the
20 evidence standard;

21 (2) If the person is adjudicated by the circuit
22 court to be responsible for payment of the fine, circuit court
23 costs shall be owed by the person adjudicated responsible,
24 with 100 percent of those court costs collected to be retained
25 by the circuit court, which costs shall be calculated in the

1 same manner as court costs for criminal appeals from the
2 Jefferson County District Court, provided that, in the event
3 the circuit court finds the person petitioning for judicial
4 review to not be responsible, any fine or fee paid, related to
5 that citation, shall be refunded by the City;

6 (3) Regardless of the civil nature of the
7 proceedings, the circuit court may assign case numbers as for
8 criminal appeals or civil appeals and place the appeals on
9 criminal dockets in the same manner as criminal appeals from
10 the Jefferson County District Court or on civil dockets in the
11 same manner as civil appeals from the Jefferson County
12 District Court;

13 (4) The circuit court shall sit as trier of both
14 fact and law in the civil proceedings in the circuit court;
15 and

16 (5) The City shall be responsible for providing an
17 attorney to represent the City in the circuit court
18 proceedings.

19 Section 9. In the event the evidence produced by a
20 photographic traffic signal enforcement system, a photographic
21 stop sign enforcement system or a photographic vehicle speed
22 enforcement system does not produce an image of the license
23 plate with sufficient clarity for a trained technician to
24 determine the identity of the owner, and if the identity
25 thereof cannot otherwise be reliably established, then no

1 notice of violation may be issued pursuant to this act. If,
2 however, a notice of violation is issued, to the degree
3 constitutionally allowed, those issues related to the identity
4 of the vehicle or its owner shall affect the weight to be
5 accorded the evidence and shall not affect its admissibility.

6 Section 10. The City may provide by ordinance that
7 late fees not exceeding twenty-five dollars (\$25) shall attach
8 to untimely paid fines that are authorized pursuant this act
9 and imposed pursuant hereto. No person may be arrested or
10 incarcerated for nonpayment of a fine or late fee. No record
11 of an adjudication of civil violation made under this act
12 shall be listed, entered, or reported on any criminal record
13 or driving record, whether the record is maintained by the
14 City or an outside agency. An adjudication of civil violation
15 provided for in this act shall not be considered a conviction
16 for any purpose, shall not be used to increase or enhance
17 punishment for any subsequent offense of a criminal nature,
18 shall not be considered a moving violation, and shall not be
19 used by any insurance company to determine or affect premiums
20 or rates. The fact that a person is held liable or responsible
21 for a fine for a traffic signal violation, stop sign violation
22 or speeding violation shall not be used as evidence that the
23 person was guilty of negligence or other culpable conduct, and
24 as evidence in any other proceedings if it is or becomes
25 admissible under the rules of evidence applicable therein.

1 Section 11. The City is authorized to file civil
2 actions to enforce the provisions of an ordinance authorized
3 by this act, including but not limited to pursuing collection
4 actions to obtain judgments for unpaid fines, fees or both,
5 imposed under an ordinance authorized by this act, by lawful
6 means to secure payments of the same.

7 Section 12. (a) The City shall keep statistical data
8 regarding the effectiveness of photographic traffic signal
9 enforcement systems or photographic stop sign enforcement
10 systems in reducing traffic-control device violations and
11 intersectional collisions and shall communicate the data on an
12 annual basis to the Alabama Department of Transportation and
13 the Alabama Criminal Justice Information Center.

14 (b) The City shall keep statistical data regarding
15 the effectiveness of automated photographic speeding
16 enforcement systems in reducing speeding violations and
17 collisions and shall communicate the data on an annual basis
18 to the Alabama Department of Transportation and the Alabama
19 Criminal Justice Information Center.

20 Section 13. The placement of control devices in the
21 City and timing of yellow lights and red light clearance
22 intervals shall conform to the most recent edition of the
23 Traffic Engineering Handbook. It shall be presumed that such
24 devices and timing are in compliance with this section unless
25 the contrary is shown by a preponderance of the evidence.

1 Section 14. No fine may be imposed and no
2 adjudication of liability for a civil violation may be made
3 under this act if the operator of the vehicle was arrested or
4 was issued a citation and notice to appear by a sworn police
5 officer for a criminal violation of any portion of Article 2,
6 Chapter 5A, Title 32, including, but not limited to, Sections
7 32-5A-31, 32-5A-34, and 32-5A-35, Code of Alabama 1975, or any
8 other municipal ordinance which embraces and incorporates the
9 statutes contained in that article, and which occurred
10 simultaneously with and under the same set of circumstances
11 that were recorded by the photographic traffic signal
12 enforcement system, the photographic stop sign enforcement
13 system, or the photographic vehicle speed enforcement system.

14 Section 15. Any person against whom a determination
15 of liability for a civil violation is made pursuant to an
16 ordinance authorized by this act, and who actually pays the
17 fine imposed thereby shall have a cause of action against any
18 person who may be shown to have been operating the vehicle
19 recorded at the time of the violation for the amount of the
20 fine actually paid plus any consequential or compensatory
21 damages and a reasonable attorney fee, without regard to the
22 rules regarding joint and several liability, contribution, or
23 indemnity provided, however, that as a condition precedent to
24 the bringing of a civil action, that the person held
25 responsible for payment of a fine must first make written

1 demand on the other person for reimbursement of the fine,
2 giving a minimum of 60 days to remit payment, and if
3 reimbursement is fully made within the 60-day period then the
4 cause of action shall be extinguished and no attorney fees or
5 other damages shall attach to the reimbursement. Any cause of
6 action brought pursuant to this section must be commenced
7 within two years from the date of the payment of the fine for
8 a traffic signal violation, stop sign violation or speeding
9 violation.

10 Section 16. Under no circumstances shall the salary
11 or other compensation of the trained technician be related to
12 the number of notices of violation issued or amount of fines
13 collected.

14 Section 17. Nothing in this act shall be construed
15 as invoking the provisions of the Alabama Administrative
16 Procedure Act, Sections 41-22-1 et seq., Code of Alabama 1975.

17 Section 18. The provisions of this act are
18 severable. If any part of this act is declared invalid or
19 unconstitutional, that declaration shall not affect the part
20 which remains.

21 Section 19. This act shall become effective on the
22 first day of month following the expiration of 60 days after
23 its approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB325

Senate 02-MAY-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-13

By: Senator Coleman