

1 SB325  
2 149904-3  
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

5  
6 ENGROSSED

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8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT

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

1 the fine against the person who was actually operating a  
2 vehicle during the commission of a civil violation defined in  
3 this act.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 Section 2. (a) The City of Center Point, Alabama,  
8 may, by ordinance, provide for the implementation of an  
9 automated traffic safety system within the City as provided  
10 for in this act.

11 (b) The Legislature finds and declares the  
12 following:

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

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

22 (3) Current Alabama law provides that failing to  
23 stop and remain stopped at a traffic-control signal which is  
24 emitting a steady red signal is a criminal misdemeanor.  
25 Current Alabama law also provides that failing to abide by  
26 traffic signage or speed limits is also a criminal

1 misdemeanor. Under Alabama law one who commits any of these  
2 misdemeanors is subject to prosecution only if the misdemeanor  
3 was witnessed by either a duly empowered police officer or  
4 other witness who makes a verified complaint to a sworn  
5 magistrate.

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

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

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

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

1           (2) FINE. The monetary amount assessed by the City  
2 of Center Point pursuant to the ordinance authorized by this  
3 act for a determination of civil liability for a traffic  
4 signal violation, stop sign violation, or speeding violation,  
5 which may include administrative hearing costs associated with  
6 the infraction.

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

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

21           (5) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT  
22 SYSTEM. A system that:

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

25           b. Is capable of producing at least two separate  
26 recorded images, i.e.,

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

3           2. An image of the rear of the vehicle showing the  
4 license plate.

5           (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

6 A system that:

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

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

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

15           2. An image of the rear of the vehicle showing the  
16 license plate; and

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

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

23           (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A

24 system that:

25           (a) Has a mobile or fixed electronic speed  
26 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  
24 hearing, the thirty dollar (\$30) administrative hearing fee

1 will not be assessed or any fine and fee paid related to that  
2 citation shall be refunded.

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

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

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

20 Section 5. (a) The City or its designee shall mail a  
21 notice of violation by U.S. mail to the owner of the motor  
22 vehicle which is recorded by the photographic traffic signal  
23 enforcement system, photographic stop sign enforcement system,  
24 or photographic vehicle speed enforcement system while  
25 committing a traffic signal violation, stop sign violation, or  
26 speeding violation. The notice shall be sent not later than

1 the 30th day after the date the traffic signal violation, stop  
2 sign violation, or speeding violation is recorded to:

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

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

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

12 (1) Description of the violation;

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

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

15 (4) The amount of the fine to be imposed for the  
16 violation;

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

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

21 (7) Information that informs the person named in the  
22 notice of violation:

23 i. Of the right to contest the imposition of the  
24 fine in an administrative hearing;

25 ii. Of the manner and time in which to contest the  
26 imposition of the fine; and

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

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

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

8           (10) Any other information deemed necessary by the  
9 City or its designee.

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

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

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

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

25          (b) A person who receives a notice of violation may  
26 contest the imposition of the fine by submitting a request for

1 an administrative hearing of the civil violation, in writing,  
2 within 15 days of the 10th day after the date the notice of  
3 violation is mailed. Upon receipt of a timely request, the  
4 City or its designee shall notify the person of the date and  
5 time of the administrative hearing by U.S. mail.

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

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

13 (e) If an administrative hearing is requested, the  
14 City shall have the burden of proving the traffic signal  
15 violation, stop sign violation, or speeding violation by a  
16 preponderance of the evidence. The reliability of the  
17 photographic traffic signal enforcement system or photographic  
18 stop sign enforcement system used to produce the recorded  
19 image of the violation may be attested to by affidavit of a  
20 trained technician. An affidavit of a trained technician that  
21 alleges a violation based on an inspection of the pertinent  
22 recorded image is admissible in a proceeding under this act  
23 and is evidence of the facts contained in the affidavit.

24 (f) The notice of violation, the recorded and  
25 reproduced images of the traffic signal violation, stop sign  
26 violation, or speeding violation, regardless of the media on

1 which they are recorded, accompanied by a certification of  
2 authenticity of a trained technician, and evidence of  
3 ownership of a vehicle as shown by copies or summaries of  
4 official records shall be admissible into evidence without  
5 foundation unless the Administrative Hearing Officer finds  
6 there is an indication of untrustworthiness, in which case the  
7 City shall be given a reasonable opportunity to lay an  
8 evidentiary foundation.

9 (g) All other matters of evidence and procedure not  
10 specifically addressed in this act shall be subject to the  
11 rules of evidence and the rules of procedure as they apply in  
12 the small claims courts of this state, except that on any  
13 petition to Jefferson County Circuit Court for trial de novo,  
14 the evidence and procedures shall be as for any civil case in  
15 the district court except as otherwise provided in this act.

16 (h) A person who is found liable for a civil  
17 violation pursuant to this Act after an administrative hearing  
18 or who requests a hearing and thereafter fails to appear at  
19 the time and place of the hearing is liable for administrative  
20 hearing costs and fees set out herein in addition to the  
21 amount of the fine assessed for the violation. A person who is  
22 found liable for a civil violation after an administrative  
23 hearing shall pay the fine and costs within 10 days of the  
24 hearing.

25 (i) Whenever payment of a fine is owed to the City,  
26 the amount of the fine as set by ordinance may not be

1 increased, decreased, or abated by the City, and the liability  
2 may be satisfied only by payment.

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

6 (1) The traffic control signal was not in proper  
7 position and sufficiently visible to an ordinarily observant  
8 person;

9 (2) The operator of the motor vehicle was acting in  
10 compliance with the lawful order or direction of a police  
11 officer;

12 (3) The operator of the motor vehicle violated the  
13 instructions of the traffic control signal so as to yield the  
14 right-of-way to an immediately approaching authorized  
15 emergency vehicle;

16 (4) The motor vehicle was being operated as an  
17 authorized emergency vehicle under Sections 32-5A-7 and  
18 32-5-213 of the Code of Alabama 1975, and that the operator  
19 was acting in compliance with those chapters;

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

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



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

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

9           (k) To establish that at the time of the violation  
10 the motor vehicle was a stolen vehicle or the license plate  
11 displayed on the motor vehicle was a stolen plate, the owner  
12 must submit proof acceptable to the hearing officer that the  
13 theft of the vehicle or license plate, prior to the time of  
14 the violation or promptly following the theft, had been timely  
15 reported to the appropriate law enforcement agency.

16           (l) No person who rents to another person or is the  
17 lessor of a motor vehicle pursuant to a written lease  
18 agreement, nor any affiliates thereof, shall be liable for a  
19 photographic stop sign traffic enforcement system,  
20 photographic vehicle speed enforcement system, or photographic  
21 traffic signal enforcement system violation involving such  
22 motor vehicle during the period of the rental or lease,  
23 provided that upon request of the city or its designee  
24 received within 60 days after the violation occurred, such  
25 person provides to the city within 30 days after receipt of  
26 such request the name and address of the renter or lessee of

1 such motor vehicle. The driver's license number of the renter  
2 or lessee may be subsequently specifically requested by the  
3 city or its designee if needed for the enforcement of this  
4 act. Upon the provision by the lessor, its affiliate or its  
5 designee, of the information as described in this subsection,  
6 the city or its designee may issue a new notice of violation  
7 to the renter or lessee of the vehicle in the same manner it  
8 would issue a notice of violation to an owner pursuant to  
9 Section 5, except that the notice will be sent no later than  
10 30 days after receiving the renter's or lessee's information  
11 from the person, or any affiliate thereof, who rented or  
12 leased the motor vehicle. The renter or lessee may be held  
13 liable for the violation in the same manner that an owner may  
14 be held liable pursuant hereto.

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

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

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

1                   Section 7. (a) Following an administrative hearing,  
2 the Administrative Hearing Officer shall issue an order  
3 stating:

4                   (1) Whether the person charged with the civil  
5 violation is liable for the violation; and

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

9                   (b) Orders issued under this section may be filed in  
10 the office of the Judge of Probate in any county in Alabama,  
11 and shall operate as a judicial lien in the same manner and  
12 with the same weight and effect as any other civil judgment  
13 filed therein.

14                   (c) A person who is found liable after an  
15 administrative hearing may challenge that finding of civil  
16 liability in the Jefferson County Circuit Court, by filing a  
17 petition for judicial review with the Jefferson County Circuit  
18 Court. The petition for judicial review must be filed not  
19 later than the 14th day after the date on which the  
20 Administrative Hearing Officer entered the finding of civil  
21 liability. The filing of a petition for judicial review shall  
22 stay the enforcement of the fine. After a petition for  
23 judicial review has been filed, civil liability will be  
24 determined by the circuit court by trial de novo pursuant to  
25 the jurisdiction granted in Section 12-11-30, Code of Alabama  
26 1975.

1           Section 8. The circuit court hearing a petition for  
2 judicial review shall utilize the procedures applicable to  
3 proceedings in the Jefferson County District Court with the  
4 following qualifications:

5           (1) The proceedings shall retain their civil nature  
6 with the circuit court applying the preponderance of the  
7 evidence standard;

8           (2) If the person is adjudicated by the circuit  
9 court to be responsible for payment of the fine, circuit court  
10 costs shall be owed by the person adjudicated responsible,  
11 with 100 percent of those court costs collected to be retained  
12 by the circuit court, which costs shall be calculated in the  
13 same manner as court costs for criminal appeals from the  
14 Jefferson County District Court, provided that, in the event  
15 the circuit court finds the person petitioning for judicial  
16 review to not be responsible, any fine or fee paid, related to  
17 that citation, shall be refunded by the City;

18           (3) Regardless of the civil nature of the  
19 proceedings, the circuit court may assign case numbers as for  
20 criminal appeals or civil appeals and place the appeals on  
21 criminal dockets in the same manner as criminal appeals from  
22 the Jefferson County District Court or on civil dockets in the  
23 same manner as civil appeals from the Jefferson County  
24 District Court;

1           (4) The circuit court shall sit as trier of both  
2 fact and law in the civil proceedings in the circuit court;  
3 and

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

7           Section 9. In the event the evidence produced by a  
8 photographic traffic signal enforcement system, a photographic  
9 stop sign enforcement system or a photographic vehicle speed  
10 enforcement system does not produce an image of the license  
11 plate with sufficient clarity for a trained technician to  
12 determine the identity of the owner, and if the identity  
13 thereof cannot otherwise be reliably established, then no  
14 notice of violation may be issued pursuant to this act. If,  
15 however, a notice of violation is issued, to the degree  
16 constitutionally allowed, those issues related to the identity  
17 of the vehicle or its owner shall affect the weight to be  
18 accorded the evidence and shall not affect its admissibility.

19           Section 10. The City may provide by ordinance that  
20 late fees not exceeding twenty-five dollars (\$25) shall attach  
21 to untimely paid fines that are authorized pursuant this act  
22 and imposed pursuant hereto. No person may be arrested or  
23 incarcerated for nonpayment of a fine or late fee. No record  
24 of an adjudication of civil violation made under this act  
25 shall be listed, entered, or reported on any criminal record  
26 or driving record, whether the record is maintained by the

1 City or an outside agency. An adjudication of civil violation  
2 provided for in this act shall not be considered a conviction  
3 for any purpose, shall not be used to increase or enhance  
4 punishment for any subsequent offense of a criminal nature,  
5 shall not be considered a moving violation, and shall not be  
6 used by any insurance company to determine or affect premiums  
7 or rates. The fact that a person is held liable or responsible  
8 for a fine for a traffic signal violation, stop sign violation  
9 or speeding violation shall not be used as evidence that the  
10 person was guilty of negligence or other culpable conduct, and  
11 as evidence in any other proceedings if it is or becomes  
12 admissible under the rules of evidence applicable therein.

13 Section 11. The City is authorized to file civil  
14 actions to enforce the provisions of an ordinance authorized  
15 by this act, including but not limited to pursuing collection  
16 actions to obtain judgments for unpaid fines, fees or both,  
17 imposed under an ordinance authorized by this act, by lawful  
18 means to secure payments of the same.

19 Section 12. (a) The City shall keep statistical data  
20 regarding the effectiveness of photographic traffic signal  
21 enforcement systems or photographic stop sign enforcement  
22 systems in reducing traffic-control device violations and  
23 intersectional collisions and shall communicate the data on an  
24 annual basis to the Alabama Department of Transportation and  
25 the Alabama Criminal Justice Information Center.

1           (b) The City shall keep statistical data regarding  
2 the effectiveness of automated photographic speeding  
3 enforcement systems in reducing speeding violations and  
4 collisions and shall communicate the data on an annual basis  
5 to the Alabama Department of Transportation and the Alabama  
6 Criminal Justice Information Center.

7           Section 13. The placement of control devices in the  
8 City and timing of yellow lights and red light clearance  
9 intervals shall conform to the most recent edition of the  
10 Traffic Engineering Handbook. It shall be presumed that such  
11 devices and timing are in compliance with this section unless  
12 the contrary is shown by a preponderance of the evidence.

13           Section 14. No fine may be imposed and no  
14 adjudication of liability for a civil violation may be made  
15 under this act if the operator of the vehicle was arrested or  
16 was issued a citation and notice to appear by a sworn police  
17 officer for a criminal violation of any portion of Article 2,  
18 Chapter 5A, Title 32, including, but not limited to, Sections  
19 32-5A-31, 32-5A-34, and 32-5A-35, Code of Alabama 1975, or any  
20 other municipal ordinance which embraces and incorporates the  
21 statutes contained in that article, and which occurred  
22 simultaneously with and under the same set of circumstances  
23 that were recorded by the photographic traffic signal  
24 enforcement system, the photographic stop sign enforcement  
25 system, or the photographic vehicle speed enforcement system.

1           Section 15. Any person against whom a determination  
2 of liability for a civil violation is made pursuant to an  
3 ordinance authorized by this act, and who actually pays the  
4 fine imposed thereby shall have a cause of action against any  
5 person who may be shown to have been operating the vehicle  
6 recorded at the time of the violation for the amount of the  
7 fine actually paid plus any consequential or compensatory  
8 damages and a reasonable attorney fee, without regard to the  
9 rules regarding joint and several liability, contribution, or  
10 indemnity provided, however, that as a condition precedent to  
11 the bringing of a civil action, that the person held  
12 responsible for payment of a fine must first make written  
13 demand on the other person for reimbursement of the fine,  
14 giving a minimum of 60 days to remit payment, and if  
15 reimbursement is fully made within the 60-day period then the  
16 cause of action shall be extinguished and no attorney fees or  
17 other damages shall attach to the reimbursement. Any cause of  
18 action brought pursuant to this section must be commenced  
19 within two years from the date of the payment of the fine for  
20 a traffic signal violation, stop sign violation or speeding  
21 violation.

22           Section 16. Under no circumstances shall the salary  
23 or other compensation of the trained technician be related to  
24 the number of notices of violation issued or amount of fines  
25 collected.



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

4                   Section 18. The provisions of this act are  
5 severable. If any part of this act is declared invalid or  
6 unconstitutional, that declaration shall not affect the part  
7 which remains.

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

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Senate

Read for the first time and referred to the Senate committee on Local Legislation No. 2.....	12-MAR-13
Read for the second time and placed on the calen- dar 1 amendment.....	24-APR-13
Read for the third time and passed as amended ....	02-MAY-13

Yeas 20  
Nays 1  
Abstaining 7

Patrick Harris  
Secretary