

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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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
27 the fine against the person who was actually operating a

1 vehicle during the commission of a civil violation defined in
2 this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

1 was witnessed by either a duly empowered police officer or
2 other witness who makes a verified complaint to a sworn
3 magistrate.

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

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

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

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

24 (2) FINE. The monetary amount assessed by the City
25 of Center Point pursuant to the ordinance authorized by this
26 act for a determination of civil liability for a traffic
27 signal violation, stop sign violation, or speeding violation,

1 which may include administrative hearing costs associated with
2 the infraction.

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

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

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

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

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

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

25 2. An image of the rear of the vehicle showing the
26 license plate.

1 (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

2 A system that:

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

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

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

11 2. An image of the rear of the vehicle showing the
12 license plate; and

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

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

19 (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A

20 system that:

21 (a) Has a mobile or fixed electronic speed
22 enforcement system, or both, which is certified and in
23 compliance with the rules of the Federal Communications
24 Commission; and

25 (b) Is capable of producing two or more recorded
26 images, at least one depicting the license plate attached to

1 the rear of a vehicle being operated at a speed in excess of
2 the applicable speed limit.

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

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

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

20 (11) STOP SIGN. A fixed sign of the type authorized
21 by the Alabama Department of Transportation which requires a
22 vehicle to come to a complete stop before entering the
23 intersection.

24 (12) STOP SIGN VIOLATION. Any violation of Section
25 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds
26 into an intersection after failing to stop at a clearly marked

1 stop line. A stop sign violation shall be a civil violation as
2 defined in this act.

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

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

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

23 Section 4. (a) The City as provided in this act, is
24 empowered to adopt an ordinance providing for the utilization
25 by the City or its designee of a photographic traffic signal
26 enforcement system, a photographic stop sign enforcement
27 system, and a photographic vehicle speed enforcement system to

1 detect and record traffic signal violations, stop sign
2 violations, and speeding violations in the City, to issue
3 notices of civil violations by mail, and to collect fines for
4 the recorded traffic signal violations, stop sign violations
5 and speeding violations which may occur within the corporate
6 limits of the City as provided in this act.

7 (b) (1) Fines collected pursuant to an ordinance
8 authorized by this act for traffic signal violations and stop
9 sign violations shall not exceed one hundred ten dollars
10 (\$110).

11 (2) (i) Except for speeding violations that occur in
12 school zones, fines collected pursuant to an ordinance autho-
13 rized by this act for speeding violations shall not exceed the
14 fines as shown in the following table. The following fine
15 shall apply to the owner when captured by the photographic
16 vehicle speed enforcement system where the vehicle was
17 recorded as traveling at the following speeds over the speed
18 limit:

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

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

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

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

22 (c) The City or its designee may place photographic
23 traffic signal enforcement systems, photographic stop sign
24 enforcement systems, and photographic vehicle speed
25 enforcement systems at locations within the City without

1 notice of the specific location and may change locations
2 without public notice.

3 (d) The City or its designee shall post a sign or
4 signs at each intersection at which a photographic traffic
5 signal enforcement system or photographic stop sign
6 enforcement system is located informing motorists that such
7 devices are in operation at the intersection. The City or its
8 designee shall post a sign or signs along each roadway or
9 street at which a photographic vehicle speed enforcement
10 system is located informing motorists that such a device is in
11 operation.

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

14 Section 5. (a) The City or its designee shall mail a
15 notice of violation by U.S. mail to the owner of the motor
16 vehicle which is recorded by the photographic traffic signal
17 enforcement system, photographic stop sign enforcement system,
18 or photographic vehicle speed enforcement system while
19 committing a traffic signal violation, stop sign violation, or
20 speeding violation. The notice shall be sent not later than
21 the 30th day after the date the traffic signal violation, stop
22 sign violation, or speeding violation is recorded to:

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

25 (2) If the vehicle is registered in another state or
26 country, to the owner's address as shown on the motor vehicle
27 registration records of the department or agency of the other

1 state or country analogous to the Alabama Department of
2 Revenue.

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

5 (1) Description of the violation;

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

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

8 (4) The amount of the fine to be imposed for the
9 violation;

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

11 (6) A statement that the person named in the notice
12 of violation may pay the fine in lieu of appearing at an
13 administrative hearing;

14 (7) Information that informs the person named in the
15 notice of violation:

16 i. Of the right to contest the imposition of the
17 fine in an administrative hearing;

18 ii. Of the manner and time in which to contest the
19 imposition of the fine; and

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

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

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

1 (10) Any other information deemed necessary by the
2 City or its designee.

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

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

9 (e) It shall be within the discretion of the trained
10 technician to determine which of the recorded traffic signal
11 violations, stop sign violations and speeding violations are
12 to be enforced based upon the quality and legibility of the
13 recorded image.

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

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

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

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

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

16 (f) The notice of violation, the recorded and
17 reproduced images of the traffic signal violation, stop sign
18 violation, or speeding violation, regardless of the media on
19 which they are recorded, accompanied by a certification of
20 authenticity of a trained technician, and evidence of
21 ownership of a vehicle as shown by copies or summaries of
22 official records shall be admissible into evidence without
23 foundation unless the Administrative Hearing Officer finds
24 there is an indication of untrustworthiness, in which case the
25 City shall be given a reasonable opportunity to lay an
26 evidentiary foundation.

1 (g) All other matters of evidence and procedure not
2 specifically addressed in this act shall be subject to the
3 rules of evidence and the rules of procedure as they apply in
4 the small claims courts of this state, except that on any
5 petition to Jefferson County Circuit Court for trial de novo,
6 the evidence and procedures shall be as for any civil case in
7 the district court except as otherwise provided in this act.

8 (h) A person who is found liable for a civil
9 violation pursuant to this Act after an administrative hearing
10 or who requests a hearing and thereafter fails to appear at
11 the time and place of the hearing is liable for administrative
12 hearing costs and fees set out herein in addition to the
13 amount of the fine assessed for the violation. A person who is
14 found liable for a civil violation after an administrative
15 hearing shall pay the fine and costs within 10 days of the
16 hearing.

17 (i) Whenever payment of a fine is owed to the City,
18 the amount of the fine as set by ordinance may not be
19 increased, decreased, or abated by the City, and the liability
20 may be satisfied only by payment.

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

24 (1) The traffic control signal was not in proper
25 position and sufficiently visible to an ordinarily observant
26 person;

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

4 (3) The operator of the motor vehicle violated the
5 instructions of the traffic control signal so as to yield the
6 right-of-way to an immediately approaching authorized
7 emergency vehicle;

8 (4) The motor vehicle was being operated as an
9 authorized emergency vehicle under Sections 32-5A-7 and
10 32-5-213 of the Code of Alabama 1975, and that the operator
11 was acting in compliance with those chapters;

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

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

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

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

1 (k) To establish that at the time of the violation
2 the motor vehicle was a stolen vehicle or the license plate
3 displayed on the motor vehicle was a stolen plate, the owner
4 must submit proof acceptable to the hearing officer that the
5 theft of the vehicle or license plate, prior to the time of
6 the violation or promptly following the theft, had been timely
7 reported to the appropriate law enforcement agency.

8 (1) No person who is the lessor of a motor vehicle
9 pursuant to a written lease agreement shall be liable for a
10 photographic stop sign traffic enforcement system,
11 photographic vehicle speed enforcement system, or photographic
12 traffic signal enforcement system violation involving such
13 motor vehicle during the period of the lease, provided that
14 upon request of the City or its designee received within (60)
15 days after the violation occurred the lessor provides within
16 (30) days after receipt of such request the name and address
17 of the lessee. The driver's license number of the lessee may
18 be subsequently specifically requested by the City or its
19 designee if needed for enforcement of this Act. Upon the
20 provision by the lessor of information as described in this
21 subsection, the City or its designee may issue the notice of
22 violation to the lessee of the vehicle in the same manner it
23 would issue a violation to an owner pursuant to Section 5 of
24 this Act, except that the notice will be sent no later than 30
25 days after receiving the lessee's information from the lessor.
26 The lessee may be held liable for the violation in the same
27 manner that an owner may 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.

25 (c) A person who is found liable after an
26 administrative hearing may challenge that finding of civil
27 liability in the Jefferson County Circuit Court, by filing a

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

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

15 (1) The proceedings shall retain their civil nature
16 with the circuit court applying the preponderance of the
17 evidence standard;

18 (2) If the person is adjudicated by the circuit
19 court to be responsible for payment of the fine, circuit court
20 costs shall be owed by the person adjudicated responsible,
21 with 100 percent of those court costs collected to be retained
22 by the circuit court, which costs shall be calculated in the
23 same manner as court costs for criminal appeals from the
24 Jefferson County District Court, provided that, in the event
25 the circuit court finds the person petitioning for judicial
26 review to not be responsible, any fine or fee paid, related to
27 that citation, shall be refunded by the City;

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

8 (4) The circuit court shall sit as trier of both
9 fact and law in the civil proceedings in the circuit court;
10 and

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

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

26 Section 10. The City may provide by ordinance that
27 late fees not exceeding twenty-five dollars (\$25) shall attach

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

19 Section 11. The City is authorized to file civil
20 actions to enforce the provisions of an ordinance authorized
21 by this act, including but not limited to pursuing collection
22 actions to obtain judgments for unpaid fines, fees or both,
23 imposed under an ordinance authorized by this act, by lawful
24 means to secure payments of the same.

25 Section 12. (a) The City shall keep statistical data
26 regarding the effectiveness of photographic traffic signal
27 enforcement systems or photographic stop sign enforcement

1 systems in reducing traffic-control device violations and
2 intersectional collisions and shall communicate the data on an
3 annual basis to the Alabama Department of Transportation and
4 the Alabama Criminal Justice Information Center.

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

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

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

1 enforcement system, the photographic stop sign enforcement
2 system, or the photographic vehicle speed enforcement system.

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

24 Section 16. Under no circumstances shall the salary
25 or other compensation of the trained technician be related to
26 the number of notices of violation issued or amount of fines
27 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.