- 1 HB190
- 2 200736-4
- 3 By Representative McMillan
- 4 RFD: Agriculture and Forestry
- 5 First Read: 19-MAR-19

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to traffic offenses; to provide for the
9	issuance of a Uniform Traffic Ticket and Complaint by the
10	Department of Conservation and Natural Resources for parking
11	violations on property under the control of the department; to
12	specify fine amounts; and to provide rulemaking authority for
13	the department.
14	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
15	Section 1. (a) For the purposes of this section, the
16	following terms shall have the following meanings:
17	(1) DEPARTMENT. The Department of Conservation and
18	Natural Resources.
19	(2) PROPERTY UNDER THE CONTROL OF THE DEPARTMENT.
20	Property, and any roads or streets on the property, including
21	but not limited to, state parks property; boating access
22	areas, including associated parking lots; wildlife management
23	areas; public fish lake property; any property controlled,
24	owned, leased, or managed by the department or any of its
25	divisions or the Forever Wild Land Trust.
26	(b)(1) A person may not park, cause to be parked, or
27	permit a motor vehicle to be parked on any property under the

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control of the department in violation of a rule adopted by
 the department.

3 (2) The presence of an unattended motor vehicle on
4 property under control of the department in violation of a
5 rule of the department shall create a prima facie presumption
6 that the registrant of the motor vehicle committed or
7 authorized the parking violation.

(c)(1) A person in violation of subsection (b) shall 8 9 be issued a Uniform Traffic Ticket and Complaint (UTTC) by a 10 special officer appointed by the department for the enforcement of this section as provided in Section 32-5-310, 11 12 Code of Alabama 1975. Notwithstanding Section 32-5-310, Code 13 of Alabama 1975, or any other provision of law, a special 14 officer of the department is not required to be certified by 15 the Alabama Peace Officers' Standards and Training Commission. A copy of the UTTC shall be left on the motor vehicle and 16 17 mailed, by regular mail, to the registered owner of the motor 18 vehicle.

19 (2) District courts shall have exclusive20 jurisdiction of violations of this section.

(d) (1) Except as provided in subdivision (2), a fine for a violation under this section shall be fifty dollars (\$50).

(2) A fine for a violation of subsection (a) in a
handicapped parking space shall be two hundred fifty dollars
(\$250).

(3) No court costs shall be assessed for a violation
 under this section.

3 (4) Fifty percent of the fines collected under this
4 subsection shall be deposited into the Department of
5 Conservation Administrative Fund to be used by the department.
6 Fifty percent of the fines collected shall be deposited into
7 the Clerks Judicial Administration Fund.

8 (e) A motor vehicle parked on property controlled by 9 the department in violation of this section may be removed as 10 provided in Section 32-13-2, Code of Alabama 1975.

(f) A UTTC issued pursuant to this section shall be subject to all procedures and provisions of Rule 19 of the Alabama Rules of Judicial Administration, as adopted by the Alabama Supreme Court, unless expressly provided otherwise in this section.

16 (g) The court may suspend the driver's license of a 17 person who fails to pay a fine pursuant to this section as 18 provided in Rule 26.11 of the Alabama Rules of Criminal 19 Procedure.

(h) The department shall adopt rules for theimplementation and administration of this section.

22 Section 2. This act shall become effective on the 23 first day of the third month following its passage and 24 approval by the Governor, or its otherwise becoming law.

House of Representatives
Read for the first time and re-
ferred to the House of Representa-
tives committee on Agriculture and Forestry 19-MAR-19
FOLESCLY
Read for the second time and placed
on the calendar with 1 substitute
and 14-MAY-19
Read for the third time and passed
as amended 21-MAY-19
Yeas 88, Nays 0, Abstains 4

16 17 Jeff Woodard 18 Clerk 19