

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ENROLLED, An Act,

Relating to traffic offenses; to provide for the issuance of a Uniform Traffic Ticket and Complaint by the Department of Conservation and Natural Resources for parking violations on property under the control of the department; to specify fine amounts; and to provide rulemaking authority for the department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms shall have the following meanings:

(1) DEPARTMENT. The Department of Conservation and Natural Resources.

(2) PROPERTY UNDER THE CONTROL OF THE DEPARTMENT. Property, and any roads or streets on the property, including but not limited to, state parks property; boating access areas, including associated parking lots; wildlife management areas; public fish lake property; any property controlled, owned, leased, or managed by the department or any of its divisions or the Forever Wild Land Trust.

(b) (1) A person may not park, cause to be parked, or permit a motor vehicle to be parked on any property under the control of the department in violation of a rule adopted by the department.

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

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

17 (2) District courts shall have exclusive
18 jurisdiction of violations of this section.

19 (d) (1) Except as provided in subdivision (2), a fine
20 for a violation under this section shall be fifty dollars
21 (\$50).

22 (2) A fine for a violation of subsection (a) in a
23 handicapped parking space shall be two hundred fifty dollars
24 (\$250).

1 (3) No court costs shall be assessed for a violation
2 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.

11 (f) A UTTC issued pursuant to this section shall be
12 subject to all procedures and provisions of Rule 19 of the
13 Alabama Rules of Judicial Administration, as adopted by the
14 Alabama Supreme Court, unless expressly provided otherwise in
15 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.

20 (h) The department shall adopt rules for the
21 implementation 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-MAY-19, as amended.

Jeff Woodard
Clerk

Senate

28-MAY-19

Passed