

1 HB190
2 197229-1
3 By Representative McMillan
4 RFD: Agriculture and Forestry
5 First Read: 19-MAR-19

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8 SYNOPSIS: This bill would provide that a person who
9 parks, causes to be parked, or knowingly permits a
10 motor vehicle which he or she owns to be parked on
11 any street or any property under the control of the
12 Department of Conservation and Natural Resources,
13 in violation of a rule of the department, is
14 subject to a fine.

15 This bill would create a presumption that
16 the registrant of a motor vehicle that is illegally
17 parked committed the parking violation.

18 This bill would establish a civil fine for a
19 violation.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to the Department of Conservation and
26 Natural Resources; to add Section 9-2-30 to the Code of
27 Alabama 1975, to provide that a person who parks a motor

1 vehicle in violation of a rule of the department is subject to
2 a civil fine; to create a presumption that the registrant of a
3 motor vehicle that is illegally parked committed the
4 violation; and to establish a civil fine for a violation.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 9-2-30 is added to the Code of
7 Alabama 1975, to read as follows:

8 §9-2-30.

9 (a) As used in this section, the term registrant
10 means a motor vehicle owner or operator who is issued a
11 registration for the motor vehicle.

12 (b) (1) No person may park, cause to be parked, or
13 knowingly permit a motor vehicle which he or she owns to be
14 parked on any street or any property under the control of the
15 Department of Conservation and Natural Resources in violation
16 of a rule of the department.

17 (2) A motor vehicle that is parked in a manner to
18 avoid paying an admission or use fee to an area or facility
19 controlled by the department shall be deemed to be in
20 violation of this section.

21 (c) The presence of an unattended motor vehicle on
22 the street or property of the department in violation of a
23 department rule shall create a prima facie presumption that
24 the registrant of the motor vehicle committed or authorized
25 the parking violation, and the burden of proof shall be upon
26 the registrant to show otherwise.

1 (d) (1) The registrant of a motor vehicle parked in
2 violation of this section shall be subject to a civil fine to
3 be set by the department. The fine shall be not less than one
4 hundred dollars (\$100) and not more than five hundred dollars
5 (\$500).

6 (2) Fines collected pursuant to this section shall
7 be deposited into the State Treasury to the credit of a fund
8 of the department. The department, by rule, shall specify into
9 which fund the fine shall be deposited. Amounts deposited into
10 a fund of the department shall be budgeted and allotted in
11 accordance with Sections 41-4-80 through 41-4-96 and Sections
12 41-19-1 through 41-19-12.

13 (e) In addition to the fine provided in subsection
14 (c), a motor vehicle parked on a street or property controlled
15 by the department may be removed as provided in Section
16 32-13-2.

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