

1 SB149  
2 216787-1  
3 By Senator Smitherman  
4 RFD: Governmental Affairs  
5 First Read: 01-FEB-22

SYNOPSIS:           This bill would authorize any Class 1 municipality to adopt an ordinance providing for automated traffic civil enforcement of red light violations, stop sign violations, and speeding violations.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to any Class 1 municipality; authorizing automated traffic safety law enforcement in any Class 1 municipality, as a civil violation; providing certain procedures to be followed by the municipality using automated photographic traffic enforcement; providing that the owner of a vehicle involved in running a traffic light, stop sign, or violating the speed limit in the municipality is presumptively liable for a civil violation and the payment of a specified fine, but providing procedures to contest liability; providing for jurisdiction in the county where the Class 1 municipality

1 is located and in the Class 1 municipality over the civil  
2 violations, and allowing petitions for judicial review in the  
3 circuit court of the county where the Class 1 municipality is  
4 located for trial de novo; creating a cause of action for any  
5 person held responsible for payment of the fine against the  
6 person who was actually operating a vehicle during the  
7 commission of a civil violation defined in this act.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall be known and may be cited  
10 as the Class 1 Municipality Automated Traffic Safety Act.

11 Section 2. (a) Any Class 1 municipality, by  
12 ordinance, may provide for the implementation of an automated  
13 traffic safety system within the municipality as provided for  
14 in this act.

15 (b) The Legislature finds and declares the  
16 following:

17 (1) Vehicles that violate traffic control  
18 regulations and signage have been and are a dangerous problem  
19 in any Class 1 municipality.

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

26 (3) State law provides that failing to stop and  
27 remain stopped at a traffic control signal which is emitting a

1 steady red signal is a criminal misdemeanor. State law also  
2 provides that failing to abide by traffic signage or speed  
3 limits is also a criminal misdemeanor. Under state law, one  
4 who commits any of these misdemeanors is subject to  
5 prosecution only if the misdemeanor was witnessed by either a  
6 duly empowered police officer or other witness who makes a  
7 verified complaint to a sworn magistrate.

8 (4) A reduction in the number of drivers exceeding  
9 speed limits and running red lights and stop signs through a  
10 program utilizing photographic evidence and enforcement  
11 through the imposition of civil fines will help promote and  
12 protect the health, safety, and welfare of the citizens of the  
13 municipality. This act grants the municipality the authority  
14 to establish a program to enforce traffic signal violations,  
15 stop sign violations, and speeding violations by the use of  
16 photographic evidence and the imposition of civil 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 municipality, the  
20 Legislature expects to decrease the occurrence in the  
21 municipality of traffic signal violations, stop sign  
22 violations, and speeding violations.

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

25 (1) CIVIL VIOLATION. A violation of the ordinance  
26 authorized by this act, the penalty for which violation shall

1 be the payment of a fine, the enforcement of which will not be  
2 otherwise permissible.

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

9 (3) MUNICIPALITY. Any Class 1 municipality.

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

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

22 a. Consists of a still camera system and full motion  
23 video camera system, 30 frames per second or greater; and

24 b. Is capable of producing at least two separate  
25 recorded images, such as,

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

1                   2. An image of the rear of the vehicle showing the  
2 license plate.

3                   (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

4 A system that:

5                   a. Consists of a still camera system and full motion  
6 video camera system, 30 frames per second or greater,  
7 installed to work in conjunction with an electrically operated  
8 traffic control signal; and

9                   b. Is capable of producing at least three separate  
10 recorded images, such as,

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

13                   2. An image of the rear of the vehicle showing the  
14 license plate; and

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

17                   c. All images shall be synchronized to a single time  
18 source and provide the elapsed time between the first, second,  
19 and third photographs or digital images specified in paragraph  
20 b.

21                   (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A

22 system that:

23                   a. Has a mobile or fixed electronic speed  
24 enforcement system, or both, which is certified and in  
25 compliance with the rules of the Federal Communications  
26 Commission; and

1           b. Is capable of producing two or more recorded  
2 images, at least one depicting the license plate attached to  
3 the rear of a vehicle being operated at a speed in excess of  
4 the applicable speed limit.

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

10           (9) 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, or of any combination thereof; provided, however,  
14 that speed limits set by action of the governing body of the  
15 Class 1 municipality, if any, shall supersede the limits set  
16 in Article 8, Chapter 5A, Title 32, Code of Alabama 1975. A  
17 speeding violation shall be a civil violation as defined in  
18 this act.

19           (10) SPEED LIMIT. The established maximum speed  
20 limit on a given roadway prescribed by law.

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

25           (12) STOP SIGN VIOLATION. Any violation of Section  
26 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds  
27 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 an individual certified by the Alabama Peace  
16 Officers' Standards and Training Commission (APOSTC), employed  
17 or contracted by the municipality, who has received  
18 instruction and training in the proper use of the photographic  
19 traffic signal enforcement system, the photographic stop sign  
20 enforcement system, and the photographic vehicle speed  
21 enforcement system used by the municipality, the  
22 municipality's traffic engineer, or the municipality's  
23 designee.

24 Section 4. (a) The municipality as provided in this  
25 act, may adopt an ordinance providing for the utilization by  
26 the municipality or its designee of a photographic traffic  
27 signal enforcement system, a photographic stop sign

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

9 (b) (1) Fines collected pursuant to an ordinance  
10 authorized by this act for traffic signal violations and stop  
11 sign violations shall not exceed one hundred ten dollars  
12 (\$110).

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

Speed over speed limit	Fine
5 mph 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           b. The fines stated in paragraph a. shall be doubled  
2 if the violation occurs and was electronically recorded within  
3 a segment of the roadway or intersection designated with  
4 signage or signals as a school zone, only during school hours  
5 when school is in session and one hour before and after school  
6 hours.

7           (3) The first ten dollars (\$10) of each fine  
8 authorized by this act and collected by the municipality or  
9 its 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 and any fine and fee paid related to that  
21 citation shall be refunded.

22           (c) The municipality or its designee may place  
23 photographic traffic signal enforcement systems, photographic  
24 stop sign enforcement systems, and photographic vehicle speed  
25 enforcement systems at locations within the municipality

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

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

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

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

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

26 (2) If the vehicle is registered in another state or  
27 country, to the owner's address as shown on the motor vehicle

1 registration records of the department or agency of the other  
2 state or country analogous to the Alabama Department of  
3 Revenue.

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

6 (1) A description of the violation.

7 (2) The date, time, and location of the violation.

8 (3) A copy of a recorded image of the vehicle.

9 (4) The amount of the fine to be imposed for the  
10 violation.

11 (5) The date by which the fine shall be paid.

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

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

17 a. Of the right to contest the imposition of the  
18 fine in an administrative hearing.

19 b. Of the manner and time in which to contest the  
20 imposition of the fine.

21 c. That failure to pay the fine or to contest  
22 liability is an admission of liability.

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

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

1           (10) Any other information deemed necessary by the  
2 municipality 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 municipality is vested with the  
16 power and jurisdiction to conduct administrative hearings of  
17 civil 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 municipality or its designee shall notify the person of the  
24 date and time of the administrative hearing by United States  
25 mail.

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

4           (d) Any fine imposed pursuant to this act shall not  
5 be collected if, after a hearing, the administrative hearing  
6 officer appointed by the mayor of the municipality enters a  
7 finding of no liability.

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

19           (f) The notice of violation, the recorded and  
20 reproduced images of the traffic signal violation, stop sign  
21 violation, or speeding violation, regardless of the media on  
22 which they are recorded, accompanied by a certification of  
23 authenticity of a trained technician, and evidence of  
24 ownership of a vehicle as shown by copies or summaries of  
25 official records shall be admissible into evidence without  
26 foundation unless the administrative hearing officer finds  
27 there is an indication of untrustworthiness, in which case the

1 municipality shall be given a reasonable opportunity to lay an  
2 evidentiary foundation.

3 (g) All other matters of evidence and procedure not  
4 specifically addressed in this act shall be subject to the  
5 rules of evidence and the rules of procedure as they apply in  
6 the small claims courts of this state, except that on any  
7 petition to the circuit court of the county where the Class 1  
8 municipality is located for trial de novo, the evidence and  
9 procedures shall be as for any civil case in the district  
10 court except as otherwise provided in this act.

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

20 (i) Whenever payment of a fine is owed to the  
21 municipality, the amount of the fine as set by ordinance may  
22 not be increased, decreased, or abated by the municipality,  
23 and the liability may be satisfied only by payment.

24 (j) It shall be an affirmative defense to the  
25 imposition of civil liability under this act, to be proven by  
26 a preponderance of the evidence, any of the following:

1           (1) The traffic control signal was not in proper  
2 position and sufficiently visible to an ordinarily observant  
3 person.

4           (2) The operator of the motor vehicle was acting in  
5 compliance with the lawful order or direction of a police  
6 officer.

7           (3) The operator of the motor vehicle violated the  
8 instructions of the traffic control signal so as to yield the  
9 right-of-way to an immediately approaching authorized  
10 emergency vehicle.

11           (4) The motor vehicle was being operated as an  
12 authorized emergency vehicle under Sections 32-5A-7 and  
13 32-5-213, Code of Alabama 1975, and the operator was acting in  
14 compliance with those sections.

15           (5) The motor vehicle was stolen or being operated  
16 by a person other than the owner of the vehicle without the  
17 effective consent of the owner.

18           (6) The license plate depicted in the recorded image  
19 of the violation was a stolen plate and being displayed on a  
20 motor vehicle other than the motor vehicle for which the plate  
21 had been issued.

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

26           (8) There was no sign installed as required by this  
27 act near the location at which the violation allegedly

1 occurred warning that a photographic traffic signal  
2 enforcement system was being used.

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

10 (l) No person who rents to another person or is the  
11 lessor of a motor vehicle pursuant to a written lease  
12 agreement, nor any affiliates thereof, shall be liable for a  
13 photographic stop sign traffic enforcement system,  
14 photographic vehicle speed enforcement system, or photographic  
15 traffic signal enforcement system violation involving such  
16 motor vehicle during the period of the rental or lease,  
17 provided that, upon request of the municipality or its  
18 designee received within 60 days after the violation occurred,  
19 such person provides to the municipality within 30 days after  
20 receipt of such request the name and address of the renter or  
21 lessee of the motor vehicle. The driver's license number of  
22 the renter or lessee may be subsequently specifically  
23 requested by the municipality or its designee if needed for  
24 the enforcement of this act. Upon the provision by the lessor,  
25 its affiliate, or its designee, of the information as  
26 described in this subsection, the municipality or its designee  
27 may issue a new notice of violation to the renter or lessee of

1 the vehicle in the same manner the municipality would issue a  
2 notice of violation to an owner pursuant to Section 5, except  
3 that the notice shall be sent no later than 30 days after  
4 receiving the renter's or lessee's information from the  
5 person, or any affiliate thereof, who rented or leased the  
6 motor vehicle. The renter or lessee may be held liable for the  
7 violation in the same manner that an owner may be held liable  
8 pursuant to this act.

9 (m) Notwithstanding anything in this act to the  
10 contrary, a person who fails to pay the amount of a fine or to  
11 contest liability in a timely manner is nevertheless entitled  
12 to an administrative hearing on the violation if either of the  
13 following occur:

14 (1) The person files a sworn affidavit with the  
15 hearing officer stating the date on which the person received  
16 the notice of violation that was mailed to the person, if the  
17 notice was not received by the 10th day after same was mailed  
18 as set out in subsection (a) of Section 5.

19 (2) Within 15 days of the date of actual receipt of  
20 the notice, the person requests an administrative hearing.

21 Section 7. (a) Following an administrative hearing,  
22 the administrative hearing officer shall issue an order  
23 stating all of the following:

24 (1) Whether the person charged with the civil  
25 violation is liable for the violation.

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

4           (b) Orders issued under this section may be filed in  
5 the office of the judge of probate in any county in Alabama,  
6 and shall operate as a judicial lien in the same manner and  
7 with the same weight and effect as any other civil judgment  
8 filed therein.

9           (c) A person who is found liable after an  
10 administrative hearing may challenge that finding of civil  
11 liability in the circuit court of the county where the Class 1  
12 municipality is located, by filing a petition for judicial  
13 review with the circuit court of the county where the Class 1  
14 municipality is located. The petition for judicial review  
15 shall be filed not later than the 14th day after the date on  
16 which the administrative hearing officer entered the finding  
17 of civil liability. The filing of a petition for judicial  
18 review shall stay the enforcement of the fine. After a  
19 petition for judicial review has been filed, civil liability  
20 shall be determined by the circuit court by trial de novo  
21 pursuant to the jurisdiction granted in Section 12-11-30, Code  
22 of Alabama 1975.

23           Section 8. The circuit court hearing a petition for  
24 judicial review shall utilize the procedures applicable to  
25 proceedings in the district court of the county with all of  
26 the following qualifications:

1           (1) The proceedings shall retain their civil nature  
2 with the circuit court applying the preponderance of the  
3 evidence standard.

4           (2) If the person is adjudicated by the circuit  
5 court to be responsible for payment of the fine, circuit court  
6 costs shall be owed by the person adjudicated responsible,  
7 with 100 percent of those court costs collected to be retained  
8 by the circuit court, which costs shall be calculated in the  
9 same manner as court costs for criminal appeals from the  
10 district court, provided that, in the event the circuit court  
11 finds the person petitioning for judicial review to not be  
12 responsible, any fine or fee paid, related to that citation,  
13 shall be refunded by the municipality.

14           (3) Regardless of the civil nature of the  
15 proceedings, the circuit court may assign case numbers as for  
16 criminal appeals or civil appeals and place the appeals on  
17 criminal dockets in the same manner as criminal appeals from  
18 the district court of the county or on civil dockets in the  
19 same manner as civil appeals from the district court of the  
20 county.

21           (4) The circuit court shall sit as trier of both  
22 fact and law in the civil proceedings in the circuit court.

23           (5) The municipality shall be responsible for  
24 providing an attorney to represent the municipality in the  
25 circuit court proceedings.

26           Section 9. In the event the evidence produced by a  
27 photographic traffic signal enforcement system, a photographic

1 stop sign enforcement system, or a photographic vehicle speed  
2 enforcement system does not produce an image of the license  
3 plate with sufficient clarity for a trained technician to  
4 determine the identity of the owner, and if the identity  
5 thereof cannot otherwise be reliably established, then no  
6 notice of violation may be issued pursuant to this act. If,  
7 however, a notice of violation is issued, to the degree  
8 constitutionally allowed, those issues related to the identity  
9 of the vehicle or its owner shall affect the weight to be  
10 accorded the evidence and shall not affect its admissibility.

11 Section 10. The municipality may provide by  
12 ordinance that late fees not exceeding twenty-five dollars  
13 (\$25) shall attach to untimely paid fines that are authorized  
14 pursuant to this act and imposed pursuant to this act. No  
15 person may be arrested or incarcerated for nonpayment of a  
16 fine or late fee. No record of an adjudication of civil  
17 violation made under this act shall be listed, entered, or  
18 reported on any criminal record or driving record, whether the  
19 record is maintained by the municipality or an outside agency.  
20 An adjudication of civil violation provided for in this act  
21 shall not be considered a conviction for any purpose, shall  
22 not be used to increase or enhance punishment for any  
23 subsequent offense of a criminal nature, shall not be  
24 considered a moving violation, and shall not be used by any  
25 insurance company to determine or affect premiums or rates.  
26 The fact that a person is held liable or responsible for a  
27 fine for a traffic signal violation, stop sign violation, or

1 speeding violation shall not be used as evidence that the  
2 person was guilty of negligence or other culpable conduct, and  
3 as evidence in any other proceedings if it is or becomes  
4 admissible under the rules of evidence applicable therein.

5 Section 11. The municipality may file civil actions  
6 to enforce the provisions of an ordinance authorized by this  
7 act, including, but not limited to, pursuing collection  
8 actions to obtain judgments for unpaid fines or fees, or both,  
9 imposed under an ordinance authorized by this act, by lawful  
10 means to secure payments of the same.

11 Section 12. (a) The municipality shall keep  
12 statistical data regarding the effectiveness of photographic  
13 traffic signal enforcement systems or photographic stop sign  
14 enforcement systems in reducing traffic control device  
15 violations and intersectional collisions and shall communicate  
16 the data on an annual basis to the Alabama Department of  
17 Transportation and the Alabama Criminal Justice Information  
18 Center.

19 (b) The municipality shall keep statistical data  
20 regarding the effectiveness of automated photographic speeding  
21 enforcement systems in reducing speeding violations and  
22 collisions and shall communicate the data on an annual basis  
23 to the Alabama Department of Transportation and the Alabama  
24 Criminal Justice Information Center.

25 Section 13. The placement of control devices in the  
26 municipality and timing of yellow lights and red light  
27 clearance intervals shall conform to the most recent edition

1 of the Traffic Engineering Handbook. It shall be presumed that  
2 the devices and timing are in compliance with this section  
3 unless the contrary is shown by a preponderance of the  
4 evidence.

5 Section 14. No fine may be imposed and no  
6 adjudication of liability for a civil violation may be made  
7 under this act if the operator of the vehicle was arrested or  
8 was issued a citation and notice to appear by a sworn police  
9 officer for a criminal violation of any portion of Article 2,  
10 Chapter 5A, Title 32, including, but not limited to, Sections  
11 32-5A-31, 32-5A-34, and 32-5A-35, Code of Alabama 1975, or any  
12 other municipal ordinance which embraces and incorporates the  
13 statutes contained in that act, and which occurred  
14 simultaneously with and under the same set of circumstances  
15 that were recorded by the photographic traffic signal  
16 enforcement system, the photographic stop sign enforcement  
17 system, or the photographic vehicle speed enforcement system.

18 Section 15. Any person against whom a determination  
19 of liability for a civil violation is made pursuant to an  
20 ordinance authorized by this act, and who actually pays the  
21 fine imposed thereby shall have a cause of action against any  
22 person who may be shown to have been operating the vehicle  
23 recorded at the time of the violation for the amount of the  
24 fine actually paid plus any consequential or compensatory  
25 damages and a reasonable attorney fee, without regard to the  
26 rules regarding joint and several liability, contribution, or  
27 indemnity provided, however, that as a condition precedent to

1 the bringing of a civil action, that the person held  
2 responsible for payment of a fine shall first make written  
3 demand on the other person for reimbursement of the fine,  
4 giving a minimum of 60 days to remit payment, and if  
5 reimbursement is fully made within the 60-day period then the  
6 cause of action shall be extinguished and no attorney fees or  
7 other damages shall attach to the reimbursement. Any cause of  
8 action brought pursuant to this section shall be commenced  
9 within two years from the date of the payment of the fine for  
10 a traffic signal violation, stop sign violation, or speeding  
11 violation.

12           Section 16. Under no circumstances shall the salary  
13 or other compensation of the trained technician be related to  
14 the number of notices of violation issued or amount of fines  
15 collected.

16           Section 17. Nothing in this act shall be construed  
17 as making the provisions of the Alabama Administrative  
18 Procedure Act applicable to this act.

19           Section 18. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.