

1 SB237
2 217128-2
3 By Senator Smitherman (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 17-FEB-22

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4 With Notice and Proof

5
6 ENGROSSED

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to any Class 1 municipality; authorizing
14 automated traffic safety law enforcement of stop sign
15 violations and speed limit violations in any Class 1
16 municipality, as civil violations; providing certain
17 procedures to be followed by the municipality using automated
18 photographic traffic enforcement; providing that the owner of
19 the vehicle involved in running a stop sign, or violating the
20 speed limit in the municipality is presumptively liable for a
21 civil violation and the payment of a specified fine, but
22 providing procedures to contest liability; providing for
23 jurisdiction in the county where the Class 1 municipality is
24 located and in the Class 1 municipality over the civil
25 violations and allowing petitions for judicial review in the
26 circuit court of the county where the Class 1 municipality is
27 located for trial de novo; creating a cause of action for any

1 person held responsible for payment of the fine against the
2 person who was actually operating a vehicle during the
3 commission of a civil violation defined in this act.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 Section 2. (a) Any Class 1 municipality, by
8 ordinance, may provide for the implementation of an automated
9 traffic safety system within the municipality as provided for
10 in this act.

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

13 (1) Vehicles that violate traffic control
14 regulations and signage have been and are a dangerous problem
15 in any Class 1 municipality.

16 (2) Studies have found that automated traffic camera
17 enforcement in a municipal area is a highly accurate method
18 for detecting violations of traffic control regulations and
19 signage and is very effective in reducing the number of
20 traffic violations and decreasing the number of traffic
21 accidents, deaths, and injuries. Current Alabama law also
22 provides that failing to abide by traffic signage or speed
23 limits is also a criminal misdemeanor. Under Alabama law, one
24 who commits any of these misdemeanors is subject to
25 prosecution only if the misdemeanor was witnessed by either a
26 duly-empowered police officer or other witness who makes a
27 verified complaint to a sworn magistrate.

1 (3) A reduction in the number of drivers exceeding
2 speed limits and stop signs through a program utilizing
3 photographic evidence and enforcement through the imposition
4 of civil fines will help promote and protect the health,
5 safety, and welfare of the citizens of the municipality. This
6 act grants the municipality the authority to establish a
7 program to enforce traffic violations, stop sign violations
8 and speeding violations by the use of photographic evidence
9 and the imposition of civil fines.

10 (4) By providing for the use of automated traffic
11 cameras in stop sign enforcement and speed limit enforcement
12 in the municipality, the Legislature expects to decrease the
13 occurrence in the municipality of stop sign violations and
14 speeding violations.

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

17 (1) CIVIL VIOLATION. A violation of the ordinance
18 authorized by this act, the penalty for which violation shall
19 be the payment of a fine, the enforcement of which will not be
20 otherwise permissible.

21 (2) FINE. The monetary amount assessed by the
22 municipality pursuant to the ordinance authorized by this act
23 for a determination of civil liability for a stop sign
24 violation or speeding violation, which may include
25 administrative hearing costs associated with the infraction.

26 (3) MUNICIPALITY. Any Class 1 municipality.

1 (4) NEIGHBORHOOD REVITALIZATION. Any effort by which
2 the governing body of the municipality aims to directly
3 improve the quality of life for residents, by investing
4 directly into neighborhoods.

5 (5) NET REVENUE. The remaining revenue after any and
6 all operational costs of the automated traffic safety
7 enforcement system are met.

8 (6) OWNER. The owner of a motor vehicle as shown on
9 the motor vehicle registration records of the Alabama
10 Department of Revenue or the analogous department or agency of
11 another state or nation. The term shall not include a motor
12 vehicle rental or leasing company when a motor vehicle
13 registered by the company is rented or leased to another
14 person under a rental or lease agreement with the company, in
15 the which event owner shall mean the person to whom the
16 vehicle is rented or leased; nor shall the term include motor
17 vehicles displaying dealer license plates, in which event
18 owner shall mean the person to whom the vehicle is assigned
19 for use; nor shall the term include the owner of any stolen
20 motor vehicle, in which event owner shall mean the person who
21 is guilty of stealing the motor vehicle and who was operating
22 the vehicle at the time of the civil violation.

23 (7) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT
24 SYSTEM. A system that:

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

1 b. Is capable of producing at least two separate
2 recorded images, including both of the following:

3 1. An image of the rear of a vehicle prior to
4 entering the intersection.

5 2. An image of the rear of the vehicle showing the
6 license plate.

7 (8) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A
8 system that meets both of the following:

9 a. Has a mobile or fixed electronic speed
10 enforcement system, or both, which is certified and in
11 compliance with the rules of the Federal Communications
12 Commission.

13 b. Is capable of producing two or more recorded
14 images, at least one depicting the license plate attached to
15 the rear of a vehicle being operated at a speed in excess of
16 the applicable speed limit.

17 (9) RECORDED IMAGE. An image recorded by the system
18 depicting the rear of a vehicle which is automatically
19 recorded as a photograph or digital image, which also depicts
20 the recorded speed, date, location, and time of the recorded
21 image.

22 (10) SPEEDING VIOLATION. Any violation of a motor
23 vehicle at a speed that exceeds the legal maximum speed limits
24 set forth in or adopted pursuant Article 8, consisting of
25 Sections 32-5A-170 to 32-5A-178, inclusive, Chapter 5A, Title
26 32, or of any combination thereof; provided, however, that
27 speed limits set by action of the municipal council of the

1 Class 1 municipality, if any, shall supersede the limits set
2 in Article 8, consisting of Sections 32-5A-170 to 32-5A-178,
3 inclusive, Chapter 5A, Title 32, Code of Alabama 1975. A
4 speeding violation shall be a civil violation as defined in
5 this act.

6 (11) SPEED LIMIT. The established maximum speed
7 limit on a given roadway prescribed by law.

8 (12) STOP SIGN. A fixed sign of the type authorized
9 by the Department of Transportation which requires a vehicle
10 to come to a complete stop before entering the intersection.

11 (13) STOP SIGN VIOLATION. Any violation of Section
12 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds
13 into an intersection after failing to stop at a clearly marked
14 stop line. A stop sign violation shall be a civil violation as
15 defined in this act.

16 (14) TRAFFIC SAFETY. Any effort by which the
17 governing body of the municipality aims to improve the quality
18 of safety and service for pedestrians, vehicles, drivers,
19 cyclists, and all persons who make use of public roadways or
20 intersections of the municipality.

21 (15) TRAINED TECHNICIAN. A sworn law enforcement
22 officer or a person certified by the Alabama Peace Officers'
23 Standards and Training Commission, employed or contracted by
24 the municipality, who has received instruction and training in
25 the proper use of the photographic stop sign enforcement
26 system and the photographic vehicle speed enforcement system

1 used by the municipality, the municipality's traffic engineer,
2 or the municipality's designee.

3 Section 4. (a) The municipality, as provided in this
4 act, may adopt an ordinance providing for the utilization by
5 the municipality or its designee of a photographic stop sign
6 enforcement system and a photographic vehicle speed
7 enforcement system to detect and record stop sign violations
8 and speeding violations in the municipality, to issue notices
9 of civil violations by mail, and to collect fines for the
10 recorded stop sign violations and speeding violations which
11 may occur within the corporate limits of the municipality as
12 provided in this act.

13 (b) (1) Fines collected pursuant to an ordinance
14 authorized by this act for stop sign violations shall not
15 exceed one hundred ten dollars (\$110).

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

SPEED OVER THE POSTED LIMIT	FINE
Greater than 10 mph through 15 mph	\$110

1	Greater than 15 mph through 20 mph	\$135
2	Greater than 20 mph	\$160

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

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

14 b. Each Class 1 municipality shall dedicate the net
15 revenue of all civil fines authorized by this act towards
16 improving and enhancing neighborhood revitalization efforts in
17 the municipality. The net revenue of which shall be deposited
18 and maintained in an account separate from the general fund
19 and utilized solely for the purposes of neighborhood
20 revitalization, including, without limitation, traffic
21 calming, street resurfacing, demolition, sidewalks, recycling,
22 weed abatement, or any other purpose deemed to have a direct
23 impact on neighborhood revitalization.

24 (4) Administrative hearing costs shall be assessed
25 only in contested cases. A person who is found liable after an

1 administrative hearing or who requests an administrative
2 hearing and thereafter fails to appear at the time and place
3 of the hearing shall pay the fine amount plus any late fee in
4 addition to a thirty dollar (\$30) administrative hearing fee.
5 If the person is found not liable at the administrative
6 hearing, the thirty dollar (\$30) administrative hearing fee
7 will not be assessed or any fine and fee paid related to that
8 citation shall be refunded.

9 (c) The municipality or its designee may place
10 photographic stop sign enforcement systems, and photographic
11 vehicle speed enforcement systems at locations within the
12 municipality without notice of the specific location and may
13 change locations without public notice.

14 (d) The municipality or its designee shall post a
15 sign or signs at each intersection at which a photographic
16 stop sign enforcement system is located informing motorists
17 that the devices are in operation at the intersection. The
18 municipality or its designee shall post a sign or signs along
19 each roadway or street at which a photographic vehicle speed
20 enforcement system is located informing motorists that a
21 device is in operation.

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

24 Section 5. (a) The municipality or its designee
25 shall mail a notice of violation by United States mail to the
26 owner of the motor vehicle which is recorded by the
27 photographic stop sign enforcement system, or photographic

1 vehicle speed enforcement system while committing a stop sign
2 violation or speeding violation. The notice shall be sent not
3 later than the 30th day after the date the stop sign violation
4 or speeding violation is recorded to one of the following:

5 (1) The owner's address as shown on the registration
6 records of the Department of Revenue.

7 (2) If the vehicle is registered in another state or
8 country, to the owner's address as shown on the motor vehicle
9 registration records of the department or agency of the other
10 state or country analogous to the Department of Revenue.

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

13 (1) Description of the violation.

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

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

16 (4) The amount of the fine to be imposed for the
17 violation.

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

19 (6) A statement that the person named in the notice
20 of violation may pay the fine in lieu of appearing at an
21 administrative hearing.

22 (7) Information that informs the person named in the
23 notice of violation all of the following:

24 a. Of the right to contest the imposition of the
25 fine in an administrative hearing.

26 b. Of the manner and time in which to contest the
27 imposition of the fine.

1 c. That failure to pay the fine or to contest
2 liability is an admission of liability.

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

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

8 (10) Any other information deemed necessary by the
9 municipality or its designee.

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

13 (d) A fine imposed pursuant to this act shall be
14 paid within 30 days of the 10th day after the date the notice
15 of violation is mailed.

16 (e) It shall be within the discretion of the trained
17 technician to determine which of the recorded stop sign
18 violations and speeding violations will be enforced based upon
19 the quality and legibility of the recorded image.

20 Section 6. (a) An administrative hearing officer
21 appointed by the mayor of the municipality is vested with the
22 power and jurisdiction to conduct administrative hearings of
23 civil violations provided for in this act.

24 (b) A person who receives a notice of violation may
25 contest the imposition of the fine by submitting a request for
26 an administrative hearing of the civil violation, in writing,
27 within 15 days of the 10th day after the date the notice of

1 violation is mailed. Upon receipt of a timely request, the
2 municipality or its designee shall notify the person of the
3 date and time of the administrative hearing by United States
4 mail.

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

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

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

22 (f) The notice of violation, the recorded and
23 reproduced images of the stop sign violation, or speeding
24 violation, regardless of the media on which they are recorded,
25 accompanied by a certification of authenticity of a trained
26 technician, and evidence of ownership of a vehicle as shown by
27 copies or summaries of official records shall be admissible

1 into evidence without foundation unless the administrative
2 hearing officer finds there is an indication of
3 untrustworthiness, in which case the municipality shall be
4 given a reasonable opportunity to lay an evidentiary
5 foundation.

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

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

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

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

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

7 (2) The operator of the motor vehicle was acting in
8 compliance with the lawful order or direction of a police
9 officer.

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

14 (4) The motor vehicle was being operated as an
15 authorized emergency vehicle under Sections 32-5A-7 and
16 32-5-213, Code of Alabama 1975, and the operator was acting in
17 compliance with those sections.

18 (5) The motor vehicle was stolen or being operated
19 by a person other than the owner of the vehicle without the
20 effective consent of the owner.

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

25 (7) The presence of ice, snow, unusual amounts of
26 rain, or other unusually hazardous road conditions existed

1 that would make compliance with this act more dangerous under
2 the circumstances than noncompliance.

3 (8) There was no sign installed as required by this
4 act near the location at which the violation allegedly
5 occurred warning that a photographic enforcement system was
6 being used.

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

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

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

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

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

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

24 Section 7. (a) Following an administrative hearing,
25 the administrative hearing officer shall issue an order
26 stating all of the following:

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

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

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

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

25 Section 8. The circuit court hearing a petition for
26 judicial review shall utilize the procedures applicable to

1 proceedings in the district court of the county with all of
2 the following qualifications:

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

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

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

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

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

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

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

1 The fact that a person is held liable or responsible for a
2 fine stop sign violation or speeding violation shall not be
3 used as evidence that the person was guilty of negligence or
4 other culpable conduct, and as evidence in any other
5 proceedings if it is or becomes admissible under the rules of
6 evidence applicable therein.

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

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

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

26 Section 13. No fine may be imposed and no
27 adjudication of liability for a civil violation may be made

1 under this act if the operator of the vehicle was arrested or
2 was issued a citation and notice to appear by a sworn police
3 officer for a criminal violation of any portion of Article 2,
4 commencing with Section 32-5A-30, Chapter 5A, Title 32,
5 including, but not limited to, Sections 32-5A-31, 32-5A-34,
6 and 32-5A-35, Code of Alabama 1975, or any other municipal
7 ordinance which embraces and incorporates the statutes
8 contained in that act, and which occurred simultaneously with
9 and under the same set of circumstances that were recorded by
10 the photographic stop sign enforcement system, or the
11 photographic vehicle speed enforcement system.

12 Section 14. Any person against whom a determination
13 of liability for a civil violation is made pursuant to an
14 ordinance authorized by this act, and who actually pays the
15 fine imposed thereby shall have a cause of action against any
16 person who may be shown to have been operating the vehicle
17 recorded at the time of the violation for the amount of the
18 fine actually paid plus any consequential or compensatory
19 damages and a reasonable attorney fee, without regard to the
20 rules regarding joint and separate liability, contribution, or
21 indemnity provided, however, that as a condition precedent to
22 the bringing of a civil action, that the person held
23 responsible for payment of a fine shall first make a written
24 demand on the other person for reimbursement of the fine,
25 giving a minimum of 60 days to remit payment, and if
26 reimbursement is fully made within the 60-day period then the
27 cause of action shall be extinguished and no attorney fees or

1 other damages shall attach to the reimbursement. Any cause of
2 action brought pursuant to this section shall be commenced
3 within two years from the date of the payment of the fine for
4 a stop sign violation, or speeding violation.

5 Section 15. Under no circumstances shall the salary
6 or other compensation of the trained technician be related to
7 the number of notices of violation issued or amount of fines
8 collected.

9 Section 16. Nothing in this act shall be construed
10 to make the Alabama Administrative Procedure Act, Chapter 22,
11 Code of Alabama 1975, applicable to this act.

12 Section 17. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Jefferson County Legislation 17-FEB-22

Read for the second time and placed on the calen-
dar 1 amendment..... 23-FEB-22

Read for the third time and passed as amended 24-FEB-22

Yeas 26
Nays 0

Patrick Harris,
Secretary.