

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

SYNOPSIS: This bill would authorize any Class 1 municipality to adopt an ordinance providing for automated traffic civil enforcement of 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 of stop sign violations and speed limit violations in any Class 1 municipality, as civil violations; providing certain procedures to be followed by the municipality using automated photographic traffic enforcement; providing that the owner of the vehicle involved in running a 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 is

1 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. Current Alabama law also  
26 provides that failing to abide by traffic signage or speed  
27 limits is also a criminal misdemeanor. Under Alabama law, one

1 who commits any of these misdemeanors is subject to  
2 prosecution only if the misdemeanor was witnessed by either a  
3 duly-empowered police officer or other witness who makes a  
4 verified complaint to a sworn magistrate.

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

14 (4) By providing for the use of automated traffic  
15 cameras in stop sign enforcement and speed limit enforcement  
16 in the municipality, the Legislature expects to decrease the  
17 occurrence in the municipality of stop sign violations and  
18 speeding violations.

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

21 (1) CIVIL VIOLATION. A violation of the ordinance  
22 authorized by this act, the penalty for which violation shall  
23 be the payment of a fine, the enforcement of which will not be  
24 otherwise permissible.

25 (2) FINE. The monetary amount assessed by the  
26 municipality pursuant to the ordinance authorized by this act  
27 for a determination of civil liability for a stop sign

1 violation or speeding violation, which may include  
2 administrative hearing costs associated with the infraction.

3 (3) MUNICIPALITY. Any Class 1 municipality.

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

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

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

21 (7) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT  
22 SYSTEM. A system that:

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

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

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

3           2. An image of the rear of the vehicle showing the  
4 license plate.

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

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

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

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

20           (10) SPEEDING VIOLATION. Any violation of a motor  
21 vehicle at a speed that exceeds the legal maximum speed limits  
22 set forth in or adopted pursuant Article 8, consisting of  
23 Sections 32-5A-170 to 32-5A-178, inclusive, Chapter 5A, Title  
24 32, or of any combination thereof; provided, however, that  
25 speed limits set by action of the municipal council of the  
26 Class 1 municipality, if any, shall supersede the limits set  
27 in Article 8, consisting of Sections 32-5A-170 to 32-5A-178,

1 inclusive, Chapter 5A, Title 32, Code of Alabama 1975. A  
2 speeding violation shall be a civil violation as defined in  
3 this act.

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

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

9 (13) STOP SIGN VIOLATION. Any violation of Section  
10 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds  
11 into an intersection after failing to stop at a clearly marked  
12 stop line. A stop sign violation shall be a civil violation as  
13 defined in this act.

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

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

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

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

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

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

22           (4) Administrative hearing costs shall be assessed  
23 only in contested cases. A person who is found liable after an  
24 administrative hearing or who requests an administrative  
25 hearing and thereafter fails to appear at the time and place

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

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

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

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

22 Section 5. (a) The municipality or its designee  
23 shall mail a notice of violation by United States mail to the  
24 owner of the motor vehicle which is recorded by the  
25 photographic stop sign enforcement system, or photographic  
26 vehicle speed enforcement system while committing a stop sign  
27 violation or speeding violation. The notice shall be sent not

1 later than the 30th day after the date the stop sign violation  
2 or speeding violation is recorded to one of the following:

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

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

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

11 (1) Description of the violation.

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

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

14 (4) The amount of the fine to be imposed for the  
15 violation.

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

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

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

22 a. Of the right to contest the imposition of the  
23 fine in an administrative hearing.

24 b. Of the manner and time in which to contest the  
25 imposition of the fine.

26 c. That failure to pay the fine or to contest  
27 liability is an admission of liability.

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

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

6           (10) Any other information deemed necessary by the  
7 municipality or its designee.

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

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

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

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

22           (b) A person who receives a notice of violation may  
23 contest the imposition of the fine by submitting a request for  
24 an administrative hearing of the civil violation, in writing,  
25 within 15 days of the 10th day after the date the notice of  
26 violation is mailed. Upon receipt of a timely request, the  
27 municipality or its designee shall notify the person of the

1 date and time of the administrative hearing by United States  
2 mail.

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

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

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

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

1 untrustworthiness, in which case the municipality shall be  
2 given a reasonable opportunity to lay an evidentiary  
3 foundation.

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

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

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

25 (j) It shall be an affirmative defense to the  
26 imposition of civil liability under this act, to be proven by  
27 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 enforcement system was  
2 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 (1) 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 or  
14 photographic vehicle speed enforcement system involving the  
15 motor vehicle during the period of the rental or lease,  
16 provided that, upon request of the municipality or its  
17 designee received within 60 days after the violation occurred,  
18 the person provides to the municipality within 30 days after  
19 receipt of such request the name and address of the renter or  
20 lessee of the motor vehicle. The driver's license number of  
21 the renter or lessee may be subsequently specifically  
22 requested by the municipality or its designee if needed for  
23 the enforcement of this act. Upon the provision by the lessor,  
24 its affiliate, or its designee, of the information as  
25 described in this subsection, the municipality or its designee  
26 may issue a new notice of violation to the renter or lessee of  
27 the vehicle in the same manner it would issue a notice of



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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           (5) The municipality shall be responsible for  
21 providing an attorney to represent the municipality in the  
22 circuit court proceedings.

23           Section 9. In the event the evidence produced by a  
24 photographic stop sign enforcement system or a photographic  
25 vehicle speed enforcement system does not produce an image of  
26 the license plate with sufficient clarity for a trained  
27 technician to determine the identity of the owner, and if the

1 identity thereof cannot otherwise be reliably established,  
2 then no notice of violation may be issued pursuant to this  
3 act. If, however, a notice of violation is issued, to the  
4 degree constitutionally allowed, those issues related to the  
5 identity of the vehicle or its owner shall affect the weight  
6 to be accorded the evidence and shall not affect its  
7 admissibility.

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

1 proceedings if it is or becomes admissible under the rules of  
2 evidence applicable therein.

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

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

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

22 Section 13. No fine may be imposed and no  
23 adjudication of liability for a civil violation may be made  
24 under this act if the operator of the vehicle was arrested or  
25 was issued a citation and notice to appear by a sworn police  
26 officer for a criminal violation of any portion of Article 2,  
27 commencing with Section 32-5A-30, Chapter 5A, Title 32,

1 including, but not limited to, Sections 32-5A-31, 32-5A-34,  
2 and 32-5A-35, Code of Alabama 1975, or any other municipal  
3 ordinance which embraces and incorporates the statutes  
4 contained in that act, and which occurred simultaneously with  
5 and under the same set of circumstances that were recorded by  
6 the photographic stop sign enforcement system, or the  
7 photographic vehicle speed enforcement system.

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

1                   Section 15. Under no circumstances shall the salary  
2 or other compensation of the trained technician be related to  
3 the number of notices of violation issued or amount of fines  
4 collected.

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

8                   Section 17. This act shall become effective  
9 immediately following its passage and approval by the  
10 Governor, or its otherwise becoming law.