

## HB575 INTRODUCED



1 HB575  
2 I1URZ66-1  
3 By Representatives Holk-Jones, Baker, Givens (N & P)  
4 RFD: Baldwin County Legislation  
5 First Read: 15-Apr-25



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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to Baldwin County; to authorize any  
9 municipality located in whole or in part in Baldwin County to  
10 operate an automated photographic speeding enforcement system;  
11 and to provide for the jurisdiction of civil fines issued  
12 pursuant to violations captured by an automated photographic  
13 speeding enforcement system.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. For the purposes of this act, the following  
16 terms have the following meanings:

17 (1) SYSTEM. Technology operated by a law enforcement  
18 officer that combines a manually operated camera system that  
19 works in conjunction with an electronically operated speed  
20 detection system to automatically record digital imaging of a  
21 motor vehicle while speeding.

22 (2) TRAINED TECHNICIAN. A law enforcement officer who  
23 has been trained by a vendor that sells or maintains the  
24 system.

25 (3) ZONE. A reduced speed school zone as described in  
26 Section 32-5A-182, Code of Alabama 1975, or a construction  
27 zone as described in Section 32-5A-176.1, Code of Alabama  
28 1975.



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Section 2. (a)(1) Any municipality located in whole or in part in Baldwin County, by ordinance, may operate a system to detect and record speeding violations that occur exclusively within a zone, issue notices of civil violations by mail, and prosecute civil violations for the recorded speeding violations which may occur within the corporate limits of the municipality as provided in this act.

(2) A civil fine assessed under this act may not exceed one hundred ninety-five dollars (\$195). At least ten dollars (\$10) of each assessed fine shall be allocated to one of the following uses:

- a. Funding school resource officers.
- b. Implementing school safety plans.
- c. Implementing safety programs related to zones.

(3) Municipal court costs may be assessed in the same manner and in the same amounts prescribed for municipal speeding violations prosecuted as a violation or misdemeanor.

(4) Court costs and fines collected pursuant to this act shall be distributed as prescribed by municipal ordinance and by Section 4(i).

(b) If a municipality adopts an ordinance to operate a system, the municipality shall do all of the following:

(1) Post signs at a minimum of three roadway entry points to the municipality to provide motorists with notice that a system is in use.

(2) At least 30 days prior to initially operating a system, make a public announcement and conduct a public awareness campaign regarding the use of the system.



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(3) Post signs warning of the use of a system within 50 yards of each zone where a system is in use.

Section 3. (a) Prior to imposing a civil penalty pursuant to this act, a municipality must first mail a notice of violation by certified U.S. mail, return receipt requested, to the owner of the motor vehicle that is recorded committing a speeding violation by the system. The notice must be sent no later than 30 days after the date the violation was recorded to the vehicle owner's registered address.

(b) A notice of violation issued shall contain all of the following:

(1) A description of the alleged speeding violation.

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

(3) A copy of recorded images of the vehicle involved in the alleged violation.

(4) The amount of the civil penalty to be imposed for the alleged violation.

(5) The date by which the civil penalty must be paid.

(6) A statement that the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative adjudication hearing.

(7) A statement of the person's right to contest the imposition of the civil penalty in an administrative adjudication.

(8) The manner and time in which to contest the imposition of the civil penalty.

(9) A statement that failure to either pay the civil



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penalty or to contest liability is an admission of liability.

(10) A statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty.

(11) A statement that failure to pay the civil penalty within the time allowed will result in the imposition of a late penalty not exceeding twenty-five dollars (\$25).

(c) A notice of violation is presumed to have been received on the 10th day after the date the notice was mailed.

(d) A civil penalty must be paid within 40 days after the date the notice was mailed.

(e) A municipality, in lieu of issuing a notice of violation, may mail a warning notice to the owner of the vehicle involved in the alleged violation.

Section 4. (a) (1) In any municipality that adopts an ordinance pursuant to Section 2, the municipal court is vested with the power and jurisdiction to hear and adjudicate civil violations and issue orders imposing civil fines and costs as provided in this act.

(2) A municipality, by ordinance, may authorize the municipal court to hold adjudicative hearings concurrently with the court's regular docket or to set a special docket for adjudicative hearings.

(b) A person who receives a notice of violation may contest the imposition of the civil fine by submitting a request for a hearing on the adjudication of the civil violation, in writing, within 25 days after the date the notice of violation was mailed.

(c) Upon receipt of a timely request, the municipal



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113 court shall notify the person of the date, time, and location  
114 of the adjudicative hearing by U.S. mail.

115 (d) Failure to either pay a civil penalty or to contest  
116 liability in a timely manner is an admission of liability in  
117 the full amount of the civil fine assessed in the notice of  
118 violation.

119 (e) The civil fine may not be assessed if, after an  
120 adjudicative hearing, the municipal judge enters a finding of  
121 no liability.

122 (f) If an adjudicative hearing is requested, the  
123 municipality shall have the burden of proving the speeding  
124 violation by a preponderance of the evidence. The reliability  
125 of the system used to produce a recorded image of the  
126 violation may be attested to by affidavit of a trained  
127 technician. An affidavit of a trained technician that alleges  
128 a violation based on an inspection of the pertinent recorded  
129 image is admissible in a proceeding under this act and is  
130 evidence of the facts contained in the affidavit.

131 (g) (1) In an adjudicative hearing held pursuant to this  
132 act, all of the following shall be admissible into evidence  
133 without foundation unless the municipal court finds there is  
134 an indication of untrustworthiness:

135 a. The notice of violation.

136 b. The recorded or reproduced images of the alleged  
137 violation accompanied by a certification of authenticity by a  
138 trained technician, regardless of the media on which the  
139 images were recorded.

140 c. Evidence of ownership of a vehicle as shown by



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copies or summaries of official records.

(2) If the municipal court finds there is an indication of untrustworthiness with an item listed in this subsection, the municipality shall be given a reasonable opportunity to lay an evidentiary foundation.

(h) All other matters of evidence and procedure not specifically addressed in this act shall be subject to the rules of evidence and the rules of procedure as they apply in the small claims courts of this state, except that on any appeal to the Baldwin County Circuit Court for trial de novo the evidence and procedures shall be as for any civil case in the circuit court except as otherwise provided in this act.

(i)(1) A person who is found liable for a civil violation after an adjudicative hearing or who requests an adjudicative hearing and fails to appear at the time and place of the hearing is liable for court costs and fees as set out in this act in addition to the amount of the civil fine assessed for the violation.

(2) A person who is found liable for a civil violation after an adjudicative hearing shall pay the civil fine and court costs within 10 days after the adjudicative hearing, and the municipality shall remit twenty-five dollars (\$25) from the court costs paid to the State General Fund.

(j) Whenever payment of a civil fine is owed to a municipality, the amount of the civil fine as set by ordinance may not be increased, decreased, or remitted by the municipal court, and the liability may be satisfied only by payment.

(k) Any of the following shall be an affirmative



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defense to the imposition of civil liability under this act,  
to be proven by a preponderance of the evidence:

(1) The operator of the motor vehicle was acting in  
compliance with the lawful order or direction of a law  
enforcement officer.

(2) The motor vehicle was being operated as an  
authorized emergency vehicle under Sections 32-5-213 and  
32-5A-7, Code of Alabama 1975.

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

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

(5) The person who received the notice of violation was  
not the owner of the motor vehicle at the time of the  
violation.

(1) To demonstrate that at the time of the violation  
the motor vehicle was a stolen vehicle or the license plate  
displayed on the motor vehicle was a stolen plate, the owner  
must submit proof acceptable to the hearing officer that the  
theft of the vehicle or license plate, prior to the time of  
the violation, had been timely reported to the appropriate law  
enforcement agency.

(m) Notwithstanding anything in this act to the  
contrary, a person who fails to pay the amount of a civil fine  
or to contest liability in a timely manner is entitled to an





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adjudicative hearing on the alleged violation if the person:

(1) Files an affidavit with the hearing officer stating the date on which the person received the notice of violation that was mailed to the person, if not received by the 10th day after the notice was mailed as provided in Section 3; and

(2) Within 15 days after the date of actual receipt, requests an adjudicative hearing.

Section 5. (a) Following an adjudicative hearing, the municipal court judge shall issue an order stating the following:

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

(2) The amount of the civil fine, fees, or costs of court assessed against the person.

(b) An order issued pursuant to this section may be filed in the office of the judge of probate and shall operate as a judicial lien in the same manner and with the same weight and effect as any other civil judgment filed with the judge of probate.

(c) A person who is found liable after an adjudicative hearing may appeal that finding of civil liability to the Circuit Court of Baldwin County by filing a notice of appeal with the clerk of the municipal court. The notice of appeal must be filed within 14 days after the date on which the municipal court judge entered the finding of liability. The filing of a notice of appeal shall stay the enforcement of the civil fine penalty. An appeal shall be determined by the circuit court by trial de novo.



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Section 6. The circuit court hearing an appeal pursuant to this act shall use the procedures that apply to criminal convictions in municipal court with all of the following qualifications:

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

(2) If the person is adjudicated by the circuit court to be responsible for payment of the civil fine, circuit court costs shall be owed by the person adjudicated responsible, with all of those court costs retained by the circuit court. Court costs in the circuit court shall be calculated and distributed in the same manner as court costs for criminal appeals from the municipal court, and in the event the circuit court finds the person appealing not to be responsible, no municipal court costs shall be owed to the municipality.

(3) Regardless of the civil nature of the proceedings, the circuit court may assign case numbers in the same manner as for criminal appeals and place an appeal on the criminal docket in the same manner as criminal appeals from municipal court.

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

(5) The municipality shall be responsible for providing an attorney to represent the municipality and to prosecute the civil proceedings in the circuit court.

Section 7. If the evidence produced by a system does not produce an image of the license plate with sufficient



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253 clarity for a licensed technician to determine the identity of  
254 the owner, then no notice of violation may be issued pursuant  
255 to this act.

256 Section 8. (a) A municipality, by ordinance, may  
257 provide that a late fee not exceeding twenty-five dollars  
258 (\$25) shall attach to untimely paid civil fines authorized by  
259 this act.

260 (b) No person may be arrested or incarcerated for  
261 nonpayment of a civil fine or late fee authorized by this act.

262 (c) No record of an adjudication of civil violation  
263 made under this act may be listed, entered, or reported on any  
264 criminal record or driving record, whether the record is  
265 maintained by the municipality or an outside entity.

266 (d) An adjudication of a civil violation provided by  
267 this act may not be considered a conviction for any purpose,  
268 may not be considered a moving violation, may not be used to  
269 increase or enhance punishment for any subsequent offense of a  
270 criminal nature, and may not be used by any insurance company  
271 to determine or affect premiums or rates unless an accident  
272 occurred due to the violation.

273 (e) The fact that a person is held liable or  
274 responsible for a civil fine for a speeding violation may not  
275 be used as evidence that the person was guilty of negligence  
276 or other culpable conduct. Any evidence generated by a system  
277 may only be used as evidence in other proceedings if it is or  
278 becomes admissible under the rules of evidence applicable to  
279 the proceeding.

280 Section 9. A municipality shall keep statistical data



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regarding the number of notices of violation issued and shall communicate the data on an annual basis to the Department of Transportation.

Section 10. No civil penalty may be imposed and no adjudication of liability for a civil violation may be made under this act if the operator of the vehicle was arrested or was issued a citation and notice to appear by a sworn police officer for a criminal violation under Article 8 of Chapter 5A of Title 32, Code of Alabama 1975, or any municipal ordinance that embraces or incorporates the statutes contained in that article, and that occurred simultaneously with and under the same set of circumstances that were recorded by the system.

Section 11. (a) Any person against whom an adjudication of liability for a civil violation is made pursuant to this act and who pays the civil fine imposed by the adjudication shall have a cause of action against any person who may be shown to have been operating the vehicle recorded at the time of the violation for the amount of the civil fine paid, any consequential or compensatory damages, and reasonable attorney fees, without regard to the rules regarding joint and several liability, contribution, or indemnity.

(b) Prior to bringing a civil action pursuant to this section, the person held responsible for payment of the civil fine must first make written demand on the other person for reimbursement, giving a minimum of 60 days to remit payment.

(c) If reimbursement is fully made within the 60-day period then the cause of action shall be extinguished and no attorney fees or other damages may attach to the



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309 reimbursement.

310 (d) Any cause of action brought pursuant to this  
311 section must be commenced within two years from the date of  
312 the payment of the civil fine.

313 Section 12. This act shall become effective on June 1,  
314 2025.