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A BILL
TO BE ENTITLED
AN ACT

Relating to public safety; to establish the Alabama Work Zone Safety Act as a pilot program to authorize the procurement, installation, and operation of a photographic speed enforcement system in a segment of interstate highway declared to be a work zone; to require reports to the Legislature studying the effectiveness of the pilot program; to establish a process for the issuance of civil traffic citations for violations and the enforcement and appeal of such citations; to establish affirmative defenses to a violation; to repeal these provisions on September 30, 2028; and to create the ALEA Work Zone Safety Fund and the Transportation Work Zone Safety Fund and provide for certain civil penalties to be deposited into the fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 through 19 of this act shall be known and may be cited as the Alabama Work Zone Safety Act.

Section 2. The Legislature finds and declares the following:

(1) Highway construction and maintenance creates a high risk environment for highway workers who must work alongside motor vehicles traveling at high rates of speed.



29 (2) Numerous highway workers have been struck and
30 killed in work zones due to motor vehicles traveling at high
31 rates of speed through the work zones.

32 (3) Speed enforcement management within a work zone is
33 one of the most effective measures to improve safety in the
34 work zone.

35 (4) Speed enforcement is highly labor intensive and can
36 even be hazardous to law enforcement officers given the
37 physical constraints of many work zones.

38 (5) Photographic speed enforcement systems allow law
39 enforcement to successfully manage speed enforcement in a work
40 zone in a safe and cost-effective manner.

41 (6) The adoption and implementation of a photographic
42 speed enforcement system for work zones is necessary to reduce
43 severe crashes, reduce speeding, and improve safe traffic flow
44 in work zones in a state where the patrol resources alone are
45 not capable of consistent enforcement of traffic laws at a
46 level necessary to protect human life.

47 (7) The severe lack of safety of highway workers in
48 work zones is an emergency that necessitates the immediate
49 adoption of a photographic speed enforcement system consistent
50 with the terms of this act.

51 Section 3. (a) The Alabama Work Zone Safety Act is
52 enacted as a pilot program and shall continue through the
53 completion of all work done in the work zone designated by the
54 Department of Transportation, unless continued by act of the
55 Legislature.

56 (b) The Department of Transportation and the Alabama



57 State Law Enforcement Agency (ALEA) shall collaborate to
58 implement the pilot program for one work zone conducted on the
59 interstate and shall finalize a plan for the implementation of
60 the pilot program by October 1, 2026. The plan shall
61 contemplate a gradual rollout of the program and the promotion
62 of driver awareness of the pending use of the program in work
63 zones. The plan shall ensure that the full scale
64 implementation and enforcement of the program shall not occur
65 sooner than November 16, 2026, to ensure that the
66 implementation of the program is phased in. To satisfy this
67 deadline, the department and ALEA may make necessary emergency
68 procurements pursuant to Sections 39-2-2 and 41-16-53, Code of
69 Alabama 1975, and may adopt emergency rules pursuant to
70 Section 41-22-5, Code of Alabama 1975, to govern the use of
71 devices in work zones; ensure adequate notice for drivers, and
72 signage rules, clear protocol for installation and placement
73 of enforcement tools; provide for the use of speed detection
74 to aid traffic law enforcement; and maintain statistical data
75 to measure the effectiveness of tools on driver behavior.

76 (c) Not later than March 1, 2027, the Department of
77 Transportation and the Alabama State Law Enforcement Agency
78 shall prepare an interim report to the Legislature summarizing
79 the implementation of this pilot program and shall provide
80 data measuring the effectiveness of the pilot program on
81 creating safer work zones.

82 Section 4. As used in Sections 1 through 19 of this
83 act, the following terms have the following meanings:

84 (1) ALEA. The Alabama State Law Enforcement Agency.



85 (2) AUTHORITY. The Alabama Toll Road, Bridge, and
86 Tunnel Authority.

87 (3) AUTOMATED PHOTOGRAPHIC SPEED ENFORCEMENT SYSTEM. A
88 photographic speed enforcement system that is capable of
89 automatically recording digital images and speed of motor
90 vehicles.

91 (4) CIVIL TRAFFIC CITATION. A non-criminal citation
92 created pursuant to this act, the penalty for which is a civil
93 fine, and the enforceability of which is accomplished through
94 civil action.

95 (5) DEPARTMENT. The Alabama Department of
96 Transportation.

97 (6) OWNER. The owner of a motor vehicle as shown on the
98 motor vehicle registration records of the Alabama Department
99 of Revenue or the analogous department or agency of another
100 state or country, except as follows:

101 a. The term does not include a motor vehicle rental or
102 leasing company when a motor vehicle registered by the company
103 is rented or leased to another person under a rental or lease
104 agreement with the company, in which event "owner" means the
105 person to whom the vehicle is rented or leased.

106 b. The term does not include any motor vehicle
107 displaying a plate that indicates the motor vehicle is being
108 operated by an individual other than the owner of the motor
109 vehicle, including a dealer license plate, fleet plate, U.S.
110 military plate, utility plate, government plate, federal
111 plate, or commercial motor vehicle plate, in which event
112 "owner" means the person to whom the vehicle is assigned for



141 Section 6. (a) ALEA may use a manually operated
142 photographic speed enforcement system to monitor motor vehicle
143 activity in a work zone as necessary to assure the safety of
144 the work zone. The system shall be operated by a law
145 enforcement officer in a manner that combines a manually
146 operated camera system that works in conjunction with an
147 electronically operated speed detection system to record
148 digital imaging of a motor vehicle that is speeding.

149 (b) The Secretary of ALEA may adopt rules, including
150 emergency rules, to implement this section and to establish
151 uniform procedures for law enforcement officers operating
152 under this act.

153 Section 7. A photographic speed enforcement system
154 authorized under this act may be used to detect and record
155 motor vehicle speeding violations in an active work zone. For
156 purposes of this act, "active work zone" means a work zone
157 that satisfies all of the following conditions:

158 (1) The area is designated by the department or
159 authority as a work zone.

160 (2) Employees or contractors of the department or
161 authority or construction, maintenance, inspection, surveying,
162 utility, or other workers are present.

163 (3) Work zone traffic control devices, traffic
164 controls, or warning signs are present to notify motorists and
165 pedestrians of construction, maintenance, inspection,
166 surveying, utility, or other workers in the area.

167 (4) Not less than two warning signs are placed at least
168 500 feet in advance of the entrance warning motorists that a



169 photographic speed enforcement system is being operated in the
170 area and that a violation will result in a fine.

171 Section 8. (a) When a motor vehicle is recorded
172 operating in an active work zone at a speed that exceeds 10
173 miles per hour over the posted speed limit, ALEA may issue a
174 civil traffic citation to the registered owner of the motor
175 vehicle.

176 (b) When a speeding violation is recorded, ALEA shall
177 send to the owner of the motor vehicle, via mail, a notice of
178 the civil traffic citation which was recorded by the automated
179 photographic speed enforcement system while committing a
180 speeding violation. The notice shall be sent not later than 30
181 days after the date the speeding violation is recorded, as
182 follows:

183 (1) If the vehicle is registered in this state, to the
184 registered owner's address as shown on the registration
185 records of the Department of Revenue.

186 (2) If the vehicle is registered in another state or
187 country, to the registered owner's address as shown on the
188 motor vehicle registration records of the other state or
189 country.

190 (c) The notice shall contain all of the following:

191 (1) A description of the violation alleged, including
192 the speed at which the motor vehicle is alleged to have been
193 operated, and the maximum speed applicable at the location.

194 (2) The date, time, and location of the speeding
195 violation.

196 (3) A copy of recorded images of the vehicle involved



197 in the speeding violation.

198 (4) The amount of the civil penalty to be imposed for
199 the speeding violation.

200 (5) The date by which the civil penalty must be paid.
201 For purposes of this subdivision, the Alabama State Law
202 Enforcement Agency shall require the civil penalty to be paid
203 by a date certain, not less than 60 days following issuance of
204 the notice of violation.

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

208 (7) A statement that the person has the right to
209 contest the imposition of the civil penalty in an
210 administrative adjudication and information about the manner
211 and time in which the person may contest the imposition of the
212 civil penalty.

213 (8) A statement that failure to pay the civil penalty
214 or to contest liability is an admission of liability.

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

217 (10) Any other information necessary for issuing the
218 notice.

219 (11) A statement that if the registered owner is a
220 rental car company, the company has the right to provide
221 information to ALEA on which individual was renting the
222 vehicle at the time of violation. The statement shall include
223 information about how to provide the information of the
224 individual.



225 (d) In lieu of issuing a notice of violation, ALEA may
226 mail a warning notice to the registered owner. ALEA shall
227 exercise discretion in issuing the warning notice.

228 (e) In the event the evidence produced by a
229 photographic speed enforcement system does not produce an
230 image of the license plate with sufficient clarity for a speed
231 enforcement system operator to determine the identity of the
232 owner, and if the identity cannot otherwise be reliably
233 established, then no notice of speeding violation may be
234 issued pursuant to this act.

235 Section 9. Failure to pay a civil penalty or to contest
236 liability in a timely manner is an admission of liability in
237 the full amount of the civil fine assessed in the notice of
238 violation.

239 Section 10. (a) The Secretary of ALEA shall adopt rules
240 providing for a hearing procedure and the administrative
241 resolution of speeding violations under this act. The rules
242 shall provide for the hearing to be conducted by a driver
243 license hearing officer or other hearing officer appointed by
244 the secretary. The hearing may be informal. The hearing shall
245 not be a contested case under the Alabama Administrative
246 Procedure Act. Following the hearing, the hearing officer
247 shall issue a final order.

248 (b) (1) Speeding violations under this act shall be
249 punished by a civil fine of two hundred fifty dollars (\$250),
250 which shall be collected as other civil judgments are
251 collected. Court costs shall not be assessed except as
252 provided in subsection (c).



253 (2) In no event shall a speeding violation be
254 punishable by a criminal fine or imprisonment.

255 (3) The Secretary of ALEA shall not assess any points
256 against a driver license or suspend or revoke a driver license
257 for a speeding violation.

258 (c) A person who is found liable for a speeding
259 violation after an adjudicative hearing or who requests an
260 adjudicative hearing and thereafter fails to appear at the
261 time and place of the hearing is liable for court costs and
262 fees set in addition to the amount of the civil penalty
263 assessed for the speeding violation. A person who is found
264 liable for a speeding violation after an adjudicative hearing
265 shall pay the civil penalty and costs withing 60 days of the
266 hearing.

267 (d) Whenever a person is ordered to pay a civil penalty
268 under this act, the amount of the civil penalty as set by this
269 act may not be increased, decreased, or remitted by the court,
270 and the liability may be satisfied only by payment in full.

271 (e) An order issued under this section shall have the
272 same weight and effect as any other civil judgment.

273 Section 11. (a) Any agency using a photographic speed
274 enforcement system shall ensure the system is calibrated on an
275 annual basis by an independent calibration laboratory.

276 (b) The independent calibration laboratory performing
277 the calibration shall issue a certificate of calibration for
278 the automated photographic speed enforcement system as proof
279 of both of the following:

280 (1) The annual calibration check was performed.



365 affirmative defense shall be on the owner of the vehicle.

366 Section 15. A final order issued under Section 10 may
367 be reviewed by the circuit court by the filing of a notice of
368 appeal pursuant to Section 41-22-20, Code of Alabama 1975,
369 within 30 days after the final order is issued. The filing of
370 the notice of appeal shall stay enforcement of the civil
371 penalty.

372 Section 16. The department or authority, or its
373 contractor, shall place traffic control devices in conformity
374 with a nationally recognized traffic engineering handbook,
375 including, but not limited to, the Manual of Uniform Traffic
376 Control Devices and the traffic control plans of the
377 department. There is a presumption that the department's
378 actions are in compliance with this section unless the
379 contrary is shown by a preponderance of the evidence.

380 Section 17. The department or authority may perform the
381 duties assigned to the department or authority under this act
382 either directly or through a contracted manufacturer or vendor
383 selected pursuant to state the procurement process and
384 operating in coordination with the department or authority.
385 Any procurements made under this act shall not be considered
386 to be a contract for professional services. The department or
387 authority shall follow the department or authority's
388 procurement procedures. The department or authority shall have
389 sole discretion on selecting a vendor or vendors.

390 Section 18. ALEA may procure the equipment and
391 technology necessary to operate a photographic speed
392 enforcement system pursuant to the state procurement law. The



393 procurement shall not be considered a contract for
394 professional services. The system may be operated using
395 manual, handheld, or unmanned devices capable of being mounted
396 to a vehicle. ALEA shall have sole discretion on selecting a
397 vendor or vendors.

398 Section 19. All civil penalties collected under this
399 act shall be distributed as follows:

400 (1) Fifty percent to ALEA, to be used solely for costs
401 relating to the implementation of this act, with the remaining
402 proceeds deposited into the ALEA Work Zone Safety Fund.

403 (2) Fifty percent to the department, to be used solely
404 for costs relating to the implementation of this act, with the
405 remaining proceeds deposited into the Transportation Work Zone
406 Safety Fund.

407 Section 20. The ALEA Work Zone Safety Fund is created
408 in the State Treasury to be administered by ALEA. Funds shall
409 be budgeted and allotted pursuant to Chapter 19 of Title 41,
410 Code of Alabama 1975.

411 Section 21. The Transportation Work Zone Safety Fund is
412 created in the State Treasury to be administered by the
413 department. Funds shall be budgeted and allotted pursuant to
414 Chapter 19 of Title 41, Code of Alabama 1975.

415 Section 22. Sections 1 through 19 of this act are
416 repealed September 30, 2028.

417 Section 23. This act shall become effective
418 immediately.