

HB639 ENROLLED



1 HB639
2 L5287YY-2
3 By Representatives Baker, Hammett (N & P)
4 RFD: Local Legislation
5 First Read: 19-Mar-26



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1 Enrolled, An Act,

2
3 Relating to Escambia County; to authorize any
4 municipality located, in whole or in part, in Escambia County
5 to operate an automated photographic speeding enforcement
6 system; and to provide for the jurisdiction of civil fines
7 issued pursuant to violations captured by an automated
8 photographic speeding enforcement system.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. For the purposes of this act, the following
11 terms have the following meanings:

12 (1) SYSTEM. Technology operated by a law enforcement
13 officer which combines a manually operated camera system that
14 works in conjunction with an electronically operated speed
15 detection system to automatically record digital imaging of a
16 motor vehicle while speeding.

17 (2) TRAINED TECHNICIAN. A law enforcement officer who
18 has been trained by a vendor that sells or maintains the
19 system.

20 (3) ZONE. A reduced speed school zone as described in
21 Section 32-5A-182, Code of Alabama 1975, or a construction
22 zone as described in Section 32-5A-176.1, Code of Alabama
23 1975.

24 Section 2. (a) (1) Any municipality located, in whole or
25 in part, in Escambia County, by ordinance, may operate a
26 system to detect and record speeding violations that occur
27 exclusively within a zone, issue notices of civil violations
28 by mail, and prosecute civil violations for the recorded



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29 speeding violations that may occur within the corporate limits
30 of the municipality as provided in this act.

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

35 a. Funding school resource officers.

36 b. Implementing school safety plans.

37 c. Implementing safety programs related to zones.

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

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

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

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

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

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

54 Section 3. (a) Prior to imposing a civil fine pursuant
55 to this act, a municipality must first mail a notice of
56 violation by certified U.S. mail, return receipt requested, to



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57 the owner of the motor vehicle that is recorded committing a
58 speeding violation by the system. The notice must be sent no
59 later than 30 days after the date the violation was recorded
60 to the vehicle owner's registered address.

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

63 (1) A description of the alleged speeding violation.

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

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

68 (4) The amount of the civil fine to be imposed for the
69 alleged violation.

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

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

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

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

79 (9) A statement that failure to either pay the civil
80 fine or to contest liability is an admission of liability.

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

83 (11) A statement that failure to pay the civil fine
84 within the time allowed will result in the imposition of a



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85 late fine not exceeding twenty-five dollars (\$25).

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

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

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

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

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

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

107 (c) Upon receipt of a timely request, the municipal
108 court shall notify the person of the date, time, and location
109 of the adjudicative hearing by U.S. mail.

110 (d) Failure to either pay a civil fine or to contest
111 liability in a timely manner is an admission of liability in
112 the full amount of the civil fine assessed in the notice of



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113 violation.

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

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

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

130 a. The notice of violation.

131 b. The recorded or reproduced images of the alleged
132 violation accompanied by a certification of authenticity by a
133 trained technician, regardless of the media on which the
134 images were recorded.

135 c. Evidence of ownership of a vehicle as shown by
136 copies or summaries of official records.

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



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

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

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

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

163 (k) Any of the following shall be an affirmative
164 defense to the imposition of civil liability under this act,
165 to be proven by a preponderance of the evidence:

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



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169 (2) The motor vehicle was being operated as an
170 authorized emergency vehicle under Sections 32-5-213 and
171 32-5A-7, Code of Alabama 1975.

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

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

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

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

189 (m) Notwithstanding anything in this act to the
190 contrary, a person who fails to pay the amount of a civil fine
191 or to contest liability in a timely manner is entitled to an
192 adjudicative hearing on the alleged violation if the person:

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



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

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

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

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

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

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

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

224 (1) The proceedings shall retain their civil nature on



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225 appeal with the circuit court applying the preponderance of
226 the evidence standard.

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

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

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

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

246 Section 7. If the evidence produced by a system does
247 not produce an image of the license plate with sufficient
248 clarity for a licensed technician to determine the identity of
249 the owner, then no notice of violation may be issued pursuant
250 to this act.

251 Section 8. (a) A municipality, by ordinance, may
252 provide that a late fee not exceeding twenty-five dollars



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253 (\$25) shall be attached to untimely paid civil fines
254 authorized by this act.

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

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

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

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

275 Section 9. A municipality shall keep statistical data
276 regarding the number of notices of violation issued and shall
277 communicate the data on an annual basis to the Department of
278 Transportation.

279 Section 10. No civil fine may be imposed and no
280 adjudication of liability for a civil violation may be made



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281 under this act if the operator of the vehicle was arrested or
282 was issued a citation and notice to appear by a sworn police
283 officer for a criminal violation under Article 8 of Chapter 5A
284 of Title 32, Code of Alabama 1975, or any municipal ordinance
285 that embraces or incorporates the statutes contained in that
286 article, and that occurred simultaneously with and under the
287 same set of circumstances that were recorded by the system.

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

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

301 (c) If reimbursement is fully made within the 60-day
302 period, then the cause of action shall be extinguished and no
303 attorney fees or other damages may be attached to the
304 reimbursement.

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

308 Section 12. This act shall become effective on October

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309 1, 2026.

