

# HB639 INTRODUCED



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



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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



## HB639 INTRODUCED

29 1975.

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

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

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

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

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

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

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

55 (2) At least 30 days prior to initially operating a  
56 system, make a public announcement and conduct a public









## HB639 INTRODUCED

141 c. Evidence of ownership of a vehicle as shown by  
142 copies or summaries of official records.

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

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

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

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

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





## HB639 INTRODUCED

197 or to contest liability in a timely manner is entitled to an  
198 adjudicative hearing on the alleged violation if the person:

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

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

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

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

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

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

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



## HB639 INTRODUCED

225 by trial de novo.

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

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

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

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

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

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

252 Section 7. If the evidence produced by a system does





## HB639 INTRODUCED

281           Section 9. A municipality shall keep statistical data  
282 regarding the number of notices of violation issued and shall  
283 communicate the data on an annual basis to the Department of  
284 Transportation.

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

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

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

307           (c) If reimbursement is fully made within the 60-day  
308 period, then the cause of action shall be extinguished and no



## HB639 INTRODUCED

309 attorney fees or other damages may be attached to the  
310 reimbursement.

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

314 Section 12. This act shall become effective on October  
315 1, 2026.