



**House Transportation, Utilities and Infrastructure
Reported Substitute for HB583**

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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; and to establish affirmative defenses to a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. 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.

(2) Numerous highway workers have been struck and killed in work zones due to motor vehicles traveling at high



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29 rates of speed through the work zones.

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

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

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

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

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

49 Section 3. (a) This act is enacted as a pilot program
50 and shall continue through the completion of all work done in
51 the work zone designated by the Department of Transportation,
52 unless continued by act of the Legislature.

53 (b) The Department of Transportation and Alabama State
54 Law Enforcement Agency shall collaborate to implement the
55 pilot program for one work zone conducted on the interstate
56 and shall finalize a plan for the implementation of the pilot



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

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

79 Section 4. As used in this act, the following terms
80 have the following meanings:

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

82 (2) AUTHORITY. The Alabama Toll Road, Bridge, and
83 Tunnel Authority.

84 (3) AUTOMATED PHOTOGRAPHIC SPEED ENFORCEMENT SYSTEM. A



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85 photographic speed enforcement system that is capable of
86 automatically recording digital images and speed of motor
87 vehicles.

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

92 (5) DEPARTMENT. The Alabama Department of
93 Transportation.

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

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

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

111 (7) SPEEDING VIOLATION. Any violation of a motor
112 vehicle at a speed that exceeds 10 miles per hour over the



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113 posted speed limit.

114 (8) WORK ZONE. A segment of a state, U.S., or
115 interstate highway designated by the department or the
116 authority where construction, maintenance, inspection,
117 surveying, or utility work is actively occurring and where
118 workers are present, and where official work zone signage is
119 posted.

120 Section 5. (a) The department and authority may install
121 automated photographic speed enforcement systems to monitor
122 motor vehicle activity in a work zone.

123 (b) The automated photographic speed enforcement system
124 shall be: (i) a photographic, radar, lidar, laser, or other
125 device; (ii) designed to automatically detect the speed of
126 moving motor vehicles; (iii) designed to automatically record
127 digital imaging of a motor vehicle and an image of the rear
128 license plate of a motor vehicle engaged in a speeding
129 violation; and (iv) designed to automatically record the speed
130 of a motor vehicle engaged in a speeding violation.

131 (c) The department, authority, or a third party
132 approved by the department or authority may place automated
133 photographic speed enforcement systems at work zones as
134 necessary to assure the safety of the work zone. The
135 department may adopt rules, including emergency rules, to
136 implement this section and to provide for the approval of
137 third parties under this section.

138 Section 6. (a) ALEA may use a manually operated
139 photographic speed enforcement system to monitor motor vehicle
140 activity in a work zone as necessary to assure the safety of



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141 the work zone. The system shall be operated by a law
142 enforcement officer in a manner that combines a manually
143 operated camera system that works in conjunction with an
144 electronically operated speed detection system to record
145 digital imaging of a motor vehicle that is speeding.

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

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

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

157 (2) Employees or contractors of the department or
158 authority or construction, maintenance, inspection, surveying,
159 utility, or other workers are present.

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

164 (4) Not less than two warning signs are placed at least
165 500 feet in advance of the entrance warning motorists that a
166 photographic speed enforcement system is being operated in the
167 area and that a violation will result in a fine.

168 Section 8. (a) When a motor vehicle is recorded



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169 operating in an active work zone at a speed that exceeds 10
170 miles per hour over the posted speed limit, ALEA may issue a
171 civil traffic citation to the registered owner of a motor
172 vehicle.

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

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

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

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

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

191 (2) The date, time, and location of the speeding
192 violation.

193 (3) A copy of recorded images of the vehicle involved
194 in the speeding violation.

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



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

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

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

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

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

214 (10) Any other information necessary for issuing the
215 notice.

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

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



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225 citation.

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

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

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

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

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



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

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

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

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

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

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

278 (1) The annual calibration check was performed.

279 (2) The automated photographic speed enforcement system
280 is accurately calibrated.



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281 Section 12. (a) For purposes of this act, a "speed
282 enforcement system operator" means any of the following
283 individuals who are trained and certified to operate a
284 photographic speed enforcement system:

285 (1) An employee of ALEA or county or municipal law
286 enforcement agency.

287 (2) An employee of the department or authority.

288 (3) A third party approved by the department or
289 authority to operate or install a photographic speed
290 enforcement system.

291 (b) An individual may be trained and certified to
292 operate a photographic speed enforcement system as described
293 in subsection (a) by completing training by the manufacturer
294 or vendor of the system in the following:

295 (1) Certification of automated speed enforcement
296 systems and accuracy testing.

297 (2) Image quality requirements.

298 (3) Chain of custody procedures.

299 (4) Technician training and discretion for determining
300 which violations to process.

301 (5) Vendor performance and auditing requirements.

302 (6) Requirements for issuance, service, and processing
303 of notices of violation.

304 (7) Any other requirement adopted by rule of the
305 department.

306 (c) The manufacturer or vendor of a photographic speed
307 enforcement system shall issue a certificate of training to an
308 individual who successfully completes the training required



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309 under subsection (b).

310 Section 13. (a) The reliability of a photographic speed
311 enforcement system used to produce the recorded image of the
312 speeding violation may be attested to by affidavit of a speed
313 enforcement system operator.

314 (b) An affidavit of a speed enforcement system operator
315 that alleges a violation based on an inspection of the
316 pertinent recorded image shall be admissible in a proceeding
317 under this act as evidence of the facts contained in the
318 affidavit.

319 (c) The notice of violation; the recorded and
320 reproduced images of the speeding violation, regardless of the
321 media on which they are recorded, accompanied by a
322 certification of authenticity of a speed enforcement system
323 operator; and evidence of ownership of a vehicle as shown by
324 copies or summaries of official records, shall be admissible
325 into evidence without foundation unless the court finds there
326 is an indication of untrustworthiness, in which case the
327 prosecution shall be given a reasonable opportunity to lay an
328 evidentiary foundation.

329 (d) The issue of whether an image of a license plate is
330 sufficiently clear to identify the vehicle is admissible as to
331 the weight of the evidence.

332 Section 14. (a) The owner of a motor vehicle may raise
333 any of the following as an affirmative defense to the
334 imposition of liability under this act:

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



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337 enforcement officer.

338 (2) The motor vehicle was being operated as an
339 authorized emergency vehicle.

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

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

347 (5) The person who received the notice of civil traffic
348 citation was not the owner of the motor vehicle at the time of
349 the speeding violation.

350 (6) The person who received the notice of civil traffic
351 citation was not the operator of the motor vehicle at the time
352 of the speeding violation.

353 (7) The operator of the vehicle was arrested or was
354 issued a citation and notice to appear by a law enforcement
355 officer for a traffic or criminal violation of any other
356 portion of Title 32, Code of Alabama 1975, or any other
357 municipal ordinance that embraces and incorporates the
358 statutes contained in that title, and the conduct resulting in
359 the citation occurred simultaneously with and under the same
360 set of circumstances recorded by the automated photographic
361 speed enforcement system.

362 (b) The burden of raising and establishing the
363 affirmative defense shall be on the owner of the vehicle.

364 Section 15. A final order issued under Section 10 may



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

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

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

388 Section 18. ALEA may procure the equipment and
389 technology necessary to operate a photographic speed
390 enforcement system pursuant to the state procurement law. The
391 procurement shall not be considered a contract for
392 professional services. The system may be operated using



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393 manual, handheld, or unmanned devices capable of being mounted
394 to a vehicle. ALEA shall have sole discretion on selecting a
395 vendor or vendors.

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

398 (1) Fifty percent to the Public Safety Fund of ALEA and
399 shall be used exclusively for law enforcement purposes.

400 (2) Fifty Percent to the Public Road and Bridge Fund of
401 the department and shall be used exclusively in the
402 construction, repair, maintenance, and operation of public
403 roads and bridges in this state, including public roads in
404 state parks and any toll road or toll bridge constructed by
405 the department or maintained and operated by department or
406 under its supervision.

407 Section 20. This act shall become effective
408 immediately.