

SB147 INTRODUCED



1 SB147
2 V7I81LL-1
3 By Senator Allen
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 14-Jan-26



SYNOPSIS:

This bill would establish the Alabama Construction Zone Safety Act to authorize the Alabama Department of Transportation to install an automated photographic speed enforcement system in construction zones on the public highways of the state.

This bill would also require the Alabama State Law Enforcement Agency to operate the automated photographic speed enforcement system and issue civil traffic citations to the owners of motor vehicles recorded traveling 10 or more miles per hour over the posted speed limit in a construction zone.

A BILL
TO BE ENTITLED
AN ACT

Relating to public safety; to establish the Alabama Construction Zone Safety Act; to authorize the Alabama Department of Transportation to install an automated photographic speed enforcement system in a construction zone on the public highways of the state; to authorize the Alabama State Law Enforcement Agency to operate the automated photographic speed enforcement system; to authorize the



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issuance of civil traffic citations for violations; to establish a process for contesting and appealing a citation; 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 Construction Zone Safety Act.

Section 2. As used in this act, the following terms have the following meanings:

(1) AUTOMATED PHOTOGRAPHIC SPEED ENFORCEMENT SYSTEM. A camera system that is designed to record a digital image of motor vehicles engaged in speeding violations.

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

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

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

b. The term does not include a motor vehicle displaying a dealer license plate, in which event "owner" means the person to whom the vehicle is assigned for use.

c. The term does not include the owner of any stolen



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motor vehicle, in which event "owner" means the person who is guilty of stealing the motor vehicle.

(4) SPEEDING VIOLATION. Any violation of a motor vehicle at a speed that exceeds 10 miles per hour over the posted speed limit.

Section 3. (a) The Department of Transportation may install automated photographic speed enforcement systems to monitor motor vehicle activity in construction zones on the public highways of the state.

(b) The automated photographic speed enforcement system shall be a camera system that is designed and installed to work in conjunction with an electrically operated speed detection device synchronized to automatically record digital imaging of motor vehicles. The device shall be capable of producing at least two recorded images, at least one of which is capable of clearly depicting the license plate of a motor vehicle that is speeding.

(c) The department may place automated photographic speed enforcement systems at construction zones without public notice of the specific location, may change locations without public notice, and may install and move as needed decoy devices designed to resemble photographic speeding enforcement systems.

Section 4. (a) The Alabama State Law Enforcement Agency shall operate automated photographic speed enforcement systems that are installed pursuant to Section 3 to detect and record speeding violations on the public highways of the state when all of the following are satisfied:



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(1) The moving vehicle is in a construction zone designated by the Department of Transportation or a political subdivision of the state.

(2) Construction or maintenance workers are present at the construction zone.

(3) Work zone traffic control devices, traffic controls, or warning signs are present to notify motorists of construction or maintenance workers in the area.

(b) The Alabama State Law Enforcement Agency shall issue a civil traffic citation to the registered owner of a motor vehicle that is recorded operating at a speed that exceeds 10 miles per hour over the posted speed limit in the construction zone under the conditions described in subsection (a).

(c) When a violation is recorded under Section 4, the Alabama State Law Enforcement Agency shall send to the owner of the motor vehicle, via first class United States mail, a notice of the civil traffic citation which was recorded by the automated photographic speed enforcement system while committing a speeding violation. The notice shall be sent not later than 30 days after the date the speeding violation is recorded, as follows:

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

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



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113 country.

114 (d) The notice shall contain all of the following:

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

118 (2) The date, time, and location of the speeding
119 violation.

120 (3) A copy of recorded images of the vehicle involved
121 in the speeding violation.

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

124 (5) The date by which the civil penalty must be paid.
125 For purposes of this subdivision, the Alabama State Law
126 Enforcement Agency shall require the civil penalty to be paid
127 by a date certain, not less than 60 days following issuance of
128 the notice of violation.

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

132 (7) A statement that the person has the right to
133 contest the imposition of the civil penalty in an
134 administrative adjudication and information about the manner
135 and time in which the person may contest the imposition of the
136 civil penalty.

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

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



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(10) A statement that failure to pay the civil penalty within the time allowed may result in the imposition of a late penalty not exceeding twenty-five dollars (\$25) for each month after the issuance of the order imposing the civil penalty.

(11) Any other information necessary for issuing the public notice.

(e) In lieu of issuing a notice of violation, the Alabama State Law Enforcement Agency may mail a warning notice to the registered owner. The Alabama State Law Enforcement Agency shall exercise discretion in which recorded speeding violations are prosecuted based upon the quality and legibility of the recorded image.

Section 5. (a) Failure to pay a civil penalty or to contest liability in a timely manner is an admission of liability in the full amount of the civil fine assessed in the notice of violation.

(b) Prior to the imposition of a late penalty for failure to pay or failure to contest liability, the Alabama State Law Enforcement Agency shall send a second notice to the registered owner of the vehicle. The second notice shall be sent by certified mail and shall include the information required under Section 4(d).

Section 6. (a) A speeding violation under this act shall be prosecuted by the local district attorney in the same manner as non-felony traffic infractions are prosecuted, except the burden of proof for the prosecution of the speeding violation shall be the preponderance of the evidence standard.

(b) (1) Speeding violations under this act shall be



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punished by a civil fine of two hundred dollars (\$200), which shall be collected as other civil judgments are collected. Court costs may not be assessed except as provided in subsection (c).

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

(3) The Secretary of the Alabama State Law Enforcement Agency shall not assess any points against a driver license or suspend or revoke a driver license for a speeding violation.

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

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

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

Section 7. (a) For purposes of this act, a person shall be deemed a "trained technician" if he or she is a law enforcement officer who has received instruction and training in the proper use of the automated photographic speed



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enforcement system by the manufacturer, the vendor installing the system, or the county or municipal engineer.

(b) The reliability of the photographic speed enforcement system used to produce the recorded image of the speeding violation may be attested to by affidavit of a trained technician.

(c) An affidavit of a trained technician that alleges a violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this act and is evidence of the facts contained in the affidavit.

(d) The notice of violation, the recorded and reproduced images of the speeding violation, regardless of the media on which they are recorded, accompanied by a certification of authenticity of a trained technician, and evidence of ownership of a vehicle as shown by copies or summaries of official records, shall be admissible into evidence without foundation unless the court finds there is an indication of untrustworthiness, in which case the prosecution shall be given a reasonable opportunity to lay an evidentiary foundation.

(e) 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 prosecution of traffic infractions.

Section 8. Each of the following shall be an affirmative defense to the imposition of liability under this act:

(1) The operator of the motor vehicle was acting in



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225 compliance with the lawful order or direction of a police
226 officer.

227 (2) The motor vehicle was being operated as an
228 authorized emergency vehicle.

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

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

236 (5) The presence of ice, snow, unusual amounts of rain,
237 or other unusually hazardous road conditions existed that
238 would make compliance with this act more dangerous under the
239 circumstances than noncompliance.

240 (6) The person who received the notice of civil traffic
241 citation was not the owner of the motor vehicle at the time of
242 the speeding violation.

243 Section 9. (a) A person who is found liable after an
244 adjudicative hearing may appeal that finding of civil
245 liability to the circuit court by filing a notice of appeal
246 with the clerk of the court.

247 (b) The notice of appeal must be filed not later than
248 15 days after the date on which the court entered the finding
249 of civil liability.

250 (c) The filing of a notice of appeal shall stay the
251 enforcement of the civil penalty. An appeal shall be
252 determined by the circuit court by trial de novo.



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(d) The circuit court hearing an appeal shall use the procedures that apply to criminal convictions, subject to 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 penalty, circuit court costs shall be owed by the person adjudicated responsible, with 100 percent of those court costs retained by the circuit court. Court costs in the circuit court shall be calculated as are court costs for criminal appeals, and in the event the circuit court finds the person appealing to not be responsible, no court costs shall be owed.

(3) The circuit court may assign case numbers as for criminal appeals and place the appeals on criminal dockets 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 in the circuit court.

(5) A defendant shall be entitled to representation by an attorney in the same manner as in a criminal proceeding.

Section 10. (a) In the event the evidence produced by an automated photographic speed enforcement system does not produce an image of the license plate with sufficient clarity for a trained technician to determine the identity of the owner, and if the identity cannot otherwise be reliably established, then no notice of speeding violation may be issued pursuant to this act.



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(b) If a notice of violation is issued, the issue of whether an image of a license plate is sufficiently clear to identify the vehicle is admissible as to the weight of the evidence.

Section 11. The Department of Transportation shall place traffic control devices in conformity to the most recent edition of the Traffic Engineering Handbook. There is a presumption that the department's actions are in compliance with this section unless the contrary is shown by a preponderance of the evidence.

Section 12. 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 law enforcement officer for a criminal violation of any other portion of Title 32, Code of Alabama 1975, or any other municipal ordinance that embraces and incorporates the statutes contained in that title, and which occurred simultaneously with and under the same set of circumstances recorded by the automated photographic speed enforcement system.

Section 13. All civil penalties collected under this act shall be distributed as follows:

(1) Fifty percent to the Public Safety Fund of the Alabama State Law Enforcement Agency and shall be used exclusively for law enforcement purposes.

(2) Fifty Percent to the Public Road and Bridge Fund of the Department of Transportation and shall be used exclusively



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309 in the construction, repair, maintenance, and operation of
310 public roads and bridges in this state, including public roads
311 in state parks and any toll road or toll bridge constructed by
312 the Department of Transportation or maintained and operated by
313 it or under its supervision.

314 Section 14. This act shall become effective on October
315 1, 2026.