

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



1
2
3

4 SYNOPSIS:

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

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

16

17

18 A BILL

19 TO BE ENTITLED

20 AN ACT

21

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

SB147 INTRODUCED



29 issuance of civil traffic citations for violations; to
30 establish a process for contesting and appealing a citation;
31 and to establish affirmative defenses to a violation.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. This act shall be known and may be cited as
34 the Alabama Construction Zone Safety Act.

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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.



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

217 (e) All other matters of evidence and procedure not
218 specifically addressed in this act shall be subject to the
219 rules of evidence and the rules of procedure as they apply in
220 the prosecution of traffic infractions.

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

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



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.



253 (d) The circuit court hearing an appeal shall use the
254 procedures that apply to criminal convictions, subject to the
255 following qualifications:

256 (1) The proceedings shall retain their civil nature on
257 appeal with the circuit court applying the preponderance of
258 the evidence standard.

267 (3) The circuit court may assign case numbers as for
268 criminal appeals and place the appeals on criminal dockets in
269 the same manner as criminal appeals from municipal court.

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

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



SB147 INTRODUCED

281 (b) If a notice of violation is issued, the issue of
282 whether an image of a license plate is sufficiently clear to
283 identify the vehicle is admissible as to the weight of the
284 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.

291 Section 12. No civil penalty may be imposed and no
292 adjudication of liability for a civil violation may be made
293 under this act if the operator of the vehicle was arrested or
294 was issued a citation and notice to appear by a law
295 enforcement officer for a criminal violation of any other
296 portion of Title 32, Code of Alabama 1975, or any other
297 municipal ordinance that embraces and incorporates the
298 statutes contained in that title, and which occurred
299 simultaneously with and under the same set of circumstances
300 recorded by the automated photographic speed enforcement
301 system.

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

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

SB147 INTRODUCED



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.