

SB341 INTRODUCED



1 SB341
2 L5D19WW-1
3 By Senator Carnley
4 RFD: Transportation and Energy
5 First Read: 05-Mar-26



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SYNOPSIS:

This bill would establish the Alabama Work Zone Safety Act as a pilot program subject to automatic sunset to authorize the Alabama Department of Transportation and Alabama Toll Road, Bridge, and Tunnel Authority to procure, install, and operate an automated photographic speed enforcement system in one segment of interstate highway declared to be a work zone. The Department of Transportation and Alabama State Law Enforcement Agency would be required to prepare a report that studies whether the pilot program is effective in increasing the safety of work zones.

This bill would authorize the Alabama State Law Enforcement Agency to procure and use a photographic speed enforcement device in a work zone on the public highways of the state.

This bill would establish a process for the issuance and enforcement of civil traffic citations to the owners of motor vehicles recorded exceeding 10 miles per hour over the posted speed limit in a work zone.

A BILL
TO BE ENTITLED



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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 rates of speed through the work zones.

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

(4) Speed enforcement is highly labor intensive and can even be hazardous to law enforcement officers given the



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57 physical constraints of many work zones.

58 (5) Photographic speed enforcement systems allow law
59 enforcement to successfully manage speed enforcement in a work
60 zone in a safe and cost-effective manner.

61 (6) The adoption and implementation of a photographic
62 speed enforcement system for work zones is necessary to reduce
63 severe crashes, reduce speeding, and improve safe traffic flow
64 in work zones in a state where the patrol resources alone are
65 not capable of consistent enforcement of traffic laws at a
66 level necessary to protect human life.

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

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

75 (b) The Department of Transportation and Alabama State
76 Law Enforcement Agency shall collaborate to implement the
77 pilot program for one work zone conducted on the interstate
78 and shall finalize a plan for the implementation of the pilot
79 program by October 1, 2026. The plan shall contemplate a
80 gradual rollout of the program and the promotion of driver
81 awareness of the pending use of the program in work zones. The
82 plan shall ensure that the full scale implementation and
83 enforcement of the program shall not occur sooner than
84 November 16, 2026, to ensure that the implementation of the



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85 program is phased in. To satisfy this deadline, the department
86 and ALEA may make necessary emergency procurements pursuant to
87 Sections 41-16-53 and 39-2-2, Code of Alabama 1975, and may
88 adopt emergency rules pursuant to Section 41-22-5, Code of
89 Alabama 1975, to govern the use of devices in work zones;
90 ensure adequate notice for drivers, signage rules, clear
91 protocol for installation and placement of enforcement tools;
92 provide for the use of speed detection to aid traffic law
93 enforcement; and maintain statistical data to measure the
94 effectiveness of tools on driver behavior.

95 (c) Not later than March 1, 2027, the Department of
96 Transportation and Alabama State Law Enforcement Agency shall
97 prepare an interim report to the Legislature summarizing the
98 implementation of this pilot program and shall provide data
99 measuring the effectiveness of the pilot program on creating
100 safer work zones.

101 Section 4. As used in this act, the following terms
102 have the following meanings:

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

104 (2) AUTHORITY. The Alabama Toll Road, Bridge, and
105 Tunnel Authority.

106 (3) AUTOMATED PHOTOGRAPHIC SPEED ENFORCEMENT SYSTEM. A
107 photographic speed enforcement system that is capable of
108 automatically recording digital images and speed of motor
109 vehicles.

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



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113 civil action.

114 (5) DEPARTMENT. The Alabama Department of
115 Transportation.

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

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

125 b. The term does not include any motor vehicle
126 displaying a plate that indicates the motor vehicle is being
127 operated by an individual other than the owner of the motor
128 vehicle, including a dealer license plate, a fleet plate, a
129 U.S. military plate, utility plate, government plate, federal
130 plate, or commercial motor vehicle plate, in which event
131 "owner" means the person to whom the vehicle is assigned for
132 use.

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

136 (8) WORK ZONE. A segment of a state, U.S., or
137 interstate highway designated by the department or the
138 authority where construction, maintenance, inspection,
139 surveying, or utility work is actively occurring and where
140 workers are present, and where official work zone signage is



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169 emergency rules, to implement this section and to establish
170 uniform procedures for law enforcement officers operating
171 under this act.

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

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

179 (2) Employees or contractors of the department or
180 authority or construction, maintenance, inspection, surveying,
181 utility, or other workers are present.

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

186 (4) Not less than two warning signs are placed at least
187 500 feet in advance of the entrance warning motorists that a
188 photographic speed enforcement system is being operated in the
189 area and that a violation will result in a fine.

190 Section 8. (a) When a motor vehicle is recorded
191 operating in an active work zone at a speed that exceeds 10
192 miles per hour over the posted speed limit, ALEA may issue a
193 civil traffic citation to the registered owner of a motor
194 vehicle.

195 (b) When a speeding violation is recorded, ALEA shall
196 send to the owner of the motor vehicle, via mail, a notice of



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197 the civil traffic citation which was recorded by the automated
198 photographic speed enforcement system while committing a
199 speeding violation. The notice shall be sent not later than 30
200 days after the date the speeding violation is recorded, as
201 follows:

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

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

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

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

213 (2) The date, time, and location of the speeding
214 violation.

215 (3) A copy of recorded images of the vehicle involved
216 in the speeding violation.

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

219 (5) The date by which the civil penalty must be paid.
220 For purposes of this subdivision, the Alabama State Law
221 Enforcement Agency shall require the civil penalty to be paid
222 by a date certain, not less than 60 days following issuance of
223 the notice of violation.

224 (6) A statement that the person named in the notice of



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225 violation may pay the civil penalty in lieu of appearing at an
226 administrative adjudication hearing.

227 (7) A statement that the person has the right to
228 contest the imposition of the civil penalty in an
229 administrative adjudication and information about the manner
230 and time in which the person may contest the imposition of the
231 civil penalty.

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

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

236 (10) Any other information necessary for issuing the
237 notice.

238 (11) A statement that if the registered owner is a
239 rental car company, the company has the right to provide
240 information to ALEA on which individual was rented the vehicle
241 at the time of violation. The statement shall include
242 information about how to provide the information of the
243 individual.

244 (d) In lieu of issuing a notice of violation, ALEA may
245 mail a warning notice to the registered owner. ALEA shall
246 exercise discretion in which recorded speeding violations are
247 referred to the local district attorney for prosecuting the
248 civil violation.

249 (e) In the event the evidence produced by a
250 photographic speed enforcement system does not produce an
251 image of the license plate with sufficient clarity for a speed
252 enforcement system operator to determine the identity of the



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253 owner, and if the identity cannot otherwise be reliably
254 established, then no notice of speeding violation may be
255 issued pursuant to this act.

256 Section 9. Failure to pay a civil penalty or to contest
257 liability in a timely manner is an admission of liability in
258 the full amount of the civil fine assessed in the notice of
259 violation.

260 Section 10. (a) A speeding violation under this act
261 shall be enforced by the local district attorney in the same
262 manner as non-felony traffic infractions are prosecuted,
263 except the burden of proof for the prosecution of the speeding
264 violation shall be the preponderance of the evidence standard.

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

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

272 (3) The Secretary of ALEA shall not assess any points
273 against a driver license or suspend or revoke a driver license
274 for a speeding violation.

275 (c) A person who is found liable for the speeding
276 violation after an adjudicative hearing or who requests an
277 adjudicative hearing and thereafter fails to appear at the
278 time and place of the hearing is liable for court costs and
279 fees set in addition to the amount of the civil penalty
280 assessed for the speeding violation. A person who is found



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281 liable for a speeding violation after an adjudicative hearing
282 shall pay the civil penalty and costs within 60 days of the
283 hearing.

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

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

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

293 (b) The independent calibration laboratory performing
294 the calibration shall issue a certificate of calibration for
295 the automated photographic speed enforcement system as proof
296 of both of the following:

297 (1) The annual calibration check was performed.

298 (2) The automated photographic speed enforcement system
299 is accurately calibrated.

300 Section 12. (a) For purposes of this act, a "speed
301 enforcement system operator" means any of the following
302 individuals who are trained and certified to operate a
303 photographic speed enforcement system:

304 (1) An employee of ALEA or county or municipal law
305 enforcement agency.

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

307 (3) A third party approved by the department or
308 authority to operate or install a photographic speed



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309 enforcement system.

310 (b) An individual may be trained and certified to
311 operate a photographic speed enforcement system as described
312 in subsection (a) by completing training by the manufacturer
313 or vendor of the system in the following:

314 (1) Certification of automated speed enforcement
315 systems and accuracy testing.

316 (2) Image quality requirements.

317 (3) Chain of custody procedures.

318 (4) Technician training and discretion for determining
319 which violations to process.

320 (5) Vendor performance and auditing requirements.

321 (6) Requirements for issuance, service, and processing
322 of notices of violation.

323 (7) Any other requirement adopted by rule of the
324 department.

325 (c) The manufacturer or vendor of a photographic speed
326 enforcement system shall issue a certificate of training to an
327 individual who successfully completes the training required
328 under subsection (b).

329 Section 13. (a) The reliability of a photographic speed
330 enforcement system used to produce the recorded image of the
331 speeding violation may be attested to by affidavit of a speed
332 enforcement system operator.

333 (b) An affidavit of a speed enforcement system operator
334 that alleges a violation based on an inspection of the
335 pertinent recorded image shall be admissible in a proceeding
336 under this act as evidence of the facts contained in the



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337 affidavit.

338 (c) The notice of violation; the recorded and
339 reproduced images of the speeding violation, regardless of the
340 media on which they are recorded, accompanied by a
341 certification of authenticity of a speed enforcement system
342 operator; and evidence of ownership of a vehicle as shown by
343 copies or summaries of official records, shall be admissible
344 into evidence without foundation unless the court finds there
345 is an indication of untrustworthiness, in which case the
346 prosecution shall be given a reasonable opportunity to lay an
347 evidentiary foundation.

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

351 (e) All other matters of evidence and procedure not
352 specifically addressed in this act shall be subject to the
353 rules of evidence and the rules of procedure as they apply in
354 the prosecution of traffic infractions.

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

358 (1) The operator of the motor vehicle was acting in
359 compliance with the lawful order or direction of a law
360 enforcement officer.

361 (2) The motor vehicle was being operated as an
362 authorized emergency vehicle.

363 (3) The motor vehicle was stolen or being operated by a
364 person other than the owner of the vehicle without the



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365 effective consent of the owner.

366 (4) The license plate depicted in the recorded image of
367 the speeding violation was a stolen license plate and being
368 displayed on a motor vehicle other than the motor vehicle for
369 which the license plate had been issued.

370 (5) The person who received the notice of civil traffic
371 citation was not the owner of the motor vehicle at the time of
372 the speeding violation.

373 (6) The person who received the notice of civil traffic
374 citation was not the operator of the motor vehicle at the time
375 of the speeding violation.

376 (7) The operator of the vehicle was arrested or was
377 issued a citation and notice to appear by a law enforcement
378 officer for a traffic or criminal violation of any other
379 portion of Title 32, Code of Alabama 1975, or any other
380 municipal ordinance that embraces and incorporates the
381 statutes contained in that title, and the conduct resulting in
382 the citation occurred simultaneously with and under the same
383 set of circumstances recorded by the automated photographic
384 speed enforcement system.

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

387 Section 15. (a) A person who is found liable after an
388 adjudicative hearing may appeal that finding of civil
389 liability to the circuit court by filing a notice of appeal
390 with the clerk of the court.

391 (b) The notice of appeal must be filed not later than
392 15 days after the date on which the court entered the finding



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393 of civil liability.

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

397 (d) The circuit court hearing an appeal shall use the
398 procedures that apply to criminal convictions, subject to the
399 following qualifications:

400 (1) The proceedings shall retain their civil nature on
401 appeal with the circuit court applying the preponderance of
402 the evidence standard.

403 (2) If the person is adjudicated by the circuit court
404 to be responsible for payment of the civil penalty, circuit
405 court costs shall be owed by the person adjudicated
406 responsible, with 100 percent of those court costs retained by
407 the circuit court. Court costs in the circuit court shall be
408 calculated as are court costs for criminal appeals, and in the
409 event the circuit court finds the person appealing to not be
410 responsible, no court costs shall be owed.

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

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

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

418 Section 16. The department or authority, or its
419 contractor, shall place traffic control devices in conformity
420 with a nationally recognized traffic engineering handbook,



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421 including, but not limited to, the Manual of Uniform Traffic
422 Control Devices, and the traffic control plans of the
423 department. There is a presumption that the department's
424 actions are in compliance with this section unless the
425 contrary is shown by a preponderance of the evidence.

426 Section 17. The department or authority may perform the
427 duties assigned to the department or authority under this act
428 either directly or through a contracted manufacturer or vendor
429 selected pursuant to state the procurement process and
430 operating in coordination with the department or authority.
431 Any procurements made under this act shall not be considered
432 to be a contract for professional services. The department or
433 authority shall follow the department or authority's
434 procurement procedures. The department or authority shall have
435 sole discretion on selecting a vendor or vendors.

436 Section 18. ALEA may procure the equipment and
437 technology necessary to operate a photographic speed
438 enforcement system pursuant to the state procurement law. The
439 procurement shall not be considered a contract for
440 professional services. The system may be operated using
441 manual, handheld, or unmanned devices capable of being mounted
442 to a vehicle. ALEA shall have sole discretion on selecting a
443 vendor or vendors.

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

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

448 (2) Fifty Percent to the Public Road and Bridge Fund of



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449 the department and shall be used exclusively in the
450 construction, repair, maintenance, and operation of public
451 roads and bridges in this state, including public roads in
452 state parks and any toll road or toll bridge constructed by
453 the department or maintained and operated by department or
454 under its supervision.

455 Section 20. This act shall become effective
456 immediately.