

1 HB537  
2 149904-1  
3 By Representative Payne (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 02-APR-13

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

13 Relating to the City of Center Point, Alabama, in  
14 Jefferson County; authorizing automated traffic safety law  
15 enforcement in the City of Center Point, Alabama, as a civil  
16 violation; providing certain procedures to be followed by the  
17 City using automated photographic traffic enforcement;  
18 providing that the owner of the vehicle involved in running a  
19 traffic light, stop sign, or violating the speed limit in the  
20 City of Center Point is presumptively liable for a civil  
21 violation and the payment of a specified fine, but providing  
22 procedures to contest liability; providing for jurisdiction in  
23 Jefferson County and the City of Center Point over such civil  
24 violations and allowing petitions for judicial review in the  
25 Jefferson County Circuit Court for trial de novo; creating a  
26 cause of action for any person held responsible for payment of  
27 the fine against the person who was actually operating a

1 vehicle during the commission of a civil violation defined in  
2 this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited  
5 as the "Center Point Automated Traffic Safety Act."

6 Section 2. (a) The City of Center Point, Alabama,  
7 may, by ordinance, provide for the implementation of an  
8 automated traffic safety system within the City as provided  
9 for in this act.

10 (b) The Legislature finds and declares the  
11 following:

12 (1) Vehicles that violate traffic control  
13 regulations and signage have been and are a dangerous problem  
14 in the City of Center Point, Alabama.

15 (2) Studies have found that automated traffic camera  
16 enforcement in a municipal area is a highly accurate method  
17 for detecting violations of traffic control regulations and  
18 signage and is very effective in reducing the number of  
19 traffic violations and decreasing the number of traffic  
20 accidents, deaths, and injuries.

21 (3) Current Alabama law provides that failing to  
22 stop and remain stopped at a traffic-control signal which is  
23 emitting a steady red signal is a criminal misdemeanor.  
24 Current Alabama law also provides that failing to abide by  
25 traffic signage or speed limits is also a criminal  
26 misdemeanor. Under Alabama law one who commits any of these  
27 misdemeanors is subject to prosecution only if the misdemeanor

1 was witnessed by either a duly empowered police officer or  
2 other witness who makes a verified complaint to a sworn  
3 magistrate.

4 (4) A reduction in the number of drivers exceeding  
5 speed limits and running red lights and stop signs through a  
6 program utilizing photographic evidence and enforcement  
7 through the imposition of civil fines will help promote and  
8 protect the health, safety, and welfare of the citizens of the  
9 City of Center Point. A duly enacted local act of the  
10 Legislature could grant to the City of Center Point the  
11 authority to establish a program to enforce traffic signal  
12 violations, stop sign violations, and speeding violations by  
13 the use of photographic evidence and the imposition of civil  
14 fines.

15 (5) By providing for the use of automated traffic  
16 cameras in traffic signal enforcement, stop sign enforcement,  
17 and speed limit enforcement in the City of Center Point, the  
18 Legislature expects to decrease the occurrence in the City of  
19 traffic signal violations, stop sign violations, and speeding  
20 violations.

21 Section 3. As used in this act, the following terms  
22 shall have the following meanings:

23 (1) CITY. The City of Center Point, Alabama.

24 (2) FINE. The monetary amount assessed by the City  
25 of Center Point pursuant to the ordinance authorized by this  
26 act for a determination of civil liability for a traffic  
27 signal violation, stop sign violation, or speeding violation,

1 which may include administrative hearing costs associated with  
2 the infraction.

3 (3) CIVIL VIOLATION. A violation of the provisions  
4 of the ordinance authorized by this act, the penalty for which  
5 violation shall be the payment of a fine, the enforcement of  
6 which will not be otherwise permissible.

7 (4) OWNER. The owner of a motor vehicle as shown on  
8 the motor vehicle registration records of the Alabama  
9 Department of Revenue or the analogous department or agency of  
10 another state or nation. The term shall not include motor  
11 vehicles displaying dealer license plates, in which event  
12 "owner" shall mean the person to whom the vehicle is assigned  
13 for use; nor shall the term include the owner of any stolen  
14 motor vehicle, in which event "owner" shall mean the person  
15 who is guilty of stealing the motor vehicle and who was  
16 operating the vehicle at the time of the civil violation.

17 (5) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT  
18 SYSTEM. A system that:

19 a. Consists of a still camera system and full motion  
20 video camera system (30 frames per second or greater); and

21 b. Is capable of producing at least two separate  
22 recorded images, i.e.,

23 1. An image of the rear of a vehicle prior to  
24 entering the intersection; and

25 2. An image of the rear of the vehicle showing the  
26 license plate.

1 (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

2 A system that:

3 (a) Consists of a still camera system and full  
4 motion video camera system (30 frames per second or greater)  
5 installed to work in conjunction with an electrically operated  
6 traffic control signal; and

7 (b) Is capable of producing at least three separate  
8 recorded images, i.e.,

9 1. An image of the rear of a vehicle prior to  
10 entering the intersection on a red signal.

11 2. An image of the rear of the vehicle showing the  
12 license plate; and

13 3. An image of the rear of the vehicle in or through  
14 the intersection when the red signal is visible.

15 (c) All images must be synchronized to a single time  
16 source and provide the elapsed time between the first, second,  
17 and third photographs or digital images specified in this  
18 subparagraph b.

19 (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A

20 system that:

21 (a) Has a mobile or fixed electronic speed  
22 enforcement system, or both, which is certified and in  
23 compliance with the rules of the Federal Communications  
24 Commission; and

25 (b) Is capable of producing two or more recorded  
26 images, at least one depicting the license plate attached to

1 the rear of a vehicle being operated at a speed in excess of  
2 the applicable speed limit.

3 (8) RECORDED IMAGE. An image recorded by the system  
4 depicting the rear of a vehicle which is automatically  
5 recorded as a photograph or digital image, which also depicts  
6 the recorded speed, date, location, and time of the recorded  
7 image.

8 (9) SPEED LIMIT. The established maximum speed limit  
9 on a given roadway prescribed by law.

10 (10) SPEEDING VIOLATION. Any violation of a motor  
11 vehicle at a speed that exceeds the legal maximum speed limits  
12 set forth in or adopted pursuant to Article 8, Chapter 5A,  
13 Title 32, Sections 32-5A-170 to 32-5A-178, inclusive, Code of  
14 Alabama 1975 or of any combination thereof; provided, however,  
15 that speed limits set by action of the Center Point City  
16 Council, if any, shall supersede the limits set in Article 8,  
17 Chapter 5A, Title 32, Sections 32-5A-170 to 32-5A-178,  
18 inclusive, Code of Alabama 1975. A speeding violation shall be  
19 a civil violation as defined in this act.

20 (11) STOP SIGN. A fixed sign of the type authorized  
21 by the Alabama Department of Transportation which requires a  
22 vehicle to come to a complete stop before entering the  
23 intersection.

24 (12) STOP SIGN VIOLATION. Any violation of Section  
25 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds  
26 into an intersection after failing to stop at a clearly marked

1 stop line. A stop sign violation shall be a civil violation as  
2 defined in this act.

3 (13) TRAFFIC CONTROL SIGNAL. Any device, whether  
4 manually, electrically, or mechanically operated, by which  
5 traffic is alternately directed to stop and permitted to  
6 proceed as defined in Section 32-1-1.1, Code of Alabama 1975.

7 (14) TRAFFIC SIGNAL VIOLATION. Any violation of  
8 Section 32-5A-31, Section 32-5A-32, or Section 32-5A-35, Code  
9 of Alabama 1975, or of any combination thereof, wherein a  
10 vehicle proceeds into a signalized intersection at a time  
11 while the traffic-control signal for that vehicle's lane of  
12 travel is emitting a steady red signal. A traffic signal  
13 violation shall be a civil violation as defined in this act.

14 (15) TRAINED TECHNICIAN. A sworn law enforcement  
15 officer or a person certified by the Alabama Peace Officers'  
16 Standards and Training Commission (APOSTC), employed or  
17 contracted by the City, who has received instruction and  
18 training in the proper use of the photographic traffic signal  
19 enforcement system, the photographic stop sign enforcement  
20 system, and the photographic vehicle speed enforcement system  
21 used by the City, the City's traffic engineer or the City's  
22 designee.

23 Section 4. (a) The City as provided in this act, is  
24 empowered to adopt an ordinance providing for the utilization  
25 by the City or its designee of a photographic traffic signal  
26 enforcement system, a photographic stop sign enforcement  
27 system, and a photographic vehicle speed enforcement system to



1 detect and record traffic signal violations, stop sign  
2 violations, and speeding violations in the City, to issue  
3 notices of civil violations by mail, and to collect fines for  
4 the recorded traffic signal violations, stop sign violations  
5 and speeding violations which may occur within the corporate  
6 limits of the City as provided in this act.

7 (b) (1) Fines collected pursuant to an ordinance  
8 authorized by this act for traffic signal violations and stop  
9 sign violations shall not exceed one hundred ten dollars  
10 (\$110).

11 (2) (i) Except for speeding violations that occur in  
12 school zones, fines collected pursuant to an ordinance autho-  
13 rized by this act for speeding violations shall not exceed the  
14 fines as shown in the following table. The following fine  
15 shall apply to the owner when captured by the photographic  
16 vehicle speed enforcement system where the vehicle was re-  
17 corded as traveling at the following speeds over the speed  
18 limit:

19	Speed over Speed Limit	Fine
20	5 through 10 mph	\$60
21	Greater than 10 mph through 15 mph	\$110
22	Greater than 15 mph through 20 mph	\$135
23	Greater than 20 mph	\$160

1           (ii) The fines stated above in Section 4(b)(2)(i)  
2 shall be doubled if that violation occurs and was  
3 electronically recorded within a segment of the roadway or  
4 intersection designated with signage or signals as a school  
5 zone only during school hours when school is in session and  
6 one hour before and after school hours.

7           (3) The first ten dollars (\$10) of each fine  
8 authorized by this act and collected by the City or its  
9 designee shall be paid to the Alabama Criminal Justice  
10 Information Center as compensation for record keeping with  
11 respect to violation notices issued pursuant to this act.

12           (4) Administrative hearing costs shall be assessed  
13 only in contested cases. A person who is found liable after an  
14 administrative hearing or who requests an administrative  
15 hearing and thereafter fails to appear at the time and place  
16 of the hearing shall pay the fine amount plus any late fee in  
17 addition to a thirty dollar (\$30) administrative hearing fee.  
18 If the person is found not liable at the administrative  
19 hearing, the thirty dollar (\$30) administrative hearing fee  
20 will not be assessed or any fine and fee paid related to that  
21 citation shall be refunded.

22           (c) The City or its designee may place photographic  
23 traffic signal enforcement systems, photographic stop sign  
24 enforcement systems, and photographic vehicle speed  
25 enforcement systems at locations within the City without

1 notice of the specific location and may change locations  
2 without public notice.

3 (d) The City or its designee shall post a sign or  
4 signs at each intersection at which a photographic traffic  
5 signal enforcement system or photographic stop sign  
6 enforcement system is located informing motorists that such  
7 devices are in operation at the intersection. The City or its  
8 designee shall post a sign or signs along each roadway or  
9 street at which a photographic vehicle speed enforcement  
10 system is located informing motorists that such a device is in  
11 operation.

12 (e) The City may contract with a vendor to perform  
13 services authorized by this act.

14 Section 5. (a) The City or its designee shall mail a  
15 notice of violation by U.S. mail to the owner of the motor  
16 vehicle which is recorded by the photographic traffic signal  
17 enforcement system, photographic stop sign enforcement system,  
18 or photographic vehicle speed enforcement system while  
19 committing a traffic signal violation, stop sign violation, or  
20 speeding violation. The notice shall be sent not later than  
21 the 30th day after the date the traffic signal violation, stop  
22 sign violation, or speeding violation is recorded to:

23 (1) The owner's address as shown on the registration  
24 records of the Alabama Department of Revenue; or

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

1 state or country analogous to the Alabama Department of  
2 Revenue.

3 (b) A notice of violation issued under this act  
4 shall contain the following:

5 (1) Description of the violation;

6 (2) The date, time, and location of the violation;

7 (3) A copy of a recorded image of the vehicle;

8 (4) The amount of the fine to be imposed for the  
9 violation;

10 (5) The date by which the fine must be paid;

11 (6) A statement that the person named in the notice  
12 of violation may pay the fine in lieu of appearing at an  
13 administrative hearing;

14 (7) Information that informs the person named in the  
15 notice of violation:

16 i. Of the right to contest the imposition of the  
17 fine in an administrative hearing;

18 ii. Of the manner and time in which to contest the  
19 imposition of the fine; and

20 iii. That failure to pay the fine or to contest  
21 liability is an admission of liability;

22 (8) A statement that a recorded image is evidence in  
23 a proceeding for the imposition of a fine;

24 (9) A statement that failure to pay the fine within  
25 the time allowed shall result in the imposition of a late  
26 penalty not exceeding twenty-five dollars (\$25); and

1                   (10) Any other information deemed necessary by the  
2 City or its designee.

3                   (c) A notice of violation under this act is presumed  
4 to have been received on the 10th day after the date the  
5 notice of violation is placed in the United States mail.

6                   (d) A fine imposed pursuant to this Act shall be  
7 paid within 30 days of the 10th day after the date the notice  
8 of violation is mailed.

9                   (e) It shall be within the discretion of the trained  
10 technician to determine which of the recorded traffic signal  
11 violations, stop sign violations and speeding violations are  
12 to be enforced based upon the quality and legibility of the  
13 recorded image.

14                   Section 6. (a) An Administrative Hearing Officer  
15 appointed by the Mayor of the City is vested with the power  
16 and jurisdiction to conduct administrative hearings of civil  
17 violations provided for in this act.

18                   (b) A person who receives a notice of violation may  
19 contest the imposition of the fine by submitting a request for  
20 an administrative hearing of the civil violation, in writing,  
21 within 15 days of the 10th day after the date the notice of  
22 violation is mailed. Upon receipt of a timely request, the  
23 City or its designee shall notify the person of the date and  
24 time of the administrative hearing by U.S. mail.

25                   (c) Failure to pay a fine or to contest liability in  
26 a timely manner is an admission of liability in the full  
27 amount of the fine assessed in the notice of violation.

1 (d) Any fine imposed pursuant to this Act shall not  
2 be collected if, after a hearing, the Administrative Hearing  
3 Officer appointed by the Mayor of the City enters a finding of  
4 no liability.

5 (e) If an administrative hearing is requested, the  
6 City shall have the burden of proving the traffic signal  
7 violation, stop sign violation, or speeding violation by a  
8 preponderance of the evidence. The reliability of the  
9 photographic traffic signal enforcement system or photographic  
10 stop sign enforcement system used to produce the recorded  
11 image of the violation may be attested to by affidavit of a  
12 trained technician. An affidavit of a trained technician that  
13 alleges a violation based on an inspection of the pertinent  
14 recorded image is admissible in a proceeding under this act  
15 and is evidence of the facts contained in the affidavit.

16 (f) The notice of violation, the recorded and  
17 reproduced images of the traffic signal violation, stop sign  
18 violation, or speeding violation, regardless of the media on  
19 which they are recorded, accompanied by a certification of  
20 authenticity of a trained technician, and evidence of  
21 ownership of a vehicle as shown by copies or summaries of  
22 official records shall be admissible into evidence without  
23 foundation unless the Administrative Hearing Officer finds  
24 there is an indication of untrustworthiness, in which case the  
25 City shall be given a reasonable opportunity to lay an  
26 evidentiary foundation.

1 (g) All other matters of evidence and procedure not  
2 specifically addressed in this act shall be subject to the  
3 rules of evidence and the rules of procedure as they apply in  
4 the small claims courts of this state, except that on any  
5 petition to Jefferson County Circuit Court for trial de novo,  
6 the evidence and procedures shall be as for any civil case in  
7 the district court except as otherwise provided in this act.

8 (h) A person who is found liable for a civil  
9 violation pursuant to this Act after an administrative hearing  
10 or who requests a hearing and thereafter fails to appear at  
11 the time and place of the hearing is liable for administrative  
12 hearing costs and fees set out herein in addition to the  
13 amount of the fine assessed for the violation. A person who is  
14 found liable for a civil violation after an administrative  
15 hearing shall pay the fine and costs within 10 days of the  
16 hearing.

17 (i) Whenever payment of a fine is owed to the City,  
18 the amount of the fine as set by ordinance may not be  
19 increased, decreased, or abated by the City, and the liability  
20 may be satisfied only by payment.

21 (j) It shall be an affirmative defense to the  
22 imposition of civil liability under this act, to be proven by  
23 a preponderance of the evidence, that:

24 (1) The traffic control signal was not in proper  
25 position and sufficiently visible to an ordinarily observant  
26 person;

1 (2) The operator of the motor vehicle was acting in  
2 compliance with the lawful order or direction of a police  
3 officer;

4 (3) The operator of the motor vehicle violated the  
5 instructions of the traffic control signal so as to yield the  
6 right-of-way to an immediately approaching authorized  
7 emergency vehicle;

8 (4) The motor vehicle was being operated as an  
9 authorized emergency vehicle under Sections 32-5A-7 and  
10 32-5-213 of the Code of Alabama 1975, and that the operator  
11 was acting in compliance with those chapters;

12 (5) The motor vehicle was stolen or being operated  
13 by a person other than the owner of the vehicle without the  
14 effective consent of the owner;

15 (6) The license plate depicted in the recorded image  
16 of the violation was a stolen plate and being displayed on a  
17 motor vehicle other than the motor vehicle for which the plate  
18 had been issued;

19 (7) The presence of ice, snow, unusual amounts of  
20 rain, or other unusually hazardous road conditions existed  
21 that would make compliance with this act more dangerous under  
22 the circumstances than noncompliance; or

23 (8) There was no sign installed as required by this  
24 act near the location at which the violation allegedly  
25 occurred warning that a photographic traffic signal  
26 enforcement system was being used.



1           (k) To establish that at the time of the violation  
2 the motor vehicle was a stolen vehicle or the license plate  
3 displayed on the motor vehicle was a stolen plate, the owner  
4 must submit proof acceptable to the hearing officer that the  
5 theft of the vehicle or license plate, prior to the time of  
6 the violation or promptly following the theft, had been timely  
7 reported to the appropriate law enforcement agency.

8           (1) No person who is the lessor of a motor vehicle  
9 pursuant to a written lease agreement shall be liable for a  
10 photographic stop sign traffic enforcement system,  
11 photographic vehicle speed enforcement system, or photographic  
12 traffic signal enforcement system violation involving such  
13 motor vehicle during the period of the lease, provided that  
14 upon request of the City or its designee received within (60)  
15 days after the violation occurred the lessor provides within  
16 (30) days after receipt of such request the name and address  
17 of the lessee. The driver's license number of the lessee may  
18 be subsequently specifically requested by the City or its  
19 designee if needed for enforcement of this Act. Upon the  
20 provision by the lessor of information as described in this  
21 subsection, the City or its designee may issue the notice of  
22 violation to the lessee of the vehicle in the same manner it  
23 would issue a violation to an owner pursuant to Section 5 of  
24 this Act, except that the notice will be sent no later than 30  
25 days after receiving the lessee's information from the lessor.  
26 The lessee may be held liable for the violation in the same  
27 manner that an owner may be held liable pursuant hereto.

1 (m) Notwithstanding anything in this act to the  
2 contrary, a person who fails to pay the amount of a fine or to  
3 contest liability in a timely manner is nevertheless entitled  
4 to an administrative hearing on the violation if:

5 (1) The person files a sworn affidavit with the  
6 hearing officer stating the date on which the person received  
7 the notice of violation that was mailed to the person, if such  
8 notice was not received by the 10th day after same was mailed  
9 as set out in subsection (a) of Section 5; or

10 (2) Within 15 days of the date of actual receipt of  
11 such notice, such person requests an administrative hearing.

12 Section 7. (a) Following an administrative hearing,  
13 the Administrative Hearing Officer shall issue an order  
14 stating:

15 (1) Whether the person charged with the civil  
16 violation is liable for the violation; and

17 (2) If the person is found to be liable, the amount  
18 of the fine assessed against the person, along with the fees  
19 and costs provided for herein.

20 (b) Orders issued under this section may be filed in  
21 the office of the Judge of Probate in any county in Alabama,  
22 and shall operate as a judicial lien in the same manner and  
23 with the same weight and effect as any other civil judgment  
24 filed therein.

25 (c) A person who is found liable after an  
26 administrative hearing may challenge that finding of civil  
27 liability in the Jefferson County Circuit Court, by filing a

1 petition for judicial review with the Jefferson County Circuit  
2 Court. The petition for judicial review must be filed not  
3 later than the 14th day after the date on which the  
4 Administrative Hearing Officer entered the finding of civil  
5 liability. The filing of a petition for judicial review shall  
6 stay the enforcement of the fine. After a petition for  
7 judicial review has been filed, civil liability will be  
8 determined by the circuit court by trial de novo pursuant to  
9 the jurisdiction granted in Section 12-11-30, Code of Alabama  
10 1975.

11 Section 8. The circuit court hearing a petition for  
12 judicial review shall utilize the procedures applicable to  
13 proceedings in the Jefferson County District Court with the  
14 following qualifications:

15 (1) The proceedings shall retain their civil nature  
16 with the circuit court applying the preponderance of the  
17 evidence standard;

18 (2) If the person is adjudicated by the circuit  
19 court to be responsible for payment of the fine, circuit court  
20 costs shall be owed by the person adjudicated responsible,  
21 with 100 percent of those court costs collected to be retained  
22 by the circuit court, which costs shall be calculated in the  
23 same manner as court costs for criminal appeals from the  
24 Jefferson County District Court, provided that, in the event  
25 the circuit court finds the person petitioning for judicial  
26 review to not be responsible, any fine or fee paid, related to  
27 that citation, shall be refunded by the City;

1           (3) Regardless of the civil nature of the  
2 proceedings, the circuit court may assign case numbers as for  
3 criminal appeals or civil appeals and place the appeals on  
4 criminal dockets in the same manner as criminal appeals from  
5 the Jefferson County District Court or on civil dockets in the  
6 same manner as civil appeals from the Jefferson County  
7 District Court;

8           (4) The circuit court shall sit as trier of both  
9 fact and law in the civil proceedings in the circuit court;  
10 and

11           (5) The City shall be responsible for providing an  
12 attorney to represent the City in the circuit court  
13 proceedings.

14           Section 9. In the event the evidence produced by a  
15 photographic traffic signal enforcement system, a photographic  
16 stop sign enforcement system or a photographic vehicle speed  
17 enforcement system does not produce an image of the license  
18 plate with sufficient clarity for a trained technician to  
19 determine the identity of the owner, and if the identity  
20 thereof cannot otherwise be reliably established, then no  
21 notice of violation may be issued pursuant to this act. If,  
22 however, a notice of violation is issued, to the degree  
23 constitutionally allowed, those issues related to the identity  
24 of the vehicle or its owner shall affect the weight to be  
25 accorded the evidence and shall not affect its admissibility.

26           Section 10. The City may provide by ordinance that  
27 late fees not exceeding twenty-five dollars (\$25) shall attach

1 to untimely paid fines that are authorized pursuant this act  
2 and imposed pursuant hereto. No person may be arrested or  
3 incarcerated for nonpayment of a fine or late fee. No record  
4 of an adjudication of civil violation made under this act  
5 shall be listed, entered, or reported on any criminal record  
6 or driving record, whether the record is maintained by the  
7 City or an outside agency. An adjudication of civil violation  
8 provided for in this act shall not be considered a conviction  
9 for any purpose, shall not be used to increase or enhance  
10 punishment for any subsequent offense of a criminal nature,  
11 shall not be considered a moving violation, and shall not be  
12 used by any insurance company to determine or affect premiums  
13 or rates. The fact that a person is held liable or responsible  
14 for a fine for a traffic signal violation, stop sign violation  
15 or speeding violation shall not be used as evidence that the  
16 person was guilty of negligence or other culpable conduct, and  
17 as evidence in any other proceedings if it is or becomes  
18 admissible under the rules of evidence applicable therein.

19 Section 11. The City is authorized to file civil  
20 actions to enforce the provisions of an ordinance authorized  
21 by this act, including but not limited to pursuing collection  
22 actions to obtain judgments for unpaid fines, fees or both,  
23 imposed under an ordinance authorized by this act, by lawful  
24 means to secure payments of the same.

25 Section 12. (a) The City shall keep statistical data  
26 regarding the effectiveness of photographic traffic signal  
27 enforcement systems or photographic stop sign enforcement

1 systems in reducing traffic-control device violations and  
2 intersectional collisions and shall communicate the data on an  
3 annual basis to the Alabama Department of Transportation and  
4 the Alabama Criminal Justice Information Center.

5 (b) The City shall keep statistical data regarding  
6 the effectiveness of automated photographic speeding  
7 enforcement systems in reducing speeding violations and  
8 collisions and shall communicate the data on an annual basis  
9 to the Alabama Department of Transportation and the Alabama  
10 Criminal Justice Information Center.

11 Section 13. The placement of control devices in the  
12 City and timing of yellow lights and red light clearance  
13 intervals shall conform to the most recent edition of the  
14 Traffic Engineering Handbook. It shall be presumed that such  
15 devices and timing are in compliance with this section unless  
16 the contrary is shown by a preponderance of the evidence.

17 Section 14. No fine may be imposed and no  
18 adjudication of liability for a civil violation may be made  
19 under this act if the operator of the vehicle was arrested or  
20 was issued a citation and notice to appear by a sworn police  
21 officer for a criminal violation of any portion of Article 2,  
22 Chapter 5A, Title 32, including, but not limited to, Sections  
23 32-5A-31, 32-5A-34, and 32-5A-35, Code of Alabama 1975, or any  
24 other municipal ordinance which embraces and incorporates the  
25 statutes contained in that article, and which occurred  
26 simultaneously with and under the same set of circumstances  
27 that were recorded by the photographic traffic signal

1 enforcement system, the photographic stop sign enforcement  
2 system, or the photographic vehicle speed enforcement system.

3 Section 15. Any person against whom a determination  
4 of liability for a civil violation is made pursuant to an  
5 ordinance authorized by this act, and who actually pays the  
6 fine imposed thereby shall have a cause of action against any  
7 person who may be shown to have been operating the vehicle  
8 recorded at the time of the violation for the amount of the  
9 fine actually paid plus any consequential or compensatory  
10 damages and a reasonable attorney fee, without regard to the  
11 rules regarding joint and several liability, contribution, or  
12 indemnity provided, however, that as a condition precedent to  
13 the bringing of a civil action, that the person held  
14 responsible for payment of a fine must first make written  
15 demand on the other person for reimbursement of the fine,  
16 giving a minimum of 60 days to remit payment, and if  
17 reimbursement is fully made within the 60-day period then the  
18 cause of action shall be extinguished and no attorney fees or  
19 other damages shall attach to the reimbursement. Any cause of  
20 action brought pursuant to this section must be commenced  
21 within two years from the date of the payment of the fine for  
22 a traffic signal violation, stop sign violation or speeding  
23 violation.

24 Section 16. Under no circumstances shall the salary  
25 or other compensation of the trained technician be related to  
26 the number of notices of violation issued or amount of fines  
27 collected.

1                   Section 17. Nothing in this act shall be construed  
2 as invoking the provisions of the Alabama Administrative  
3 Procedure Act, Sections 41-22-1 et seq., Code of Alabama 1975.

4                   Section 18. The provisions of this act are  
5 severable. If any part of this act is declared invalid or  
6 unconstitutional, that declaration shall not affect the part  
7 which remains.

8                   Section 19. This act shall become effective on the  
9 first day of month following the expiration of 60 days after  
10 its approval by the Governor, or its otherwise becoming law.