

1 HB511
2 126173-3
3 By Representative Payne (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 14-APR-11

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ENROLLED, An Act,

Relating to the City of Center Point, Alabama, in Jefferson County; to provide for camera automated civil enforcement of violations of red lights, stop signs, and speeding to be administered and enforced by the Jefferson County Sheriff or a qualified contractor; to provide for the issuance of notices of violations; to provide for civil fines and late fees for violations; to provide for an administrative adjudication hearing by the city through a hearing officer appointed by the mayor; to provide for affirmation defenses of civil liability; to provide for orders issued by the hearing officer; to provide that a civil penalty does not constitute a criminal conviction; to create a traffic safety account for receiving administrative fines and the expenditure of account funds for operational costs of vendor operators and other purposes; to provide definitional terms; and to provide for appeals of orders of the hearing officer in the District Court of Jefferson County to be heard in the same manner as a small claims action.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. PART I. Red Light and Stop Sign Enforcement.

The Center Point City Council finds the following:

1 (1) There has been a high incidence of drivers
2 disregarding or "running" red lights and stop signs at street
3 intersections.

4 (2) Red light and stop sign running endangers motor
5 vehicle operators and pedestrians alike by decreasing the
6 efficiency of traffic control and traffic flow efforts and by
7 increasing the number of serious traffic crashes to which
8 public safety agencies must respond at the expense of the
9 taxpayers.

10 (3) A reduction in the running of red lights and
11 stop signs through a program utilizing photographic evidence
12 and enforcement through the imposition of civil penalties will
13 help promote and protect the health, safety, and welfare of
14 the citizens of the City of Center Point. A duly enacted local
15 act of the Legislature would grant to the City of Center Point
16 the authority to establish a program of enforcement of red
17 light and stop sign running by the use of photographic
18 evidence and the imposition of civil penalties.

19 Section 2. For purposes of Sections 3 to 8,
20 inclusive, of this act, the following definitions shall apply:

21 (1) CITY COUNCIL. The governing body of the City of
22 Center Point.

23 (2) DEPARTMENT. The Jefferson County Sheriff's
24 Department, its successor, or an authorized representative of
25 the city as appointed by the mayor.

1 (3) DIRECTOR. The Jefferson County Sheriff, or his
2 or her designee.

3 (4) INTERSECTION. The place or area where two or
4 more streets intersect.

5 (5) OWNER. The owner of a motor vehicle as shown on
6 the motor vehicle registration records of the Alabama
7 Department of Public Safety, Office of Motor Vehicles, or the
8 analogous department or agency of another state or country.

9 (6) PHOTOGRAPHIC RED LIGHT TRAFFIC SIGNAL
10 ENFORCEMENT SYSTEM OR SYSTEM. A system that:

11 a. Consists of a still camera system and full motion
12 video camera system (30 frames per second or greater)
13 installed to work in conjunction with an electrically operated
14 traffic control signal.

15 b. Is capable of producing at least three separate
16 recorded images:

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

19 2. An image of the rear of the vehicle showing the
20 license plate.

21 3. An image of the rear of the vehicle in or through
22 the intersection with the red signal visible that is not
23 operated in compliance with the red displays of the traffic
24 control signal.

1 c. All images must be synchronized to a single time
2 source and provide the elapsed time between the first, second,
3 and third photographs or digital images specified in paragraph
4 b.

5 (7) PHOTOGRAPHIC STOP SIGN TRAFFIC ENFORCEMENT
6 SYSTEM OR SYSTEM. A system that:

7 a. Consists of a still camera system and full motion
8 video camera system (30 frames per second or greater).

9 b. Is capable of producing at least two separate
10 recorded images:

11 1. An image of the rear of a vehicle prior to
12 entering the intersection.

13 2. An image of the rear of the vehicle showing the
14 license plate.

15 (8) RECORDED IMAGE. An image recorded by a
16 photographic traffic monitoring system depicting the rear of a
17 motor vehicle that is automatically recorded as a photograph
18 or digital image.

19 (9) SYSTEM LOCATION. The approach to an intersection
20 where a photographic traffic signal or stop sign enforcement
21 system is directed and in operation.

22 (10) TRAFFIC CONTROL SIGNAL. A traffic control
23 device displaying alternating red, amber, and green lights
24 directing traffic when to stop at or proceed through an
25 intersection.

1 (11) STOP SIGN. A fixed sign of the type authorized
 2 by the Alabama Department of Transportation which requires a
 3 vehicle to come to a complete stop before entering the
 4 intersection.

5 Section 3. (a) In Center Point, Alabama, in
 6 Jefferson County it is unlawful for a vehicle to fail to stop
 7 at an intersection when the traffic control signal for that
 8 vehicle's direction of travel is emitting a steady red signal
 9 or to enter into an intersection controlled by a stop sign
 10 without coming to a complete stop prior to entering the
 11 intersection.

12 (b) An owner of a motor vehicle is liable for a
 13 civil penalty of one hundred dollars (\$100) if he or she
 14 violates subsection (a).

15 (c) An owner who fails to timely pay a civil penalty
 16 pursuant to this act shall be subject to a late payment
 17 penalty of twenty-five dollars (\$25) in addition to the
 18 original violation penalty.

19 Section 4. (a) The department is responsible for the
 20 enforcement and administration of this act. The department may
 21 enforce and administer this act, or any parts thereof, through
 22 a contractor selected in accordance with applicable law. If
 23 the department uses a contractor for any portion of the
 24 enforcement or administration of this act, the contractor
 25 shall meet the following minimum criteria that the contractor:

1 (1) Must be able to demonstrate three years of
2 continuous operations of similar digital photo enforcement
3 programs in jurisdictions in the United States.

4 (2) Must have three years of audited financials that
5 show acceptable profitability.

6 (3) Must have sufficient financial resources to
7 perform the contract or provide the services.

8 (4) Must be able to provide a performance bond
9 comparable to the scope of the photo enforcement program.

10 (b) The actions which may be used to enforce the
11 payment of this civil penalty and related fees may consist of,
12 but not be limited to, immobilization of vehicles (booting),
13 reporting the unpaid or delinquent debt to collection
14 agencies/credit reporting agencies, or initiating actions
15 through the small claims court, or any combination thereof.

16 (c) In order to impose a civil penalty under
17 Sections 3 through 8 of this act, the department shall mail a
18 notice of violation to the owner of the motor vehicle liable
19 for the civil penalty not later than the 14th calendar day
20 inclusive of legal holidays and weekends after the date the
21 violation is alleged to have occurred.

22 (d) A notice of violation issued under this act
23 shall contain the following:

24 (1) A description of the violation alleged.

25 (2) The date, time, and location of the violation.

1 (3) A copy of a recorded image of the vehicle
2 involved in the violation.

3 (4) The amount of the civil penalty to be imposed
4 for the violation.

5 (5) The date by which the civil penalty must be
6 paid.

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

10 (7) The following information informing the person
11 named in the notice of violation:

12 a. Of the right to contest the imposition of the
13 civil penalty in an administrative adjudication.

14 b. Of the manner and time in which to contest the
15 imposition of the civil penalty.

16 c. That failure to pay the civil penalty or to
17 contest liability is a waiver of the right to appeal.

18 (8) A statement that a recorded image is evidence in
19 a proceeding for the imposition of a civil penalty.

20 (9) A statement indicating failure to pay the civil
21 penalty within the time allowed shall result in the imposition
22 of an additional late penalty for each violation.

23 (10) Any other information deemed necessary by the
24 department.

1 (e) A notice of violation under this act is presumed
2 to have been received on the 10th calendar day inclusive of
3 weekends and legal holidays after the date the notice of
4 violation is mailed.

5 (f) Once an intersection has been equipped with a
6 system, the city council shall adopt by resolution a date for
7 the department to begin issuing civil citations. Prior to this
8 established date, the department ~~may~~ shall issue warning
9 notices of the alleged violations as part of an education or
10 public notification effort and display easily readable signage
11 that cameras are present on stop signs and red lights and in
12 speeding zones.

13 Section 5. (a) A person who receives a notice of
14 violation may contest the imposition of the civil penalty by a
15 request in writing for an administrative adjudication of the
16 civil penalty within 30 calendar days inclusive of weekends
17 and legal holidays after receipt of the notice of violation.
18 Upon receipt of a timely request, the department shall notify
19 the person of the date and time of the administrative
20 adjudication hearing.

21 (b) Administrative adjudications of violations of
22 this act shall be conducted by a hearing officer appointed by
23 the mayor. In conducting administrative adjudications of
24 violations of Section 3, the hearing officer shall have the
25 powers and duties conferred by this act.

1 (c) Failure to pay a civil penalty or to contest
2 liability in a timely manner is a waiver of the right to
3 appeal under subsection (i).

4 (d) The civil penalty shall not be assessed if,
5 after a hearing, the hearing officer enters a finding of no
6 liability.

7 (e) In an administrative adjudication hearing, the
8 issues must be proved at the hearing by a preponderance of the
9 evidence. The reliability of the system used to produce the
10 recorded image of the violation may be attested to in an
11 administrative adjudication hearing by affidavit of an officer
12 or the department and a representative of any contractor
13 engaged by the city. An affidavit from a sworn law enforcement
14 officer or from the department that alleges a violation based
15 on an inspection of the pertinent recorded image is admissible
16 in a proceeding under this act and is evidence of the facts
17 contained in the affidavit.

18 (f) A person who is found liable after an
19 administrative adjudication hearing or who requests an
20 administrative adjudication hearing and thereafter fails to
21 appear at the time and place of the hearing shall pay the fine
22 amount plus any late fee in addition to a thirty dollar (\$30)
23 adjudication hearing administrative fee. If the person is
24 found not liable at the administrative adjudication hearing,
25 the thirty dollar (\$30) adjudication hearing administrative

1 fee will not be assessed or any penalty and fee paid related
2 to that citation shall be refunded.

3 (g) Any of the following shall be an affirmative
4 defense to the imposition of civil liability under this act,
5 to be proven by a preponderance of the evidence, that:

6 (1) The traffic control signal was not in proper
7 position and sufficiently legible to an ordinarily observant
8 person.

9 (2) The operator of the motor vehicle was acting in
10 compliance with the lawful order or direction of a law
11 enforcement or public safety officer.

12 (3) The operator of the motor vehicle violated the
13 instructions of the traffic control signal so as to yield the
14 right-of-way to an immediately approaching authorized
15 emergency vehicle.

16 (4) The motor vehicle was being legally operated as
17 an authorized emergency vehicle and the operator was acting in
18 compliance with the laws of this state.

19 (5) The motor vehicle was being operated by a person
20 other than the owner of the vehicle without the effective
21 consent of the owner.

22 (6) The license plate depicted in the recorded image
23 of the violation was a stolen plate and being displayed on a
24 motor vehicle other than the motor vehicle for which the plate
25 had been issued.

1 (7) The presence of ice, snow, unusual amounts of
2 rain or other unusually hazardous road conditions existed that
3 would make compliance with this act more dangerous under the
4 circumstances than noncompliance.

5 (8) The person who received the notice of violation
6 was not the owner of the motor vehicle at the time of the
7 violation.

8 (9) At the time of the violation, the motor vehicle
9 was a stolen vehicle or the license plate displayed on the
10 motor vehicle was a stolen plate, which must include proof
11 acceptable to the hearing officer that the theft of the
12 vehicle or license plate had been timely reported to the
13 appropriate law enforcement agency.

14 (h) Notwithstanding anything in this act to the
15 contrary, a person who fails to pay the civil penalty or to
16 contest liability in a timely manner is entitled to an
17 administrative adjudication hearing on the violation if the
18 person meets the following requirements:

19 (1) The person files an affidavit with the hearing
20 officer stating the date on which the person received the
21 notice of violation mailed to the person.

22 (2) The person files a request for an administrative
23 adjudication hearing within 30 days from the date of receipt
24 of the notice of violation, as stated in the affidavit.

1 (i) The decision of the hearing officer shall be the
2 final decision by the city council. A person or persons
3 aggrieved by a decision may file a petition for judicial
4 review to the District Court of Jefferson County within 30
5 days after the date of entry of the decision. The district
6 court shall conduct the appeal in the same manner as the court
7 hears a small claims civil action.

8 Section 6. (a) The hearing officer at any
9 administrative adjudication hearing under this act shall issue
10 an order stating the following:

11 (1) Whether the person charged with the violation is
12 liable for the violation.

13 (2) The amount of any civil penalty, late penalty,
14 and administrative adjudication hearing cost assessed against
15 the person.

16 (b) The orders issued under subsection (a) may be
17 filed with the office of the hearing officer. The hearing
18 officer shall keep the orders in a separate index and file.
19 The orders may be recorded using microfilm, microfiche, or
20 other data processing techniques.

21 Section 7. (a) The imposition of a civil penalty
22 under Part I or Part II, or both, of this act shall not be
23 considered a criminal conviction.

24 (b) A civil penalty may not be imposed under this
25 act upon the owner of a motor vehicle if the operator of the

1 vehicle was arrested or was issued a citation and notice to
 2 appear by a law enforcement or public safety officer as a
 3 violation of Title 32 of the Code of Alabama 1975, if such
 4 violation was captured by the system.

5 (c) The city attorney of Center Point is authorized
 6 to file suit to enforce collection of unpaid fines or related
 7 fees and penalties by any lawful means to secure such
 8 payments.

9 Section 8. The penalties, fines, and fees collected
 10 from the imposition of civil liability under Part I and Part
 11 II of this act shall be deposited into the Center Point
 12 Traffic Safety Fund Account established by the city council.
 13 Funds deposited into the account shall be expended first for
 14 the costs of the system for payment to the vendor/operator of
 15 the system, public relations, and general implementation of
 16 the program. The remaining funds shall be used for the
 17 following purposes, including, but not limited to, traffic or
 18 pedestrian public safety programs, intersection safety
 19 improvements, driver education, police officers dedicated to
 20 traffic safety, or projects or programs subject to the joint
 21 written determination by the Mayor of the City of Center Point
 22 and the director, but only if such expenditures are public
 23 safety related.

24 Section 9. PART II. Speeding Enforcement.

25 The Center Point City Council finds as follows:

1 (1) There has been a high incidence of drivers
2 disregarding speed limits on streets and at street
3 intersections.

4 (2) Exceeding the speed limit endangers vehicle
5 operators and pedestrians alike by decreasing the efficiency
6 of traffic control and homogeneous traffic flow and by
7 increasing the number of serious traffic crashes to which
8 public safety agencies must respond at the expense of the
9 taxpayers.

10 (3) A reduction in the number of drivers exceeding
11 speed limits through a program utilizing photographic evidence
12 and enforcement through the imposition of civil penalties will
13 help promote and protect the health, safety, and welfare of
14 the citizens of the City of Center Point.

15 Section 10. For purposes of Sections 11 to 16,
16 inclusive, of this act, the following definitions shall apply:

17 (1) CITY COUNCIL. The City Council of the City of
18 Center Point.

19 (2) DEPARTMENT. The Jefferson County Sheriff's
20 Department, its successor, or an authorized representative of
21 the city as appointed by the mayor.

22 (3) DIRECTOR. The Jefferson County Sheriff, or his
23 or her designee.

24 (4) INTERSECTION. The place or area where two or
25 more streets intersect.

1 (5) OWNER. The owner of a vehicle as shown on the
2 motor vehicle registration records of the Alabama Department
3 of Public Safety, Office of Motor Vehicles, or the analogous
4 department or agency of another state or county.

5 (6) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM OR
6 SYSTEMS. A system meeting the following requirements:

7 a. The system has a mobile or fixed electronic speed
8 enforcement system, or both, which is certified and in
9 compliance with the FCC.

10 b. The system is capable of producing at least two
11 recorded images depicting the license plate attached to the
12 rear of a vehicle being operated at a speed in excess of the
13 speed limit.

14 (7) RECORDED IMAGE. An image recorded by the system
15 depicting the rear of a vehicle which is automatically
16 recorded on a photograph or digital image, which also depicts
17 the recorded speed, date, location, and time of the recorded
18 image.

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

21 (9) SYSTEM LOCATION. The approach to an intersection
22 toward which a photographic traffic vehicle speed enforcement
23 system is directed and in operation or a segment of roadway on
24 which a vehicle speed enforcement system is in operation.

1 Section 11. (a) In addition to the findings of
 2 Section 9, the city council further finds and determines a
 3 vehicle traveling over the speed limit for the vehicle's
 4 direction of travel damages the public by endangering vehicle
 5 operators and pedestrians alike, by increasing the number of
 6 serious traffic crashes to which public safety agencies must
 7 respond at the expense of the taxpayers, therefore decreasing
 8 the efficiency of traffic control and traffic flow efforts.

9 (b) The owner of a vehicle is liable for a civil
 10 penalty as shown in the following table if the vehicle is
 11 traveling at a speed in miles per hour (mph) greater than the
 12 speed limit as shown in the following table at a system loca-
 13 tion. The following civil penalties shall apply to the owner
 14 when captured by the system where the vehicle was recorded as
 15 traveling at the following speeds over the speed limit:

Speed Over Speed Limit	Civil Penalty
5 through 10 mph	\$50
Greater than 10 mph through 15 mph	\$100
Greater than 15 mph through 20 mph	\$125
Greater than 20 mph	\$150

1 (c) The civil penalty for "speed over speed limit"
2 as stated above shall double for violations of this act when
3 that violation occurs and was electronically recorded within a
4 segment of the roadway or intersection designated with signage
5 or signals as a school zone only during school hours when
6 school is in session and one hour before and after school
7 hours.

8 (d) An owner who fails to timely pay a civil penalty
9 pursuant to this act shall be subject to an additional late
10 payment penalty of twenty-five dollars (\$25) in addition to
11 the original violation penalty.

12 Section 12. (a) The department is responsible for
13 the enforcement and administration of Sections 11 through 16.
14 The department may enforce and administer Sections 11 through
15 16, or any parts thereof, through one or more contractors
16 selected in accordance with applicable law. The actions which
17 can be used to enforce the payment of this civil penalty and
18 related fees may consist of, but not be limited to,
19 immobilization of vehicles (booting), reporting an unpaid or
20 delinquent debt to collection agencies and credit reporting
21 agencies, or initiating actions through the small claims
22 court.

23 (b) In order to impose a civil penalty under this
24 act, the department shall mail a notice of violation to the

1 owner of the vehicle liable for the civil penalty not later
2 than the 30th calendar day inclusive of weekends and legal
3 holidays after the date the violation is alleged to have
4 occurred.

5 (c) A notice of violation issued under this act
6 shall contain the following information:

7 (1) A description of the violation alleged.

8 (2) The date, time, and location of the violation.

9 (3) A copy of a recorded image of the vehicle
10 involved in the violation.

11 (4) The amount of the civil penalty to be imposed
12 for the violation.

13 (5) The date by which the civil penalty must be
14 paid.

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

18 (7) Information informing the person named in the
19 notice of violation:

20 a. Of the right to contest the imposition of the
21 civil penalty in an administrative adjudication hearing.

22 b. Of the manner and time in which to contest the
23 imposition of the civil penalty.

24 c. That failure to pay the civil penalty or to
25 contest liability is a waiver of the right to appeal.

1 (8) A statement that a recorded image is evidence in
2 a proceeding for the imposition of a civil penalty.

3 (9) A statement indicating failure to fully pay the
4 civil penalty within the time allowed shall result in the
5 imposition of an additional late penalty of twenty-five
6 dollars (\$25) for each violation.

7 (10) Any other information deemed necessary by the
8 department.

9 (d) A notice of violation under Sections 11 through
10 16 of this act is presumed to have been received on the 10th
11 calendar day inclusive of weekends and legal holidays after
12 the date the notice of violation is mailed.

13 (e) Once a system has been installed or becomes
14 operational, or both, the city council shall adopt by
15 resolution a date for the department to begin issuing civil
16 citations. Prior to this established date, the department ~~may~~
17 shall issued warning notices of the alleged violations as part
18 of an education/public notification effort and display easily
19 readable signage that cameras are present on stop signs and
20 red lights and in speeding zones.

21 Section 13. (a) A person who receives a notice of
22 violation may contest the imposition of the civil penalty by a
23 request in writing for an administrative adjudication hearing
24 of the civil penalty within 30 calendar days inclusive of
25 weekends and legal holidays after receipt of the notice of

1 violation. Upon receipt of a timely request, the department
2 shall notify the person of the date and time of the
3 administrative adjudication hearing.

4 (b) Administrative adjudications hearings of
5 violations of Sections 11 through 16 of this act shall be
6 conducted by a hearing officer appointed by the mayor. In
7 conducting administrative adjudications hearings of violations
8 of this act, the hearing officer shall have the powers and
9 duties conferred by this act.

10 (c) Failure to pay a civil penalty or to contest
11 liability in a timely manner is a waiver of the right to
12 appeal under this act.

13 (d) The civil penalty shall not be assessed if,
14 after a hearing, the hearing officer enters a finding of no
15 liability.

16 (e) In an administrative adjudication hearing, the
17 issues must be proved at the hearing by a preponderance of the
18 evidence. The reliability of the system used to produce the
19 recorded image of the violation may be attested to in an
20 administrative adjudication hearing by affidavit of an officer
21 or the department and a representative of any contractor
22 engaged by the city. An affidavit from a sworn law enforcement
23 officer or from the department that alleges a violation based
24 on an inspection of the pertinent recorded image is admissible

1 in a proceeding under this act and is evidence of the facts
2 contained in the affidavit.

3 (f) A person who is found liable after an
4 administrative adjudication hearing or who requests an
5 administrative adjudication hearing and thereafter fails to
6 appear at the time and place of the hearing shall pay the fine
7 amount plus any late fee in addition to a thirty dollar (\$30)
8 administrative adjudication hearing fee. If the person is
9 found not liable at the administrative adjudication hearing,
10 the thirty dollar (\$30) fee shall not be assessed and any
11 penalty or fee, or both, paid related to that citation shall
12 be refunded.

13 (g) Any of the following shall be an affirmative
14 defense to the imposition of civil liability under this act,
15 to be proven by a preponderance of the evidence, that:

16 (1) The operator of the vehicle was acting in
17 compliance with the lawful order or direction of a law
18 enforcement or public safety officer.

19 (2) The operator of the vehicle violated the speed
20 limit so as to move out of the way of an immediately
21 approaching authorized emergency vehicle.

22 (3) The vehicle was being operated as an authorized
23 emergency vehicle and the operator was acting in compliance
24 with state law.

1 (4) At the time of the violation, the vehicle was in
2 the care, custody, or control of another person where the
3 owner furnishes a truthful affidavit which identifies the name
4 and mailing address of the person or entity who leased,
5 rented, or otherwise had the care, custody, and control of the
6 vehicle at the time of the violation. Responsibility for the
7 violation under this section shall be transferred to the
8 person identified in the affidavit.

9 (5) The person who received the notice of violation
10 was not the owner of the vehicle at the time of the violation.

11 (6) At the time of the violation the vehicle was a
12 stolen vehicle or the license plate displayed on the vehicle
13 was a stolen plate, which must include proof acceptable to the
14 hearing officer that the theft of the vehicle or license plate
15 had been timely reported to the appropriate law enforcement
16 agency.

17 (h) Notwithstanding anything in this act to the
18 contrary, a person who fails to pay the amount of a civil
19 penalty or to contest liability in a timely manner is entitled
20 to an administrative adjudication hearing on the violation if:

21 (1) The person files an affidavit with the hearing
22 officer stating the date on which the person received the
23 notice of violation mailed to the person.

1 (2) The person files a request for an administrative
2 hearing within 30 days from the date of the receipt of the
3 notice of violation, as stated in the affidavit.

4 (i) The decision of the hearing officer shall be the
5 final decision by the city council for judicial review to the
6 Jefferson County District Court within 30 days after the date
7 of entry of the decision. The district court shall conduct the
8 appeal in the same manner as the court hears a small claims
9 civil action.

10 Section 14. (a) The hearing officer at any
11 administrative adjudication hearing under this act shall issue
12 an order stating both:

13 (1) Whether the person charged with the violation is
14 liable for the violation.

15 (2) The amount of any civil penalty, late penalty,
16 and administrative adjudication cost assessed against the
17 person.

18 (b) The orders issued under subsection (a) may be
19 filed with the office of the hearing officer. The hearing
20 officer shall keep the orders in a separate index and file.
21 The orders may be recorded using microfilm, microfiche, or
22 other data processing techniques.

23 Section 15. (a) The imposition of a civil penalty
24 under this act shall not be considered a criminal conviction.

1 (b) A civil penalty may not be imposed under this
2 act upon the owner of a vehicle if the operator of the vehicle
3 was arrested or was issued a speeding citation and notice to
4 appear by a law enforcement or public safety officer as a
5 violation of Title 32 of the Code of Alabama 1975, if such
6 violation was captured by the system.

7 (c) The city attorney is authorized to file suit to
8 enforce collection of unpaid fines or related fees and
9 penalties, or both, imposed under this act by lawful means to
10 secure such payments.

11 Section 16. (a) The penalties, fines, and fees
12 collected from the imposition of civil liability under Section
13 11 shall be deposited into the Traffic Safety Fund Account
14 established by Section 8, and expended as provided in Section
15 8.

16 (b) Court costs collected pursuant to Part I and
17 Part II of this act shall be distributed in the same manner as
18 prescribed by law for the distribution of municipal court
19 costs for misdemeanor violations. An additional fee of ten
20 dollars (\$10) shall be collected by the Center Point Municipal
21 Court in connection with notices issued under this act to be
22 paid to the Alabama Criminal Justice Information Center and
23 deposited in the State Treasury to the credit of the Criminal
24 Justice Information System Automation Fund as compensation for

1 record keeping and transaction processing with respect to
2 violation notices issued under this act.

3 Section 17. This act shall become effective three
4 months following its passage and approval by the Governor, or
5 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-MAY-11, as amended.

Greg Pappas
Clerk

Senate

02-JUN-11

Passed