

1 HB517
2 191060-1
3 By Representative Rowe (N & P)
4 RFD: Local Legislation
5 First Read: 15-MAR-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Jasper, Alabama, in Walker
14 County; to authorize automated traffic safety law enforcement
15 in the City of Jasper, Alabama, as a civil violation; to
16 provide certain procedures to be followed by the city using
17 automated photographic traffic enforcement; to provide that
18 the owner of a vehicle involved in running a traffic light or
19 stop sign or violating the speed limit in the City of Jasper
20 is presumptively liable for a civil violation and the payment
21 of a specified fine; to provide procedures to contest
22 liability; to provide for jurisdiction in Walker County and
23 the City of Jasper over such civil violations; to allow
24 petitions for judicial review in the Walker County Circuit
25 Court for trial de novo; and to create a cause of action for
26 any person held responsible for payment of the fine against

1 the person who was actually operating a vehicle during the
2 commission of a civil violation as defined in 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 Jasper Automated Traffic Safety Act.

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

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

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

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

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

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

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

13 (5) Through the use of automated traffic cameras in
14 traffic signal enforcement, stop sign enforcement, and speed
15 limit enforcement in the City of Jasper, the Legislature
16 anticipates a decrease in the occurrence in the City of Jasper
17 traffic signal violations, stop sign violations, and speeding
18 violations.

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

21 (1) CITY. The City of Jasper, Alabama.

22 (2) CIVIL VIOLATION. A violation of the provisions
23 of the ordinance authorized by this act, the penalty for which
24 violation shall be the payment of a fine, the enforcement of
25 which will not be otherwise permissible.

26 (3) FINE. The monetary amount assessed by the City
27 of Jasper pursuant to the ordinance authorized by this act for

1 a determination of civil liability for a traffic signal
2 violation, stop sign violation, or speeding violation, which
3 may include administrative hearing costs associated with the
4 infraction.

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

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

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

21 b. Is capable of producing at least two separate
22 recorded images of the rear of a vehicle prior to entering the
23 intersection and an image of the rear of a vehicle showing the
24 license plate.

25 (6) PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM.
26 A system that:

1 a. Consists of a still camera system and full motion
2 video camera system recording 30 frames per second or greater
3 installed to work in conjunction with an electrically operated
4 traffic control signal; and

5 b. Is capable of producing at least three separate
6 recorded images including the rear of a vehicle prior to
7 entering the intersection on a red signal, the rear of the
8 vehicle showing the license plate, and the rear of the vehicle
9 in or through the intersection when the red signal is visible.

10 c. All images must be synchronized to a single time
11 source and provide the elapsed time between the first, second,
12 and third photographs or digital images specified in this
13 paragraph.

14 (7) PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT SYSTEM. A
15 system that:

16 a. Has a mobile or fixed electronic speed
17 enforcement system, or both, which is certified and in
18 compliance with the rules of the Federal Communications
19 Commission; and

20 b. Is capable of producing two or more recorded
21 images, at least one depicting the license plate attached to
22 the rear of a vehicle being operated at a speed in excess of
23 the applicable speed limit.

24 (8) RECORDED IMAGE. An image recorded by the system
25 depicting the rear of a vehicle which is automatically
26 recorded as a photograph or digital image and which also

1 depicts the recorded speed, date, location, and time of the
2 recorded image.

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

5 (10) SPEEDING VIOLATION. Any violation of a motor
6 vehicle at a speed that exceeds the legal maximum speed limit
7 set forth in or adopted pursuant to Article 8, Chapter 5A,
8 Title 32, Code of Alabama 1975, or any combination thereof;
9 provided, however, that speed limits set by action of the
10 Jasper City Council, if any, shall supersede the limits set in
11 Article 8, Chapter 5A, Title 32, Code of Alabama 1975. A
12 speeding violation shall be a civil violation as defined in
13 this act.

14 (11) STOP SIGN. A fixed sign of the type authorized
15 by the Alabama Department of Transportation which requires a
16 vehicle to come to a complete stop before entering the
17 intersection.

18 (12) STOP SIGN VIOLATION. Any violation of Section
19 32-5A-112, Code of Alabama 1975, wherein a vehicle proceeds
20 into an intersection after failing to stop at a clearly marked
21 stop line. A stop sign violation shall be a civil violation as
22 defined in this act.

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

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

8 (15) TRAINED TECHNICIAN. A sworn law enforcement
9 officer or a person certified by the Alabama Peace Officers'
10 Standards and Training Commission, employed or contracted by
11 the city, who has received instruction and training in the
12 proper use of the photographic traffic signal enforcement
13 system, the photographic stop sign enforcement system, and the
14 photographic vehicle speed enforcement system used by the
15 city, the city's traffic engineer, or the city's designee.

16 Section 4. (a) The city, as provided in this act,
17 may adopt an ordinance providing for the utilization by the
18 city, or its designee, of a photographic traffic signal
19 enforcement system, a photographic stop sign enforcement
20 system, and a photographic vehicle speed enforcement system to
21 detect and record traffic signal violations, stop sign
22 violations, and speeding violations in the city, to issue
23 notices of civil violations by mail, and to collect fines for
24 the recorded traffic signal violations, stop sign violations,
25 and speeding violations which may occur within the corporate
26 limits of the city as provided in this act.

1 (b) (1) Fines collected pursuant to an ordinance
2 authorized by this act for traffic signal violations and stop
3 sign violations shall not exceed one hundred ten dollars
4 (\$110).

5 (2)a. Except for speeding violations that occur in
6 school zones, fines collected pursuant to an ordinance autho-
7 rized by this act for speeding violations shall not exceed the
8 fines as shown in the following table. The following fines
9 shall apply to the owner when captured by the photographic
10 vehicle speed enforcement system when the vehicle was recorded
11 as traveling at the following speeds over the speed limit:

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

17 b. The fines stated in paragraph a. shall be doubled
18 if the violation was electronically recorded within a segment
19 of the roadway or intersection designated with signage or
20 signals as a school zone only during school hours when school
21 is in session and one hour before and after school hours.

22 (3) The first ten dollars (\$10) of each fine
23 authorized by this act and collected by the city or its

1 designee shall be paid to the Alabama State Law Enforcement
2 Agency as compensation for record keeping with respect to
3 violation notices issued pursuant to this act.

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

14 (c) The city or its designee shall post a sign or
15 signs at each intersection at which a photographic traffic
16 signal enforcement system or photographic stop sign
17 enforcement system is located informing motorists that such
18 devices are in operation at the intersection. The city or its
19 designee shall post a sign or signs along each roadway or
20 street at which a photographic vehicle speed enforcement
21 system is located informing motorists that such a device is in
22 operation.

23 (d) The city may contract with a vendor to perform
24 services authorized by this act.

25 Section 5. (a) The city or its designee shall mail a
26 notice of violation by United States mail to the owner of the
27 motor vehicle which is recorded by the photographic traffic

1 signal enforcement system, photographic stop sign enforcement
2 system, or photographic vehicle speed enforcement system while
3 committing a traffic signal violation, stop sign violation, or
4 speeding violation. The notice shall be sent not later than
5 the 30th day after the date the traffic signal violation, stop
6 sign violation, or speeding violation is recorded to:

7 (1) The owner's address as shown on the records of
8 the Alabama Department of Revenue; or

9 (2) If the vehicle is registered in another state or
10 country, to the owner's address as shown on the motor vehicle
11 registration records of the department or agency of the other
12 state or country analogous to the Alabama Department of
13 Revenue.

14 (b) A notice of violation issued under this act
15 shall contain all of the following:

16 (1) Description of the violation.

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

18 (3) A copy of a recorded image of the vehicle.

19 (4) The amount of the fine to be imposed for the
20 violation.

21 (5) The date by which the fine must be paid.

22 (6) A statement that the person named in the notice
23 of violation may pay the fine in lieu of appearing at an
24 administrative hearing.

25 (7) Information that informs the person named in the
26 notice of violation of all of the following:

1 a. The right to contest the imposition of the fine
2 in an administrative hearing.

3 b. The manner and time in which to contest the
4 imposition of the fine.

5 c. That failure to pay the fine or to contest
6 liability is an admission of liability.

7 (8) A statement that a recorded image is evidence in
8 a proceeding for the imposition of a fine.

9 (9) In the case of a motor vehicle rental or leasing
10 company, the procedure for transferring liability to the
11 renter or lessee and a request for the name, address, and
12 driver's license number of the renter or lessee.

13 (10) A statement that failure to pay the fine within
14 the time allowed shall result in the imposition of a late
15 penalty not exceeding twenty-five dollars (\$25).

16 (11) Any other information deemed necessary by the
17 city or its designee.

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

21 (d) A fine imposed pursuant to this act shall be
22 paid within 30 days of the 10th day after the date the notice
23 of violation is mailed.

24 (e) It shall be within the discretion of the trained
25 technician to determine which of the recorded traffic signal
26 violations, stop sign violations, and speeding violations are

1 to be enforced based upon the quality and legibility of the
2 recorded image.

3 Section 6. (a) An administrative hearing officer
4 appointed by the mayor is vested with the power and
5 jurisdiction to conduct administrative hearings of civil
6 violations provided in this act.

7 (b) A person who receives a notice of violation may
8 contest the imposition of the fine by submitting a request for
9 an administrative hearing of the civil violation, in writing,
10 within 15 days of the 10th day after the date the notice of
11 violation is mailed. Upon receipt of a timely request, the
12 city or its designee shall notify the person of the date and
13 time of the administrative hearing by United States mail.

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

17 (d) Any fine imposed pursuant to this act shall not
18 be collected if, after a hearing, the administrative hearing
19 officer appointed by the mayor enters a finding of no
20 liability.

21 (e) If an administrative hearing is requested, the
22 city shall have the burden of proving the traffic signal
23 violation, stop sign violation, or speeding violation by a
24 preponderance of the evidence. The reliability of the
25 photographic traffic signal enforcement system or photographic
26 stop sign enforcement system used to produce the recorded
27 image of the violation may be attested to by affidavit of a

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

5 (f) The notice of violation, the recorded and
6 reproduced images of the traffic signal violation, stop sign
7 violation, or speeding violation, regardless of the media on
8 which they are recorded, accompanied by a certification of
9 authenticity of a trained technician, and evidence of
10 ownership of a vehicle as shown by copies or summaries of
11 official records shall be admissible into evidence without
12 foundation unless the administrative hearing officer finds
13 there is an indication of untrustworthiness, in which case the
14 city shall be given a reasonable opportunity to lay an
15 evidentiary foundation.

16 (g) All other matters of evidence and procedure not
17 specifically addressed in this act shall be subject to the
18 rules of evidence and the rules of procedure as they apply in
19 the small claims courts of this state, except that on any
20 petition to Walker County Circuit Court for trial de novo, the
21 evidence and procedures shall be as for any civil case in the
22 district court except as otherwise provided in this act.

23 (h) A person who is found liable for a civil
24 violation pursuant to this act after an administrative hearing
25 or who requests a hearing and thereafter fails to appear at
26 the time and place of the hearing is liable for administrative
27 hearing costs and fees set out herein in addition to the

1 amount of the fine assessed for the violation. A person who is
2 found liable for a civil violation after an administrative
3 hearing shall pay the fine and costs within 10 days of the
4 hearing.

5 (i) If payment of a fine is owed to the city, the
6 amount of the fine as set by ordinance may not be increased,
7 decreased, or abated by the city, and the liability may be
8 satisfied only by payment.

9 (j) It shall be an affirmative defense to the
10 imposition of civil liability under this act, to be proven by
11 a preponderance of the evidence, that any of the following
12 conditions are met:

13 (1) The traffic control signal was not in proper
14 position and sufficiently visible to an ordinarily observant
15 person.

16 (2) The operator of the motor vehicle was acting in
17 compliance with the lawful order or direction of a police
18 officer.

19 (3) The operator of the motor vehicle violated the
20 instructions of the traffic control signal so as to yield the
21 right-of-way to an immediately approaching authorized
22 emergency vehicle.

23 (4) The motor vehicle was being operated as an
24 authorized emergency vehicle under Sections 32-5A-7 and
25 32-5-213 of the Code of Alabama 1975, and that the operator
26 was acting in compliance with those chapters.

1 (5) The motor vehicle was stolen or being operated
2 by a person other than the owner of the vehicle without the
3 effective consent of the owner.

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

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

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

16 (k) To establish that at the time of the violation
17 the motor vehicle was a stolen vehicle or the license plate
18 displayed on the motor vehicle was a stolen plate, the owner
19 must submit proof acceptable to the hearing officer that the
20 theft of the vehicle or license plate, prior to the time of
21 the violation or promptly following the theft, had been timely
22 reported to the appropriate law enforcement agency.

23 (1) No person who rents to another person or is the
24 lessor of a motor vehicle pursuant to a written lease
25 agreement, nor any affiliates thereof, shall be liable for a
26 photographic stop sign traffic enforcement system,
27 photographic vehicle speed enforcement system, or photographic

1 traffic signal enforcement system violation involving such
2 motor vehicle during the period of the rental or lease,
3 provided that upon request of the city or its designee
4 received within 60 days after the violation occurred, such
5 person provides to the city within 30 days after receipt of
6 the request the name and address of the renter or lessee of
7 the motor vehicle. The driver's license number of the renter
8 or lessee may be subsequently specifically requested by the
9 city or its designee if needed for the enforcement of this
10 act. Upon the provision by the lessor, its affiliate or its
11 designee, of the information as described in this subsection,
12 the city or its designee may issue a new notice of violation
13 to the renter or lessee of the vehicle in the same manner it
14 would issue a notice of violation to an owner pursuant to
15 Section 5, except that the notice will be sent no later than
16 30 days after receiving the renter's or lessee's information
17 from the person, or any affiliate thereof, who rented or
18 leased the motor vehicle. The renter or lessee may be held
19 liable for the violation in the same manner that an owner may
20 be held liable pursuant to this act.

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

25 (1) The person files a sworn affidavit with the
26 hearing officer stating the date on which the person received
27 the notice of violation that was mailed to the person, if the

1 notice was not received by the 10th day after same was mailed
2 as set out in subsection (a) of Section 5; or

3 (2) Within 15 days of the date of actual receipt of
4 the notice, the person requests an administrative hearing.

5 Section 7. (a) Following an administrative hearing,
6 the administrative hearing officer shall issue an order
7 stating:

8 (1) Whether the person charged with the civil
9 violation is liable for the violation; and

10 (2) If the person is found to be liable, the amount
11 of the fine assessed against the person, along with the fees
12 and costs provided for in this act.

13 (b) Orders issued under this section may be filed in
14 the office of the judge of probate in any county in Alabama,
15 and shall operate as a judicial lien in the same manner and
16 with the same weight and effect as any other civil judgment
17 filed therein.

18 (c) A person who is found liable after an
19 administrative hearing may challenge that finding of civil
20 liability in the Walker County Circuit Court, by filing a
21 petition for judicial review with the Walker County Circuit
22 Court. The petition for judicial review must be filed not
23 later than the 14th day after the date on which the
24 administrative hearing officer entered the finding of civil
25 liability. The filing of a petition for judicial review shall
26 stay the enforcement of the fine. After a petition for
27 judicial review has been filed, civil liability will be

1 determined by the circuit court by trial de novo pursuant to
2 the jurisdiction granted in Section 12-11-30, Code of Alabama
3 1975.

4 Section 8. The circuit court hearing a petition for
5 judicial review shall utilize the procedures applicable to
6 proceedings in the Walker County District Court with all of
7 the following qualifications:

8 (1) The proceedings shall retain their civil nature
9 with the circuit court applying the preponderance of the
10 evidence standard.

11 (2) If the person is adjudicated by the circuit
12 court to be responsible for payment of the fine, circuit court
13 costs shall be owed by the person adjudicated responsible,
14 with 100 percent of those court costs collected to be retained
15 by the circuit court, which costs shall be calculated in the
16 same manner as court costs for criminal appeals from the
17 Walker County District Court, provided that, in the event the
18 circuit court finds the person petitioning for judicial review
19 to not be responsible, any fine or fee paid, related to that
20 citation, shall be refunded by the city.

21 (3) Regardless of the civil nature of the
22 proceedings, the circuit court may assign case numbers as for
23 criminal appeals or civil appeals and place the appeals on
24 criminal dockets in the same manner as criminal appeals from
25 the Walker County District Court or on civil dockets in the
26 same manner as civil appeals from the Walker County District
27 Court.

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

3 (5) The city shall be responsible for providing an
4 attorney to represent the city in the circuit court
5 proceedings.

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

18 Section 10. The city may provide by ordinance that
19 late fees not exceeding twenty-five dollars (\$25) shall attach
20 to untimely paid fines that are authorized pursuant to this
21 act and imposed pursuant to this act. No person may be
22 arrested or incarcerated for nonpayment of a fine or late fee.
23 No record of an adjudication of civil violation made under
24 this act shall be listed, entered, or reported on any criminal
25 record or driving record, whether the record is maintained by
26 the city or an outside agency. An adjudication of civil
27 violation provided for in this act shall not be considered a

1 conviction for any purpose, may not be used to increase or
2 enhance punishment for any subsequent offense of a criminal
3 nature, and shall not be considered a moving violation. The
4 fact that a person is held liable or responsible for a fine
5 for a traffic signal violation, stop sign violation, or
6 speeding violation may not be used as evidence that the person
7 was guilty of negligence or other culpable conduct, and as
8 evidence in any other proceedings if it is or becomes
9 admissible under the rules of evidence applicable therein.

10 Section 11. The city is authorized to file civil
11 actions to enforce an ordinance authorized by this act,
12 including, but not limited to, pursuing collection actions to
13 obtain judgments for unpaid fines, fees, or both, imposed
14 under an ordinance authorized by this act, by lawful means to
15 secure payments of the same.

16 Section 12. (a) The city shall keep statistical data
17 regarding the effectiveness of photographic traffic signal
18 enforcement systems or photographic stop sign enforcement
19 systems in reducing traffic-control device violations and
20 intersectional collisions and shall communicate the data on an
21 annual basis to the Alabama Department of Transportation and
22 the Alabama State Law Enforcement Agency.

23 (b) The city shall keep statistical data regarding
24 the effectiveness of automated photographic speeding
25 enforcement systems in reducing speeding violations and
26 collisions and shall communicate the data on an annual basis

1 to the Alabama Department of Transportation and the Alabama
2 State Law Enforcement Agency.

3 Section 13. The placement of control devices in the
4 city and timing of yellow lights and red light clearance
5 intervals shall conform to the most recent edition of the
6 Traffic Engineering Handbook. It shall be presumed that the
7 devices and timing are in compliance with this section unless
8 the contrary is shown by a preponderance of the evidence.

9 Section 14. No fine may be imposed and no
10 adjudication of liability for a civil violation may be made
11 under this act if the operator of the vehicle was arrested or
12 was issued a citation and notice to appear by a sworn police
13 officer for a criminal violation which occurred simultaneously
14 with and under the same set of circumstances that were
15 recorded by the photographic traffic signal enforcement
16 system, the photographic stop sign enforcement system, or the
17 photographic vehicle speed enforcement system.

18 Section 15. Any person against whom a determination
19 of liability for a civil violation is made pursuant to an
20 ordinance authorized by this act, and who actually pays the
21 fine imposed shall have a cause of action against any person
22 who may be shown to have been operating the vehicle recorded
23 at the time of the violation for the amount of the fine
24 actually paid plus any consequential or compensatory damages
25 and a reasonable attorney fee, without regard to the rules
26 regarding joint and several liability, contribution, or
27 indemnity; provided, however, that as a condition precedent to

1 the bringing of a civil action, that the person held
2 responsible for payment of a fine must first make written
3 demand on the other person for reimbursement of the fine,
4 giving a minimum of 60 days to remit payment, and if
5 reimbursement is fully made within the 60-day period then the
6 cause of action shall be extinguished and no attorney fees or
7 other damages shall attach to the reimbursement. Any cause of
8 action brought pursuant to this section must be commenced
9 within two years from the date of the payment of the fine for
10 a traffic signal violation, stop sign violation, or speeding
11 violation.

12 Section 16. The salary or other compensation of the
13 trained technician may not be related to the number of notices
14 of violation issued or amount of fines collected.

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

18 Section 18. This act shall become effective on the
19 first day of month following the expiration of 60 days after
20 its approval by the Governor, or its otherwise becoming law.