

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Center Point, Alabama, in
14 Jefferson County; to provide for camera automated civil
15 enforcement of violations of red lights, stop signs, and
16 speeding to be administered and enforced by the Jefferson
17 County Sheriff or a qualified contractor; to provide for the
18 issuance of notices of violations; to provide for civil fines
19 and late fees for violations; to provide for an administrative
20 adjudication hearing by the city through a hearing officer
21 appointed by the mayor; to provide for affirmation defenses of
22 civil liability; to provide for orders issued by the hearing
23 officer; to provide that a civil penalty does not constitute a
24 criminal conviction; to create a traffic safety account for
25 receiving administrative fines and the expenditure of account
26 funds for operational costs of vendor operators and other
27 purposes; to provide definitional terms; and to provide for

1 appeals of orders of the hearing officer in the District Court
2 of Jefferson County to be heard in the same manner as a small
3 claims action.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 The Center Point City Council finds the following:

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

11 (2) Red light and stop sign running endangers motor
12 vehicle operators and pedestrians alike by decreasing the
13 efficiency of traffic control and traffic flow efforts and by
14 increasing the number of serious traffic crashes to which
15 public safety agencies must respond at the expense of the
16 taxpayers.

17 (3) A reduction in the running of red lights and
18 stop signs through a program utilizing photographic evidence
19 and enforcement through the imposition of civil penalties will
20 help promote and protect the health, safety, and welfare of
21 the citizens of the City of Center Point. A duly enacted local
22 act of the Legislature would grant to the City of Center Point
23 the authority to establish a program of enforcement of red
24 light and stop sign running by the use of photographic
25 evidence and the imposition of civil penalties.

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

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

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

6 (3) DIRECTOR. The Jefferson County Sheriff, or his
7 or her designee.

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

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

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

16 a. Consists of a still camera system and full motion
17 video camera system (30 frames per second or greater)
18 installed to work in conjunction with an electrically operated
19 traffic control signal.

20 b. Is capable of producing at least three separate
21 recorded images:

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

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

26 3. An image of the rear of the vehicle in or through
27 the intersection with the red signal visible that is not

1 operated in compliance with the red displays of the traffic
2 control signal.

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

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

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

11 b. Is capable of producing at least two separate
12 recorded images:

13 1. An image of the rear of a vehicle prior to
14 entering the intersection.

15 2. An image of the rear of the vehicle showing the
16 license plate.

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

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

24 (10) TRAFFIC CONTROL SIGNAL. A traffic control
25 device displaying alternating red, amber, and green lights
26 directing traffic when to stop at or proceed through an
27 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.

26 (3) A copy of a recorded image of the vehicle
27 involved in the violation.

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

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

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

8 (7) The following information informing the person
9 named in the notice of violation:

10 a. Of the right to contest the imposition of the
11 civil penalty in an administrative adjudication.

12 b. Of the manner and time in which to contest the
13 imposition of the civil penalty.

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

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

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

21 (10) Any other information deemed necessary by the
22 department.

23 (e) A notice of violation under this act is presumed
24 to have been received on the 10th calendar day inclusive of
25 weekends and legal holidays after the date the notice of
26 violation is mailed.

1 (f) Once an intersection has been equipped with a
2 system, the city council shall adopt by resolution a date for
3 the department to begin issuing civil citations. Prior to this
4 established date, the department may issue warning notices of
5 the alleged violations as part of an education or public
6 notification effort.

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

15 (b) Administrative adjudications of violations of
16 this act shall be conducted by a hearing officer appointed by
17 the mayor. In conducting administrative adjudications of
18 violations of Section 3, the hearing officer shall have the
19 powers and duties conferred by this act.

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

23 (d) The civil penalty shall not be assessed if,
24 after a hearing, the hearing officer enters a finding of no
25 liability.

26 (e) In an administrative adjudication hearing, the
27 issues must be proved at the hearing by a preponderance of the

1 evidence. The reliability of the system used to produce the
2 recorded image of the violation may be attested to in an
3 administrative adjudication hearing by affidavit of an officer
4 or the department and a representative of any contractor
5 engaged by the city. An affidavit from a sworn law enforcement
6 officer or from the department that alleges a violation based
7 on an inspection of the pertinent recorded image is admissible
8 in a proceeding under this act and is evidence of the facts
9 contained in the affidavit.

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

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

23 (1) The traffic control signal was not in proper
24 position and sufficiently legible to an ordinarily observant
25 person.

1 (2) The operator of the motor vehicle was acting in
2 compliance with the lawful order or direction of a law
3 enforcement or public safety 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 legally operated as
9 an authorized emergency vehicle and the operator was acting in
10 compliance with the laws of this state.

11 (5) The motor vehicle was being operated by a person
12 other than the owner of the vehicle without the effective
13 consent of the owner.

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

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

22 (8) The person who received the notice of violation
23 was not the owner of the motor vehicle at the time of the
24 violation.

25 (9) At the time of the violation, the motor vehicle
26 was a stolen vehicle or the license plate displayed on the
27 motor vehicle was a stolen plate, which must include proof

1 acceptable to the hearing officer that the theft of the
2 vehicle or license plate had been timely reported to the
3 appropriate law enforcement agency.

4 (h) Notwithstanding anything in this act to the
5 contrary, a person who fails to pay the civil penalty or to
6 contest liability in a timely manner is entitled to an
7 administrative adjudication hearing on the violation if the
8 person meets the following requirements:

9 (1) The person files an affidavit with the hearing
10 officer stating the date on which the person received the
11 notice of violation mailed to the person.

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

15 (i) The decision of the hearing officer shall be the
16 final decision by the city council. A person or persons
17 aggrieved by a decision may file a petition for judicial
18 review to the District Court of Jefferson County within 30
19 days after the date of entry of the decision. The district
20 court shall conduct the appeal in the same manner as the court
21 hears a small claims civil action.

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

25 (1) Whether the person charged with the violation is
26 liable for the violation.

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

4 (b) The orders issued under subsection (a) may be
5 filed with the office of the hearing officer. The hearing
6 officer shall keep the orders in a separate index and file.
7 The orders may be recorded using microfilm, microfiche, or
8 other data processing techniques.

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

12 (b) A civil penalty may not be imposed under this
13 act upon the owner of a motor vehicle if the operator of the
14 vehicle was arrested or was issued a citation and notice to
15 appear by a law enforcement or public safety officer as a
16 violation of Title 32 of the Code of Alabama 1975, if such
17 violation was captured by the system.

18 (c) The city attorney of Center Point is authorized
19 to file suit to enforce collection of unpaid fines or related
20 fees and penalties by any lawful means to secure such
21 payments.

22 Section 8. The penalties, fines, and fees collected
23 from the imposition of civil liability under Part I and Part
24 II of this act shall be deposited into the Center Point
25 Traffic Safety Fund Account established by the city council.
26 Funds deposited into the account shall be expended first for
27 the costs of the system for payment to the vendor/operator of

1 the system, public relations, and general implementation of
2 the program. The remaining funds shall be used for the
3 following purposes, including, but not limited to, traffic or
4 pedestrian public safety programs, intersection safety
5 improvements, driver education, police officers dedicated to
6 traffic safety, or projects or programs subject to the joint
7 written determination by the Mayor of the City of Center Point
8 and the director, but only if such expenditures are public
9 safety related.

10 Section 9. PART II. Speeding Enforcement.

11 The Center Point City Council finds as follows:

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

15 (2) Exceeding the speed limit endangers vehicle
16 operators and pedestrians alike by decreasing the efficiency
17 of traffic control and homogeneous traffic flow and by
18 increasing the number of serious traffic crashes to which
19 public safety agencies must respond at the expense of the
20 taxpayers.

21 (3) A reduction in the number of drivers exceeding
22 speed limits through a program utilizing photographic evidence
23 and enforcement through the imposition of civil penalties will
24 help promote and protect the health, safety, and welfare of
25 the citizens of the City of Center Point.

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

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

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

6 (3) DIRECTOR. The Jefferson County Sheriff, or his
7 or her designee.

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

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

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

16 a. The system has a mobile or fixed electronic speed
17 enforcement system, or both, which is certified and in
18 compliance with the FCC.

19 b. The system is capable of producing at least two
20 recorded images depicting the license plate attached to the
21 rear of a vehicle being operated at a speed in excess of the
22 speed limit.

23 (7) RECORDED IMAGE. An image recorded by the system
24 depicting the rear of a vehicle which is automatically
25 recorded on a photograph or digital image, which also depicts
26 the recorded speed, date, location, and time of the recorded
27 image.

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

3 (9) SYSTEM LOCATION. The approach to an intersection
4 toward which a photographic traffic vehicle speed enforcement
5 system is directed and in operation or a segment of roadway on
6 which a vehicle speed enforcement system is in operation.

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

15 (b) The owner of a vehicle is liable for a civil
16 penalty as shown in the following table if the vehicle is
17 traveling at a speed in miles per hour (mph) greater than the
18 speed limit as shown in the following table at a system loca-
19 tion. The following civil penalties shall apply to the owner
20 when captured by the system where the vehicle was recorded as
21 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

1	Greater than 15 mph	
2	through 20 mph	\$125
3	Greater than 20 mph	\$150

4 (c) The civil penalty for "speed over speed limit"
5 as stated above shall double for violations of this act when
6 that violation occurs and was electronically recorded within a
7 segment of the roadway or intersection designated with signage
8 or signals as a school zone.

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

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

24 (b) In order to impose a civil penalty under this
25 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.

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

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

5 (10) Any other information deemed necessary by the
6 department.

7 (d) A notice of violation under Sections 11 through
8 16 of this act is presumed to have been received on the 10th
9 calendar day inclusive of weekends and legal holidays after
10 the date the notice of violation is mailed.

11 (e) Once a system has been installed or becomes
12 operational, or both, the city council shall adopt by
13 resolution a date for the department to begin issuing civil
14 citations. Prior to this established date, the department may
15 issued warning notices of the alleged violations as part of an
16 education/public notification effort.

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

25 (b) Administrative adjudications hearings of
26 violations of Sections 11 through 16 of this act shall be
27 conducted by a hearing officer appointed by the mayor. In

1 conducting administrative adjudications hearings of violations
2 of this act, the hearing officer shall have the powers and
3 duties conferred by this act.

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

7 (d) The civil penalty shall not be assessed if,
8 after a hearing, the hearing officer enters a finding of no
9 liability.

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

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

1 the thirty dollar (\$30) fee shall not be assessed and any
2 penalty or fee, or both, paid related to that citation shall
3 be refunded.

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

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

10 (2) The operator of the vehicle violated the speed
11 limit so as to move out of the way of an immediately
12 approaching authorized emergency vehicle.

13 (3) The vehicle was being operated as an authorized
14 emergency vehicle and the operator was acting in compliance
15 with state law.

16 (4) At the time of the violation, the vehicle was in
17 the care, custody, or control of another person where the
18 owner furnishes a truthful affidavit which identifies the name
19 and mailing address of the person or entity who leased,
20 rented, or otherwise had the care, custody, and control of the
21 vehicle at the time of the violation. Responsibility for the
22 violation under this section shall be transferred to the
23 person identified in the affidavit.

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

26 (6) At the time of the violation the vehicle was a
27 stolen vehicle or the license plate displayed on the vehicle

1 was a stolen plate, which must include proof acceptable to the
2 hearing officer that the theft of the vehicle or license plate
3 had been timely reported to the appropriate law enforcement
4 agency.

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

9 (1) The person files an affidavit with the hearing
10 officer stating the date on which the person received the
11 notice of violation mailed to the person.

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

15 (i) The decision of the hearing officer shall be the
16 final decision by the city council for judicial review to the
17 Jefferson County District Court within 30 days after the date
18 of entry of the decision. The district court shall conduct the
19 appeal in the same manner as the court hears a small claims
20 civil action.

21 Section 14. (a) The hearing officer at any
22 administrative adjudication hearing under this act shall issue
23 an order stating both:

24 (1) Whether the person charged with the violation is
25 liable for the violation.

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

4 (b) The orders issued under subsection (a) may be
5 filed with the office of the hearing officer. The hearing
6 officer shall keep the orders in a separate index and file.
7 The orders may be recorded using microfilm, microfiche, or
8 other data processing techniques.

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

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

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

21 Section 16. (a) The penalties, fines, and fees
22 collected from the imposition of civil liability under Section
23 11 shall be deposited into the Traffic Safety Fund Account
24 established by Section 8, and expended as provided in Section
25 8.

26 (b) Court costs collected pursuant to Part I and
27 Part II of this act shall be distributed in the same manner as

1 prescribed by law for the distribution of municipal court
2 costs for misdemeanor violations. An additional fee of ten
3 dollars (\$10) shall be collected by the Center Point Municipal
4 Court in connection with notices issued under this act to be
5 paid to the Alabama Criminal Justice Information Center and
6 deposited in the State Treasury to the credit of the Criminal
7 Justice Information System Automation Fund as compensation for
8 record keeping and transaction processing with respect to
9 violation notices issued under this act.

10 Section 17. This act shall become effective three
11 months following its passage and approval by the Governor, or
12 its otherwise becoming law.