

HB 107 -- Redline

Introduced to Enrolled -- Relating to Jefferson County; to prohibit certain forms of street racing and exhibition driving; to authorize the county commission to assess civil penalties for violations; to authorize the towing and impoundment of a motor vehicle for a violation; to provide for the administration and enforcement procedures; and to provide adjudicative and appellate procedures.

Deletions ~~struck~~ · Insertions underlined

HB107 ~~INTRODUCED~~ENROLLED ~~ZGVQKR-1~~ZGVQKR-3 By Representatives Givan, Treadaway (N & P) RFD:

07-Mar-23 ~~Page 2023~~ 0Regular ~~ZGVQKR-1~~ZGVQKR-3 ~~Session 02/08/2023~~ Page CMH0 (L) ~~HB107 CMH~~Enrolled 2023-23 Enrolled, 2An 4Act, A3-BILL TO BE ENTITLED AN ACT 0 Relating to Jefferson County;

~~Page 1 HB107 INTRODUCED~~ (3) MOTOR VEHICLE DONUT.

Page 1 HB107 Enrolled (4) MOTOR VEHICLE SPEED CONTEST.

Any parking enforcement officer or traffic enforcement officer, as ~~Page 2 HB107 INTRODUCED~~ designated by the Jefferson County Commission or a municipality within Jefferson County, who is not required to be certified by the Alabama Peace Officers' Standards and Training Commission;

A person may not engage in, or aid or abet the furtherance of, any of the following on a public road or Page 2 HB107 Enrolled highway, off street parking facility, or any other parcel of public or private property, without the consent of the owner of that property:

(a) A traffic enforcement officer who observes a violation of this act, or who obtains proof of a violation through the use of an automated photographic or ~~Page 3 HB107 INTRODUCED~~ video traffic enforcement system, may cause a motor vehicle operated in violation of this section to be towed and impounded at the registered owner's expense as follows:

(3) On a third or subsequent violation, for a period of Page 3 HB107 Enrolled 30 days.

(b) The traffic enforcement officer making the impoundment shall direct an approved towing service to tow the vehicle to the garage of the towing service, storage lot, or ~~95~~ other place of safety and maintain custody and control of the vehicle for the required amount of time.

The vehicle shall then be released to the registered 95 owner or an agent of the owner.

Notice of any sale or other proceedings relative to this lien shall be given to the holders of all prior security interests or other liens by official service of process at least 15 days prior to any sale ~~Page 4 HB107 INTRODUCED~~ or other proceedings.

Page 4 HB107 Enrolled (e) Notwithstanding anything in this section to the contrary, a person who is adjudicated to have not committed a violation of this section shall not be required to pay any reasonable and customary towing and storage fees for the services of the towing company.

All reasonable and customary towing and storage fees shall be paid to the towing company by the governing body employing the traffic enforcement officer who directed the vehicle to be towed as required by Section 4(b).

(d) The civil penalty and court costs shall not be ~~Page 5 HB107 INTRODUCED~~ assessed if, after a hearing, the court enters a finding of no liability.

In addition, the person shall not be required to Page 5 HB107 Enrolled pay any costs or fees or the towing or impoundment of the motor vehicle.

(g) All other matters of evidence and procedure not specifically addressed in this part shall be subject to the rules of evidence and the rules of procedure as they apply in the small claims courts of this state, except that on any ~~Page 6 HB107 INTRODUCED~~ appeal to the circuit court for trial de novo the evidence and procedures shall be as for any civil case in the circuit court Page 6 HB107 Enrolled except as otherwise provided in this act.

(3) The person who received the notice of violation was not the owner of the motor vehicle at the time of the ~~Page 7 HB107 INTRODUCED~~ violation.

(b) To demonstrate that at the time of the violation Page 7 HB107 Enrolled the motor vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was a stolen plate, the owner must submit proof acceptable to the hearing officer that the theft of the vehicle or license plate, prior to the time of the violation, had been timely reported to the appropriate law enforcement agency.

(b) The orders issued under this section may be filed in the office of the Judge of Probate of Jefferson County, and shall operate as a judicial lien in the same manner and with ~~Page 8 HB107 INTRODUCED~~ the same weight and effect as any other civil judgment filed therein.

Page 8 HB107 Enrolled (c) A person who is found liable after an adjudicative hearing may appeal that finding of civil liability to the circuit court, by filing a notice of appeal with the clerk of the municipal court.

(3) Regardless of the civil nature of the proceedings, the circuit court, in its discretion and for its ~~Page 9 HB107 INTRODUCED~~ administrative convenience, may assign case numbers as for criminal appeals and place the appeals on criminal dockets Page 9 HB107 Enrolled (4) The circuit court shall sit as trier of

both fact and law in the civil proceedings in the circuit court.

Page 10 HB107 Enrolled _____ 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 06-Apr-23, as amended.

John Treadwell Clerk Senate 03-May-23 Passed Page 11

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