

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 760

Department or Agency: Alabama Law Enforcement Agency

Rule No.: 760-X-1-.26

Rule Title: Alabama Work Zone Safety Act Citations

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Hal Taylor
Hal Taylor

Date Monday, July 20, 2026

ALABAMA LAW ENFORCEMENT AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Law Enforcement Agency (Formerly Alabama Department of Public Safety)

RULE NO. & TITLE: 760-X-1-.26 Alabama Work Zone Safety Act Citations

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Alabama Work Zone Safety Act, Act 2026-475, directs the Secretary of ALEA to "adopt rules providing for a hearing procedure and the administrative resolution of speeding violations under this act." This proposed rule fulfills the Legislature's mandate.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The Agency will accept written views until the close of business on September 4, 2026. Written views shall be submitted via email to Joseph.Latham@alea.gov, with the subject line "Comment: Work Zone Safety Proposed Rule."

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, September 4, 2026

CONTACT PERSON AT AGENCY:

Joseph R. Latham, Assistant
Attorney General
Email: Joseph.Latham@alea.gov

Hal Taylor

Hal Taylor

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) Definitions.

(a) For the purposes of this Rule, the following terms shall have the following meanings:

i. ACT. Act 2026-475, commonly known as the "Alabama Work Zone Safety Act."

ii. ALDOT. The Alabama Department of Transportation.

iii. STATE. A State of the United States; the District of Columbia; or any United States Territory, including Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

iv. VIOLATION. An instance of a motor vehicle operating in an active work zone at more than 10 miles per hour over the posted speed limit.

(b) Any term defined in Act 2026-475 retains that same meaning for the purposes of this Rule.

(2) Purpose.

(a) The Alabama Work Zone Safety Act (Act 2026-475), provides for the use of photographic speed enforcement systems by ALEA, ALDOT, and the Authority in work zones.

(b) In the event that a photographic speed enforcement system records a motor vehicle operating in an active work zone at more than 10 miles per hour over the posted speed limit, the Act authorizes ALEA to issue a civil traffic citation to the motor vehicle's registered owner.

(c) This Rule provides an administrative resolution process and hearing procedure for civil traffic citations issued pursuant to the Act.

(3) Notice of Violation, Procedures for Administrative Resolution.

(a) To issue a civil traffic citation under the Act, within 30 days of the recorded violation, ALEA will cause a notice of violation to be mailed, via U.S. Mail, to the vehicle's registered owner.

i. If the vehicle is registered in this state, ALEA will mail the notice of violation to the registered owner's address as shown on the registration records of the Department of Revenue.

ii. If the vehicle is registered in another state or country, to the registered owner's address as shown on the motor vehicle registration records of the other state or country.

(b) The notice of violation will bear a notice mail date and will include all of the following information:

i. The date, time, and location of the violation.

ii. A description of the violation alleged, including the speed at which the motor vehicle is alleged to have been operated, and the maximum speed applicable at the location.

iii. A copy of recorded images of the vehicle involved in the speeding violation.

iv. The amount of the civil penalty to be imposed for the speeding violation.

v. Notice that the civil penalty must be paid in full, or other action satisfying this Rule must be taken, within 60 days of the notice mail date.

v. Notice that the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative hearing.

vii. Notice that the person has the right to contest the imposition of the civil penalty in an administrative hearing.

viii. Information about the time and manner in which the person may contest the imposition of the civil penalty.

ix. Notice that failure to timely pay the civil penalty or contest liability constitutes an admission of liability.

x. Notice that a recorded image is evidence in a proceeding for the imposition of a civil penalty.

xi. Notice that, if the registered owner is a rental car company, the company has the right to provide information

to ALEA on which individual was renting the vehicle at the time of the violation. This statement shall include instructions for the company to provide the renter's information.

(c) The owner must take one of the following actions within 60 days of the notice mail date, either online or by mail, by following the instructions provided in the notice of violation. Failure to take one of these actions within 60 days of the notice mail date shall constitute an admission of liability:

i. Pay the civil penalty in full.

ii. File a request for a sixty-day extension to pay the civil penalty and a settlement agreement, provided by ALEA and signed by the owner, wherein the owner agrees to pay the civil penalty in full by the last day of the extension period.

1. Once an owner files an extension request, the owner shall not be entitled to appeal the notice of violation or receive an administrative hearing.

iii. Appeal the notice of violation by filing a notice of appeal in the manner prescribed by Section 4(b).

(4) Administrative Appeal and Hearing, Judicial Review.

(a) An owner who timely appeals a notice of violation shall be entitled to an administrative hearing conducted by a hearing officer. In all administrative hearings conducted pursuant to this Rule, the hearing officer shall ascertain (1) whether the motor vehicle was operated in violation of the Act and (2) whether the owner may be held liable for the violation under the Act.

(b) The owner must commence an appeal by filing a notice of appeal. The notice of appeal must be received by ALEA within 60 days of the notice mail date on the notice of violation. Failure to file the notice of appeal within the prescribed time shall constitute a waiver of the owner's right to an administrative hearing and judicial review.

(c) If an appeal is timely made, the collection of the civil penalty shall be stayed until the result of the hearing is final.

(d) Upon timely appeal, and not later than 30 days after the notice of appeal is filed, an owner may submit materials

supporting an affirmative defense to liability, either online or by mail, by following the instructions provided in the notice of violation. ALEA may consider the submitted materials and may, at its sole discretion, void the civil penalty in advance of the hearing.

(e) The hearing will be conducted as soon as practicable and not more than 60 days after the filing of the notice of appeal. The hearing will be held at a location designated by the Secretary, unless the parties agree to a different location.

(f) ALEA shall provide written notice of the time and place of the hearing to the owner at least five days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(g) The hearing will be strictly administrative in nature and will be informal. The sole issues at the hearing will be (1) whether the motor vehicle was operated in violation of the Act and (2) whether the owner may be held liable for the violation under the Act. The hearing officer will review these issues de novo.

(h) The hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant evidence.

(i) The hearing officer shall make a final determination that either upholds the civil penalty or withdraws the civil penalty.

(j) A notice of decision communicating the hearing officer's final decision and bearing a notice mail date will be mailed, via U.S. Mail, to the address for the owner as provided in subsection (3)(a), or to an address for the owner otherwise available to ALEA.

(k) If the hearing officer finds that the motor vehicle was operated in violation of the Act and that the owner may be held liable for the violation under the Act, the owner must pay the civil penalty, as well as any uniform court costs and fees set for hearings under the Act, within 60 days of the hearing.

(l) Within 30 days of the notice mail date on the notice of decision, a party to the administrative appeal may file a notice of appeal with an Alabama circuit court as provided in § 41-22-20, Code of Alabama 1975.

Author: Joseph R. Latham

Statutory Authority: Act No. 2026-475, § 10

History: New Rule: Published _____; effective _____.