
SUBSTITUTE SENATE BILL 5369

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin)

READ FIRST TIME 02/21/03.

1 AN ACT Relating to regulating the use of automated traffic safety
2 cameras; amending RCW 3.50.100, 46.63.030, and 46.63.140; adding new
3 sections to chapter 46.04 RCW; adding a new section to chapter 46.63
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
7 to read as follows:

8 "Automated traffic safety camera" means a device that uses a
9 vehicle sensor installed to work in conjunction with an intersection
10 traffic control system, a railroad grade crossing control system, or a
11 speed measuring device and a camera synchronized to automatically
12 record one or more sequenced photographs, microphotographs, or
13 electronic images of the rear or front, or both, of a motor vehicle at
14 the time the vehicle fails to stop when facing a steady red traffic
15 control signal or an activated railroad grade crossing control signal,
16 or exceeds a predetermined speed as detected by a speed measuring
17 device.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
2 to read as follows:

3 "Automated traffic infraction notice" means a notice of a traffic
4 infraction generated by the use of an authorized automated traffic
5 safety camera issued to the registered owner of a vehicle photographed
6 while exceeding a predetermined speed limit or failing to stop at a red
7 traffic control signal or violating an activated railroad grade
8 crossing control. An automated traffic infraction notice issued by the
9 use of an automated traffic safety camera system must include a copy or
10 facsimile of the photograph showing both the vehicle license plate of
11 the offending vehicle and the traffic control device, the activated
12 railroad grade crossing control, or the speed detected by a speed
13 measuring device. An automated traffic infraction notice will be
14 administered under RCW 46.63.140.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW
16 to read as follows:

17 (1) The use of automated traffic safety cameras is subject to the
18 following regulations:

19 (a) The appropriate local legislative authority must first enact an
20 ordinance allowing for their use to detect one or more of the
21 following: Speeding, stoplight, or railroad crossing violations. At
22 a minimum, the local ordinance must contain the restrictions described
23 in this section and provisions for public notice and signage. Cities
24 and counties using traffic safety cameras before the effective date of
25 this act are subject to the restrictions described in this section, but
26 are not required to enact an authorizing ordinance.

27 (b) Use of automated traffic safety cameras is restricted to
28 construction zones, school zones, two-arterial intersections, railroad
29 crossings, and other areas designated by the Washington state patrol or
30 county or city police as areas of high collision frequency.

31 (c) Automated traffic safety cameras may take pictures of the
32 vehicle and vehicle license plate and only while an infraction is
33 occurring.

34 (d) The ordinance enacted by the local legislative authority may
35 provide that automated traffic safety cameras may take pictures of the
36 vehicle, vehicle license plate, and the face of the driver while an
37 infraction is occurring.

1 (e) The law enforcement agency having jurisdiction shall plainly
2 mark the locations where an automated traffic safety camera is used by
3 placing signs on street locations that clearly indicate to a driver
4 that he or she is entering a zone where traffic laws are enforced by an
5 automated traffic safety camera. Signs must be displayed one hundred
6 yards in advance of placement of the locations where an automated
7 traffic safety camera is used and must state the following in letters
8 at least six inches high: "SPEED AND TRAFFIC LIGHT VIOLATIONS RECORDED
9 BY CAMERA."

10 (f) A notice of an infraction must be mailed to the registered
11 owner of the vehicle within fourteen days of the infraction occurring.
12 The jurisdiction must not issue an additional infraction to the
13 registered owner of the vehicle during the fourteen-day notification
14 period.

15 (g) A person receiving an automated traffic infraction notice based
16 on evidence detected by an automated traffic safety camera may respond
17 to the notice by mail.

18 (2) Infractions detected through the use of automated traffic
19 safety cameras will be processed as are stopping, standing, or parking
20 violations under RCW 46.61.560, but are not part of the registered
21 owner's driving record under RCW 46.52.101 and 46.52.120.

22 (3) If an automated traffic infraction notice is sent to the
23 registered owner under RCW 46.63.030(2) and the registered owner is a
24 rental car business, the infraction will be dismissed against the
25 business if it mails to the issuing agency, within fourteen days of
26 receiving the notice, a declaration under penalty of perjury of the
27 name and known mailing address of the individual driving or renting the
28 vehicle when the infraction occurred. If the business is unable to
29 determine who was driving or renting the vehicle at the time the
30 infraction occurred, the business must sign a declaration under penalty
31 of perjury to this effect. The declaration must be mailed to the
32 issuing agency within fourteen days of receiving the notice of traffic
33 infraction. Timely mailing of this declaration to the issuing agency
34 relieves a rental car business of any liability under this chapter for
35 the notice of infraction. A declaration form suitable for this purpose
36 must be included with each automated traffic infraction notice issued,
37 along with instructions for its completion and use.

1 (4) If a county or city has established an authorized automated
2 traffic safety camera program under this section, the compensation paid
3 to the manufacturer or vendor of the equipment used must be based only
4 upon the value of the equipment and services provided or rendered in
5 support of the system, and may not be based upon a portion of the fine
6 or civil penalty imposed or the revenue generated by the equipment.

7 **Sec. 4.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read
8 as follows:

9 (1) Costs in civil and criminal actions may be imposed as provided
10 in district court. All fees, costs, fines, forfeitures and other money
11 imposed by any municipal court for the violation of any municipal or
12 town ordinances shall be collected by the court clerk and, together
13 with any other noninterest revenues received by the clerk, shall be
14 deposited with the city or town treasurer as a part of the general fund
15 of the city or town, or deposited in such other fund of the city or
16 town, or deposited in such other funds as may be designated by the laws
17 of the state of Washington.

18 (2) The city treasurer shall remit monthly thirty-two percent of
19 the noninterest money received under this section, other than for
20 parking infractions or for infractions detected by an automated traffic
21 safety camera, and certain costs to the state treasurer. "Certain
22 costs" as used in this subsection, means those costs awarded to
23 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or
24 those costs awarded against convicted defendants in criminal actions
25 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
26 if such costs are specifically designated as costs by the court and are
27 awarded for the specific reimbursement of costs incurred by the state,
28 county, city, or town in the prosecution of the case, including the
29 fees of defense counsel. Money remitted under this subsection to the
30 state treasurer shall be deposited as provided in RCW 43.08.250.

31 (3) The balance of the noninterest money received under this
32 section shall be retained by the city and deposited as provided by law.

33 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
34 interest at the rate of twelve percent per annum, upon assignment to a
35 collection agency. Interest may accrue only while the case is in
36 collection status.

1 (5) Interest retained by the court on penalties, fines, bail
2 forfeitures, fees, and costs shall be split twenty-five percent to the
3 state treasurer for deposit in the public safety and education account
4 as provided in RCW 43.08.250, twenty-five percent to the state
5 treasurer for deposit in the judicial information system account as
6 provided in RCW 2.68.020, twenty-five percent to the city general fund,
7 and twenty-five percent to the city general fund to fund local courts.

8 **Sec. 5.** RCW 46.63.030 and 2002 c 279 s 14 are each amended to read
9 as follows:

10 (1) A law enforcement officer has the authority to issue a notice
11 of traffic infraction or an automated traffic infraction notice:

12 (a) When the infraction is committed in the officer's presence;

13 (b) When the officer is acting upon the request of a law
14 enforcement officer in whose presence the traffic infraction was
15 committed; (~~(c)~~)

16 (c) If an officer investigating at the scene of a motor vehicle
17 accident has reasonable cause to believe that the driver of a motor
18 vehicle involved in the accident has committed a traffic infraction; or

19 (d) When the notice is mailed to the registered owner or the person
20 renting a vehicle as authorized under subsection (2) of this section.

21 (2) When an automated traffic safety camera is used in compliance
22 with section 3 of this act, a law enforcement officer, whether present
23 or not during the commission of the infraction, or other issuing agency
24 may issue an automated traffic infraction notice by mail to the
25 registered owner of the vehicle, or to the person renting the vehicle.
26 The registered owner of the vehicle or the person renting the vehicle
27 is responsible for the infraction.

28 (3) A court may issue a notice of traffic infraction upon receipt
29 of a written statement of the officer that there is reasonable cause to
30 believe that an infraction was committed.

31 (~~(3)~~) (4) If any motor vehicle without a driver is found parked,
32 standing, or stopped in violation of this title or an equivalent
33 administrative regulation or local law, ordinance, regulation, or
34 resolution, the officer finding the vehicle shall take its registration
35 number and may take any other information displayed on the vehicle
36 which may identify its user, and shall conspicuously affix to the
37 vehicle a notice of traffic infraction.

1 (~~(4)~~) (5) In the case of failure to redeem an abandoned vehicle
2 under RCW 46.55.120, upon receiving a complaint by a registered tow
3 truck operator that has incurred costs in removing, storing, and
4 disposing of an abandoned vehicle, an officer of the law enforcement
5 agency responsible for directing the removal of the vehicle shall send
6 a notice of infraction by certified mail to the last known address of
7 the person responsible under RCW 46.55.105. The notice must be
8 entitled "Littering--Abandoned Vehicle" and give notice of the monetary
9 penalty. The officer shall append to the notice of infraction, on a
10 form prescribed by the department of licensing, a notice indicating the
11 amount of costs incurred as a result of removing, storing, and
12 disposing of the abandoned vehicle, less any amount realized at
13 auction, and a statement that monetary penalties for the infraction
14 will not be considered as having been paid until the monetary penalty
15 payable under this chapter has been paid and the court is satisfied
16 that the person has made restitution in the amount of the deficiency
17 remaining after disposal of the vehicle.

18 **Sec. 6.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
19 as follows:

20 (1) In any traffic infraction case or automated traffic infraction
21 case involving a violation of this title or equivalent administrative
22 regulation or local law, ordinance, regulation, or resolution relating
23 to the stopping, standing, or parking of a vehicle or violations
24 detected by automated traffic safety cameras, proof that the particular
25 vehicle described in the notice of traffic infraction or automated
26 traffic infraction notice was stopping, standing, or parking or did
27 commit the violation detected by an automated traffic safety camera in
28 violation of any such provision of this title or an equivalent
29 administrative regulation or local law, ordinance, regulation, or
30 resolution, together with proof that the person named in the notice of
31 traffic infraction or automated traffic infraction notice was at the
32 time of the violation the registered owner of the vehicle, (~~shall~~)
33 constitutes in evidence a prima facie presumption that the registered
34 owner of the vehicle was the person who parked or placed the vehicle at
35 the point where, and for the time during which, the violation occurred
36 or who operated the vehicle photographed by an automated traffic safety
37 camera.

1 (2) The foregoing stated presumption (~~(shall apply)~~) applies only
2 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (4) has been
3 followed.

4 NEW SECTION. **Sec. 7.** The legislature respectfully requests the
5 Washington state supreme court to amend the Infraction Rules for Courts
6 of Limited Jurisdiction to conform to this act. Furthermore, the
7 legislature respectfully asks the court to create an automated traffic
8 infraction notice that is consistent with this act.

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