
HOUSE BILL 1823

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Morris, Shea, Condotta, Crouse, Blake, Short, Kirby, Taylor, Rodne, Haler, Green, Kretz, Haigh, Walsh, Goodman, Orcutt, Hurst, Schmick, Miloscia, Johnson, Lias, Overstreet, Upthegrove, McCune, Dammeier, Zeiger, Wilcox, Rivers, Pearson, Ahern, and Kristiansen

Read first time 02/03/11. Referred to Committee on Transportation.

1 AN ACT Relating to repealing the authorization for automated
2 traffic safety cameras; amending RCW 46.12.655 and 46.63.073; and
3 repealing RCW 46.63.170.

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

5 NEW SECTION. **Sec. 1.** RCW 46.63.170 (Automated traffic safety
6 cameras--Definition) and 2010 c 161 s 1127, 2009 c 470 s 714, 2007 c
7 372 s 3, & 2005 c 167 s 1 are each repealed.

8 **Sec. 2.** RCW 46.12.655 and 2010 c 161 s 310 are each amended to
9 read as follows:

10 (1) An owner is relieved of civil or criminal liability for the
11 operation of a vehicle by another person when the owner has:

12 (a) Made a bona fide sale or transfer of a vehicle;

13 (b) Delivered possession of the vehicle to the person acquiring
14 ownership;

15 (c) Released interest in the vehicle and provided the certificate
16 of title and registration certificate to the person acquiring
17 ownership; and

1 (d) Filed a report of sale that meets all the requirements in RCW
2 46.12.650(2).

3 (2) A person acquiring a vehicle assumes civil or criminal
4 liability for any traffic violation under this title, whether
5 designated as a traffic infraction or classified as a criminal offense,
6 that occurs after the date of sale or transfer of ownership based on
7 the vehicle's identification including, but not limited to:

8 (a) Parking infractions; and

9 (b) High occupancy toll lane violations(~~and~~

10 ~~(c) Violations recorded by automated traffic safety cameras~~)).

11 (3) A person shown as the buyer of a vehicle on an abandoned
12 vehicle report submitted to the department by a registered tow truck
13 operator assumes liability for the vehicle. Any previous owner is
14 relieved of civil or criminal liability for the operation of the
15 vehicle from the date of sale.

16 (4) A person who had no knowledge of the filing of the report of
17 sale is relieved of civil or criminal liability for the operation of
18 the vehicle. Liability is then transferred to the seller shown on the
19 report of sale.

20 **Sec. 3.** RCW 46.63.073 and 2007 c 372 s 1 are each amended to read
21 as follows:

22 (1) In the event a traffic infraction is based on a vehicle's
23 identification, and the registered owner of the vehicle is a rental car
24 business, the law enforcement agency shall, before a notice of
25 infraction may be issued, provide a written notice to the rental car
26 business that a notice of infraction may be issued to the rental car
27 business if the rental car business does not, within thirty days of
28 receiving the written notice, provide to the issuing agency by return
29 mail:

30 (a) A statement under oath stating the name and known mailing
31 address of the individual driving or renting the vehicle when the
32 infraction occurred; or

33 (b) A statement under oath that the business is unable to determine
34 who was driving or renting the vehicle at the time the infraction
35 occurred because the vehicle was stolen at the time of the infraction.
36 A statement provided under this subsection must be accompanied by a
37 copy of a filed police report regarding the vehicle theft.

1 Timely mailing of this statement to the issuing law enforcement
2 agency relieves a rental car business of any liability under this
3 chapter for the notice of infraction. In lieu of identifying the
4 vehicle operator, the rental car business may pay the applicable
5 penalty. For the purpose of this subsection, a "traffic infraction
6 based on a vehicle's identification" includes, but is not limited to,
7 parking infractions(~~(7)~~) and high occupancy toll lane violations(~~(7) and~~
8 ~~violations recorded by automated traffic safety cameras~~)).

9 (2) In the event a parking infraction is issued by a private
10 parking facility and is based on a vehicle's identification, and the
11 registered owner of the vehicle is a rental car business, the parking
12 facility shall, before a notice of infraction may be issued, provide a
13 written notice to the rental car business that a notice of infraction
14 may be issued to the rental car business if the rental car business
15 does not, within thirty days of receiving the written notice, provide
16 to the parking facility by return mail:

17 (a) A statement under oath stating the name and known mailing
18 address of the individual driving or renting the vehicle when the
19 infraction occurred; or

20 (b) A statement under oath that the business is unable to determine
21 who was driving or renting the vehicle at the time the infraction
22 occurred because the vehicle was stolen at the time of the infraction.
23 A statement provided under this subsection must be accompanied by a
24 copy of a filed police report regarding the vehicle theft.

25 Timely mailing of this statement to the parking facility relieves
26 a rental car business of any liability under this chapter for the
27 notice of infraction. In lieu of identifying the vehicle operator, the
28 rental car business may pay the applicable penalty. For the purpose of
29 this subsection, a "parking infraction based on a vehicle's
30 identification" is limited to parking infractions occurring on a
31 private parking facility's premises.

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