

HOUSE BILL REPORT

HB 2778

As Reported By House Committee On:
Transportation

Title: An act relating to speed enforcement using photo radar equipment.

Brief Description: Legalizing photo radar speed enforcement.

Sponsors: Representatives Orr, Silver, Brown, Brough and Dellwo.

Brief History:

Reported by House Committee on:
Transportation, February 3, 1994, DPS.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives R. Fisher, Chair; Mielke, Assistant Ranking Minority Member; Backlund; Brough; Cothorn; Eide; Finkbeiner; Forner; Heavey; Orr; Patterson; Quall; Romero; Shin and Wood.

Minority Report: Do not pass. Signed by 6 members: Representatives Jones, Vice Chair; Schmidt, Ranking Minority Member; Fuhrman; Hansen; Horn and J. Kohl.

Staff: Brian McMorrow (786-7304).

Background: Currently, a law enforcement officer has the authority to issue a traffic ticket if an infraction is committed in his or her presence, or in the presence of another officer who has asked for his or her assistance. Officers may also issue tickets at the scene of a motor vehicle accident when he or she has reasonable cause to believe that the driver of the vehicle involved in the accident has committed a traffic violation.

If the person issued a traffic ticket wants to contest a ticket, the person may obtain a hearing in court.

Summary of Substitute Bill: The process for refuting a traffic citation based upon evidence from photo radar is modified. (1) The person cited must provide the court, within 15 days of notice, a copy of his or her driver's

license and a statement. (2) The state needs to prove by a preponderance of the evidence that the person named in the notice actually committed the infraction.

Conditions under which enforcement agencies may use photo radar are established. (1) The area where photo radar is being used must be plainly marked with signs "Entering Photo Radar Enforcement Zone" and "Leaving Photo Radar Enforcement Zone." (2) The photo radar unit must be set for at least 10 miles per hour over the existing speed limit. (3) The photo radar unit must be operated by police in a plainly marked police vehicle. (4) Law enforcement agencies may not operate photo radar for more than two consecutive days within a two-mile radius. (5) Photo radar may be operated only by municipal police departments.

If a law enforcement agency establishes through the use of photo radar that a violation has occurred, the court shall deliver personally or send by certified mail to the alleged violator the notice of the infraction and a copy of the photograph.

Substitute Bill Compared to Original Bill: The process for refuting a traffic citation based upon evidence from photo radar is changed, and conditions under which photo radar may be used are established.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Photo radar will permit police to more efficiently enforce traffic laws that prohibit speeding on city streets. Children will be safer as a result of this bill because photo radar may be deployed around schools.

Testimony Against: None.

Witnesses: Bev Numbers, Spokane City Council; Mark Sterk, City of Spokane; Sam Faggiano, City of Spokane; and Carolyn Lake, City of Federal Way.