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HOUSE BILL 2778

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Orr, Silver, Brown, Brough and Dellwo

Read first time 01/24/94. Referred to Committee on Transportation.

1            AN ACT Relating to speed enforcement using photo radar equipment;  
2 amending RCW 46.63.030 and 46.63.070; adding a new section to chapter  
3 46.04 RCW; and prescribing penalties.

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

5            **Sec. 1.** RCW 46.63.030 and 1987 c 66 s 2 are each amended to read  
6 as follows:

7            (1) A law enforcement officer has the authority to issue a notice  
8 of traffic infraction:

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

10           (b) When the officer is acting upon the request of a law  
11 enforcement officer in whose presence the traffic infraction was  
12 committed; (~~or~~)

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

16           (d) To the registered owner of a motor vehicle identified as  
17 speeding through the use of photo radar.

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

4 (3) If any motor vehicle without a driver is found parked,  
5 standing, or stopped in violation of this title or an equivalent  
6 administrative regulation or local law, ordinance, regulation, or  
7 resolution, the officer finding the vehicle shall take its registration  
8 number and may take any other information displayed on the vehicle  
9 which may identify its user, and shall conspicuously affix to the  
10 vehicle a notice of traffic infraction.

11 (4) If the violation is established through the use of photo radar,  
12 the court shall have the notice of infraction served either personally  
13 or by mail as provided by the Infraction Rules for Courts of Limited  
14 Jurisdiction.

15 **Sec. 2.** RCW 46.63.070 and 1993 c 501 s 10 are each amended to read  
16 as follows:

17 (1) Any person who receives a notice of traffic infraction shall  
18 respond to such notice as provided in this section within fifteen days  
19 of the date of the notice.

20 (2) If the person determined to have committed the infraction does  
21 not contest the determination the person shall respond by completing  
22 the appropriate portion of the notice of infraction and submitting it,  
23 either by mail or in person, to the court specified on the notice. A  
24 check or money order in the amount of the penalty prescribed for the  
25 infraction must be submitted with the response. When a response which  
26 does not contest the determination is received, an appropriate order  
27 shall be entered in the court's records, and a record of the response  
28 and order shall be furnished to the department in accordance with RCW  
29 46.20.270.

30 (3)(a) If the person determined to have committed the infraction  
31 wishes to contest the determination the person shall respond by  
32 completing the portion of the notice of infraction requesting a hearing  
33 and submitting it, either by mail or in person, to the court specified  
34 on the notice. The court shall notify the person in writing of the  
35 time, place, and date of the hearing, and that date shall not be sooner  
36 than seven days from the date of the notice, except by agreement.

37 (b) If the person issued a notice of infraction resulting from the  
38 use of photo radar wishes to refute that he or she is the registered

1 owner or the person operating the vehicle at the time the infraction  
2 was committed the person's response to the notice of infraction must  
3 include an identification of the owner or operator at the time.

4 (4) If the person determined to have committed the infraction does  
5 not contest the determination but wishes to explain mitigating  
6 circumstances surrounding the infraction the person shall respond by  
7 completing the portion of the notice of infraction requesting a hearing  
8 for that purpose and submitting it, either by mail or in person, to the  
9 court specified on the notice. The court shall notify the person in  
10 writing of the time, place, and date of the hearing.

11 (5) If any person issued a notice of traffic infraction:

12 (a) Fails to respond to the notice of traffic infraction as  
13 provided in subsection (2) of this section; or

14 (b) Fails to appear at a hearing requested pursuant to subsection  
15 (3) or (4) of this section;

16 the court shall enter an appropriate order assessing the monetary  
17 penalty prescribed for the traffic infraction and any other penalty  
18 authorized by this chapter and shall notify the department in  
19 accordance with RCW 46.20.270, of the failure to respond to the notice  
20 of infraction or to appear at a requested hearing.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.04 RCW  
22 to read as follows:

23 "Photo radar" means photographic equipment that is linked to a  
24 Doppler radar speed measuring device by computer that synchronizes the  
25 taking of a photograph with a vehicle passing through the radar beam.

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