
SECOND SUBSTITUTE HOUSE BILL 1385

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Transportation (originally sponsored by Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to restricting the use of automated traffic
2 enforcement systems; amending RCW 46.63.030 and 46.63.140; adding a new
3 section to chapter 46.63 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that traffic
6 safety cameras are an effective speed, stoplight, and railroad crossing
7 enforcement tool. While these devices are effective at detecting
8 traffic violations and reducing accidents, the legislature is concerned
9 that these devices are being used without regulation. The purpose of
10 this act is to regulate traffic safety cameras so they can enhance
11 public safety and operate in a manner that protects individual privacy.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW
13 to read as follows:

14 (1) The use of traffic safety cameras is subject to the following
15 regulations:

16 (a) The appropriate local legislative authority must first enact an
17 ordinance allowing for their use to detect one or more of the
18 following: Speeding in school and construction zones, stoplight

1 violations, railroad crossing violations, or toll enforcement
2 violations when those violations occur on projects initiated under
3 chapter 47.46 RCW. However, use for toll enforcement violations does
4 not require authorization through local ordinances. At a minimum, the
5 local ordinance must contain the restrictions described in this
6 section. Cities and counties using traffic safety cameras before the
7 effective date of this act are subject to the restrictions described in
8 this section, but are not required to enact an authorizing ordinance.

9 (b) Traffic safety cameras may take pictures of the vehicle and
10 vehicle license plate only.

11 (c) The law enforcement agency shall plainly mark the locations
12 where the automated traffic enforcement system is used by placing signs
13 on street locations that clearly indicate to a driver that he or she is
14 entering a zone where traffic laws are enforced by an automated traffic
15 enforcement system.

16 (d) Cities and counties using traffic safety cameras must provide
17 notice by mail to its citizens indicating the zones in which traffic
18 safety cameras will be used.

19 (e) Notices of infractions must be mailed to the registered owner
20 of the vehicle within fourteen days of the infraction occurring.

21 (f) A person receiving a notice of an infraction based on evidence
22 detected by a traffic safety camera may respond to the notice by mail.

23 (g) The owner of a vehicle is responsible for a violation unless
24 the owner can furnish evidence that the vehicle was, at the time of the
25 violation, in the care, custody, or control of another person. The
26 owner of the vehicle is not responsible for the violation if the owner
27 of the vehicle, within fifteen days after notification of the
28 violation, furnishes the officials or agents of the municipality that
29 issued the citation:

30 (i) An affidavit made under oath, stating that the vehicle involved
31 was, at the time, stolen or in the care, custody, or control of some
32 person other than the owner; or

33 (ii) Testimony in open court under oath that the person was not the
34 operator of the vehicle at the time of the alleged violation.

35 (2) Infractions detected through the use of traffic safety cameras
36 are not part of the registered owner's driving record under RCW
37 46.52.101 and 46.52.120.

38 (3) If a notice of traffic infraction is sent to the registered
39 owner under RCW 46.63.030(2) and the registered owner is a rental car

1 business, the infraction will be dismissed against the business if it
2 mails to the issuing agency, within fourteen days of receiving the
3 notice, the name and known mailing address of the individual driving or
4 renting the vehicle when the infraction occurred. If the business is
5 unable to determine who was driving or renting the vehicle at the time
6 the infraction occurred, the business must sign an affidavit making
7 this declaration. The affidavit must be mailed to the issuing agency
8 within fourteen days of receiving the notice of traffic infraction.
9 Timely mailing of this affidavit to the issuing agency relieves a
10 rental car business of any liability under this chapter for the notice
11 of infraction. An affidavit form suitable for this purpose must be
12 included with each infraction issued, along with instructions for its
13 completion and use.

14 (4) The traffic safety commission may adopt rules regarding:

15 (a) Mechanical and operational standards for traffic safety camera
16 equipment;

17 (b) The placement of signs to notify drivers that they are entering
18 a jurisdiction or area that uses traffic safety cameras;

19 (c) Recommendations on how cities and counties will educate the
20 public about traffic safety cameras.

21 (5)(a) The traffic safety commission may oversee no more than five
22 pilot projects regarding the use of traffic safety cameras for speeding
23 outside of school zones. The pilot projects must last from a minimum
24 of twelve months to a maximum of nineteen months.

25 (b) Cities or counties that want to use traffic safety cameras for
26 speeding violations outside a school zone must issue a request to the
27 traffic safety commission to participate in a pilot project.

28 (6) Jurisdictions using traffic safety cameras must comply with any
29 standards adopted under subsection (4) of this section.

30 **Sec. 3.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
31 as follows:

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

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

35 (b) When the officer is acting upon the request of a law
36 enforcement officer in whose presence the traffic infraction was
37 committed; ((or))

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

4 (d) When the infraction is mailed to the registered owner or the
5 person renting a vehicle as authorized under subsection (2) of this
6 section.

7 (2) When a traffic safety camera is used in compliance with section
8 2 of this act, a law enforcement officer, whether present or not during
9 the commission of the infraction, or other issuing agency may issue a
10 notice of traffic infraction by mail to the registered owner of the
11 vehicle, or to the person renting the vehicle. The registered owner of
12 the vehicle or the person renting the vehicle is responsible for the
13 infraction.

14 ((A court)) (3) An issuing agency may issue a notice of traffic
15 infraction upon receipt of a written statement of the officer that
16 there is reasonable cause to believe that an infraction was committed.

17 ((+3)) (4) If any motor vehicle without a driver is found parked,
18 standing, or stopped in violation of this title or an equivalent
19 administrative regulation or local law, ordinance, regulation, or
20 resolution, the officer finding the vehicle shall take its registration
21 number and may take any other information displayed on the vehicle
22 which may identify its user, and shall conspicuously affix to the
23 vehicle a notice of traffic infraction.

24 ((+4)) (5) In the case of failure to redeem an abandoned vehicle
25 under RCW 46.55.120, upon receiving a complaint by a registered tow
26 truck operator that has incurred costs in removing, storing, and
27 disposing of an abandoned vehicle, an officer of the law enforcement
28 agency responsible for directing the removal of the vehicle shall send
29 a notice of infraction by certified mail to the last known address of
30 the registered owner of the vehicle. The officer shall append to the
31 notice of infraction, on a form prescribed by the department of
32 licensing, a notice indicating the amount of costs incurred as a result
33 of removing, storing, and disposing of the abandoned vehicle, less any
34 amount realized at auction, and a statement that monetary penalties for
35 the infraction will not be considered as having been paid until the
36 monetary penalty payable under this chapter has been paid and the court
37 is satisfied that the person has made restitution in the amount of the
38 deficiency remaining after disposal of the vehicle.

1 **Sec. 4.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
2 as follows:

3 (1) In any traffic infraction case involving a violation of this
4 title or equivalent administrative regulation or local law, ordinance,
5 regulation, or resolution relating to the stopping, standing, or
6 parking of a vehicle, proof that the particular vehicle described in
7 the notice of traffic infraction was stopping, standing, or parking in
8 violation of any such provision of this title or an equivalent
9 administrative regulation or local law, ordinance, regulation, or
10 resolution, together with proof that the person named in the notice of
11 traffic infraction was at the time of the violation the registered
12 owner of the vehicle, (~~shall~~) constitutes in evidence a prima facie
13 presumption that the registered owner of the vehicle was the person who
14 parked or placed the vehicle at the point where, and for the time
15 during which, the violation occurred.

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

19 NEW SECTION. **Sec. 5.** By January 1, 2001, and for four years
20 thereafter, the Washington traffic safety commission shall provide the
21 chairs of the senate and house transportation committees a report
22 regarding the use, outcomes, and other relevant issues of traffic
23 safety cameras in this state.

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