
HOUSE BILL 1385

State of Washington

56th Legislature

1999 Regular Session

By Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin

Read first time 01/22/1999. Referred to Committee on Transportation.

1 AN ACT Relating to restricting the use of automated traffic
2 enforcement systems; amending RCW 46.63.030; adding a new section to
3 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 some local
6 governments in Washington state are using automated traffic enforcement
7 systems. While these devices may be effective at enforcing traffic
8 violations and reducing accidents, the legislature is concerned that
9 these devices are being used without regulation. The purpose of this
10 act is to restrict and regulate automated traffic enforcement systems
11 so they can operate effectively while protecting individual privacy.

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

14 The use of automated traffic enforcement systems is subject to the
15 following restrictions:

16 (1) Automated traffic enforcement systems may not be used unless
17 the appropriate local legislative authority first enacts an ordinance
18 allowing for their use. At a minimum, the local ordinance must contain

1 the restrictions described in this section. Cities and counties using
2 automated traffic enforcement systems before the effective date of this
3 act are subject to the restrictions described in this section, but are
4 not required to enact an authorizing ordinance.

5 (2) Automated traffic enforcement systems may take pictures of the
6 vehicle and vehicle license plate only, and no person may appear in the
7 photographs. If a person in the vehicle does appear in the photograph,
8 the infraction must be dismissed and the photograph and any negatives
9 must be destroyed.

10 (3) Automated traffic enforcement systems that enforce speed
11 violations may not be used on federal highways or state highways
12 outside the incorporated limits of a city or town.

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

18 (5) When using automated traffic enforcement systems to enforce
19 speed violations, a commissioned law enforcement officer in a clearly
20 marked law enforcement vehicle must operate the automated device.

21 (6) Agencies must mail notices of infractions to the registered
22 owner of the vehicle within fourteen days of the infraction occurring.

23 (7) A person receiving a notice of an infraction based on evidence
24 detected by an automated traffic enforcement system may respond to the
25 notice by mail.

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

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

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

31 (b) When the officer is acting upon the request of a law
32 enforcement officer in whose presence the traffic infraction was
33 committed; or

34 (c) If an officer investigating at the scene of a motor vehicle
35 accident has reasonable cause to believe that the driver of a motor
36 vehicle involved in the accident has committed a traffic infraction.

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) When an automated traffic enforcement system is used, the
5 officer or court may issue a notice of a public safety infraction by
6 mail to the registered owner of the vehicle. The registered owner is
7 responsible for the infraction. The registered owner may sign an
8 affidavit denying that he or she committed the infraction, but will
9 remain responsible until the person who committed the infraction
10 settles the infraction. The affidavit must be included with each
11 infraction issued and must include instructions on how to transfer the
12 infraction to the person who committed the infraction.

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

20 ~~((+4))~~ (5) In the case of failure to redeem an abandoned vehicle
21 under RCW 46.55.120, upon receiving a complaint by a registered tow
22 truck operator that has incurred costs in removing, storing, and
23 disposing of an abandoned vehicle, an officer of the law enforcement
24 agency responsible for directing the removal of the vehicle shall send
25 a notice of infraction by certified mail to the last known address of
26 the registered owner of the vehicle. The officer shall append to the
27 notice of infraction, on a form prescribed by the department of
28 licensing, a notice indicating the amount of costs incurred as a result
29 of removing, storing, and disposing of the abandoned vehicle, less any
30 amount realized at auction, and a statement that monetary penalties for
31 the infraction will not be considered as having been paid until the
32 monetary penalty payable under this chapter has been paid and the court
33 is satisfied that the person has made restitution in the amount of the
34 deficiency remaining after disposal of the vehicle.

35 NEW SECTION. **Sec. 4.** The legislature respectfully requests the
36 Washington state supreme court to amend the Infraction Rules of Courts
37 of Limited Jurisdiction to conform to this act. Furthermore, the

1 legislature respectfully asks the court to create a notice of
2 infraction that is consistent with this act.

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