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SENATE BILL 6278

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State of Washington                      56th Legislature                      2000 Regular Session

By Senators Haugen, Gardner and Horn

Read first time . Referred to Committee on .

1            AN ACT Relating to regulating the use of traffic safety cameras;  
2 amending RCW 46.63.030 and 46.63.140; adding a new section to chapter  
3 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: Speed, stoplight, or railroad crossing violations. At a

1 minimum, the local ordinance must contain the restrictions described in  
2 this section. Cities and counties using traffic safety cameras before  
3 the effective date of this act are subject to the restrictions  
4 described in this section, but are not required to enact an authorizing  
5 ordinance.

6 (b) Traffic safety cameras may take pictures of the vehicle and  
7 vehicle license plate only, and no identifiable occupant may appear in  
8 the photographs. If an identifiable occupant of the vehicle does  
9 appear in the photograph, the infraction must be dismissed and the  
10 photograph and any negatives must be destroyed.

11 (c) Notices of infractions must be mailed to the registered owner  
12 of the vehicle within fourteen days of the infraction occurring.

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

15 (2) Infractions detected through the use of traffic safety cameras  
16 are not part of the registered owner's driving record under RCW  
17 46.52.101 and 46.52.120.

18 (3) If a notice of traffic infraction is sent to the registered  
19 owner under RCW 46.63.030(2) and the registered owner is a rental car  
20 business, the infraction will be dismissed against the business if it  
21 mails to the issuing agency, within fourteen days of receiving the  
22 notice, the name and known mailing address of the individual driving or  
23 renting the vehicle when the infraction occurred. If the business is  
24 unable to determine who was driving or renting the vehicle at the time  
25 the infraction occurred, the business must sign an affidavit making  
26 this declaration. The affidavit must be mailed to the issuing agency  
27 within fourteen days of receiving the notice of traffic infraction.  
28 Timely mailing of this affidavit to the issuing agency relieves a  
29 rental car business of any liability under this chapter for the notice  
30 of infraction. An affidavit form suitable for this purpose must be  
31 included with each infraction issued, along with instructions for its  
32 completion and use.

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

34 (a) Mechanical and operational standards for traffic safety camera  
35 equipment;

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

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

1 (5) Jurisdictions using traffic safety cameras must comply with any  
2 standards adopted under subsection (4) of this section.

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

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

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

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

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

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

17 (2) When a traffic safety camera is used in compliance with section  
18 2 of this act, a law enforcement officer or court may issue a notice of  
19 traffic infraction by mail to the registered owner of the vehicle, or  
20 to the person renting the vehicle. The registered owner of the vehicle  
21 or the person renting the vehicle is responsible for the infraction.

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

25 ~~((+3+))~~ (4) If any motor vehicle without a driver is found parked,  
26 standing, or stopped in violation of this title or an equivalent  
27 administrative regulation or local law, ordinance, regulation, or  
28 resolution, the officer finding the vehicle shall take its registration  
29 number and may take any other information displayed on the vehicle  
30 which may identify its user, and shall conspicuously affix to the  
31 vehicle a notice of traffic infraction.

32 ~~((+4+))~~ (5) In the case of failure to redeem an abandoned vehicle  
33 under RCW 46.55.120, upon receiving a complaint by a registered tow  
34 truck operator that has incurred costs in removing, storing, and  
35 disposing of an abandoned vehicle, an officer of the law enforcement  
36 agency responsible for directing the removal of the vehicle shall send  
37 a notice of infraction by certified mail to the last known address of  
38 the registered owner of the vehicle. The officer shall append to the

1 notice of infraction, on a form prescribed by the department of  
2 licensing, a notice indicating the amount of costs incurred as a result  
3 of removing, storing, and disposing of the abandoned vehicle, less any  
4 amount realized at auction, and a statement that monetary penalties for  
5 the infraction will not be considered as having been paid until the  
6 monetary penalty payable under this chapter has been paid and the court  
7 is satisfied that the person has made restitution in the amount of the  
8 deficiency remaining after disposal of the vehicle.

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

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

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

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

32       NEW SECTION.   **Sec. 6.** The legislature respectfully request the  
33 Washington state supreme court to amend the Infraction Rules for Courts  
34 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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