
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2268.1/01

ATTY/TYPIST: GR:mos

BRIEF DESCRIPTION:

2 SHB 1118 - H AMD
3 By Representative Lambert

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5 On page 2, beginning on line 30, strike everything through
6 "cameras." on line 36, and insert the following:

7 "(4)(a) The traffic safety commission may adopt rules regarding:

8 (i) Mechanical and operational standards for traffic safety camera
9 equipment;

10 (ii) The placement of signs to notify drivers that they are
11 entering a jurisdiction or area that uses traffic safety cameras;

12 (iii) Recommendations on how cities and counties will educate the
13 public about traffic safety cameras.

14 (b) However, the legislature's delegation of authority to the
15 traffic safety commission under this section is strictly limited to:

16 (i) The minimum delegation necessary to administer the section's clear
17 and unambiguous directives; and (ii) the administration of
18 circumstances and behaviors foreseeable at the time of enactment.

19 (c) Agency actions or rules authorized by this section are subject
20 to the following additional standards of judicial review, which
21 supersede RCW 34.05.570 (1) and (2) to the extent of any conflict;
22 agencies bear the burden of demonstrating that the agency action: (i)
23 Was authorized by law; and (ii) was valid, when the interest of a party
24 asserting invalidity arises from agency actions imposing a penalty on
25 the asserting party.

26 (d) The validity of a rule may be determined upon petition for
27 declaratory judgment addressed to any superior court in this state.

28 (e) In determining whether, under RCW 34.05.570(2)(c), a rule
29 exceeds the agency's statutory authority, the court must also consider
30 whether the rule exceeds the limited delegation under (b) of this
31 subsection."

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