
HOUSE BILL 1118

State of Washington

57th Legislature

2001 Regular Session

By Representatives Lovick, Delvin, O'Brien, Armstrong, Ogden, Edmonds, Cooper, Fisher, Boldt, Mitchell, Simpson and Fromhold

Read first time 01/17/2001. Referred to Committee on Transportation.

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.** A new section is added to chapter 46.63 RCW
6 to read as follows:

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

9 (a) The appropriate local legislative authority must first enact an
10 ordinance allowing for their use to detect one or more of the
11 following: Speeding, stoplight, or railroad crossing violations. At
12 a minimum, the local ordinance must contain the restrictions described
13 in this section. Cities and counties using traffic safety cameras
14 before the effective date of this act are subject to the restrictions
15 described in this section, but are not required to enact an authorizing
16 ordinance.

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

1 (c) The law enforcement agency shall plainly mark the locations
2 where the automated traffic enforcement system is used by placing signs
3 on street locations that clearly indicate to a driver that he or she is
4 entering a zone where traffic laws are enforced by an automated traffic
5 enforcement system.

6 (d) Notices of infractions must be mailed to the registered owner
7 of the vehicle within fourteen days of the infraction occurring.

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

10 (2) Infractions detected through the use of traffic safety cameras
11 are not part of the registered owner's driving record under RCW
12 46.52.101 and 46.52.120.

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

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

29 (a) Mechanical and operational standards for traffic safety camera
30 equipment;

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

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

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

37 **Sec. 2.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
38 as follows:

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

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

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

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

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

13 (2) When a traffic safety camera is used in compliance with section
14 1 of this act, a law enforcement officer, whether present or not during
15 the commission of the infraction, or other issuing agency may issue a
16 notice of traffic infraction by mail to the registered owner of the
17 vehicle, or to the person renting the vehicle. The registered owner of
18 the vehicle or the person renting the vehicle is responsible for the
19 infraction.

20 (3) The owner of a vehicle is responsible for a violation unless
21 within fifteen days after notification of the violation, furnishes the
22 officials or agents of the municipality that issued the citation with:

23 (a) An affidavit made under oath, stating that the vehicle involved
24 was, at the time, stolen or in the care, custody, or control of some
25 person other than the registered owner; or

26 (b) Testimony in open court under oath that the person was not the
27 operator of the vehicle at the time of the alleged violation.

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

31 ~~((+3+))~~ (5) If any motor vehicle without a driver is found parked,
32 standing, or stopped in violation of this title or an equivalent
33 administrative regulation or local law, ordinance, regulation, or
34 resolution, the officer finding the vehicle shall take its registration
35 number and may take any other information displayed on the vehicle
36 which may identify its user, and shall conspicuously affix to the
37 vehicle a notice of traffic infraction.

38 ~~((+4+))~~ (6) In the case of failure to redeem an abandoned vehicle
39 under RCW 46.55.120, upon receiving a complaint by a registered tow

1 truck operator that has incurred costs in removing, storing, and
2 disposing of an abandoned vehicle, an officer of the law enforcement
3 agency responsible for directing the removal of the vehicle shall send
4 a notice of infraction by certified mail to the last known address of
5 the registered owner of the vehicle. The officer shall append to the
6 notice of infraction, on a form prescribed by the department of
7 licensing, a notice indicating the amount of costs incurred as a result
8 of removing, storing, and disposing of the abandoned vehicle, less any
9 amount realized at auction, and a statement that monetary penalties for
10 the infraction will not be considered as having been paid until the
11 monetary penalty payable under this chapter has been paid and the court
12 is satisfied that the person has made restitution in the amount of the
13 deficiency remaining after disposal of the vehicle.

14 **Sec. 3.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
15 as follows:

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

29 (2) The foregoing stated presumption (~~shall apply~~) applies only
30 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (5) has been
31 followed.

32 NEW SECTION. **Sec. 4.** By January 1, 2002, and for four years
33 thereafter, the Washington traffic safety commission shall provide the
34 chairs of the senate and house transportation committees a report
35 regarding the use, outcomes, and other relevant issues of traffic
36 safety cameras in this state.

1 NEW SECTION. **Sec. 5.** The legislature respectfully request the
2 Washington state supreme court to amend the Infraction Rules for Courts
3 of Limited Jurisdiction to conform to this act. Furthermore, the
4 legislature respectfully asks the court to create a notice of
5 infraction that is consistent with this act.

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