
ENGROSSED SUBSTITUTE SENATE BILL 5610

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Carlson, Gardner and Winsley)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to traffic safety cameras; amending RCW 46.63.030
2 and 46.63.140; adding new sections to chapter 46.63 RCW; and creating
3 a new section.

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 legislative authority must enact an ordinance
10 allowing for their use to detect one or more of the following:
11 Stoplight or railroad crossing violations. At a minimum, the local
12 ordinance must contain the restrictions described in sections 1 through
13 4 of this act. Cities and counties using traffic safety cameras before
14 the effective date of this act are subject to the restrictions
15 described in sections 1 through 4 of this act, but are not required to
16 enact an authorizing ordinance.

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

1 (c) The jurisdiction must develop a public notification program for
2 areas in which traffic safety cameras will be used. Under their
3 respective jurisdictions, the law enforcement agency shall plainly mark
4 the locations where the traffic safety cameras are used by placing
5 signs on street locations that clearly indicate to a driver that he or
6 she is entering a zone where traffic laws are enforced by traffic
7 safety cameras.

8 (d) A notice of traffic infraction must be mailed to the registered
9 owner of the vehicle within fourteen days of the infraction occurring.
10 The jurisdiction must not issue an additional infraction to the
11 registered owner of the vehicle during the fourteen-day notification
12 period.

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

16 (2) Infractions detected through the use of traffic safety cameras
17 will be recorded as are stopping, standing, or parking violations under
18 RCW 46.61.560, but are not part of the registered owner's driving
19 record under RCW 46.52.101 and 46.52.120.

20 (3) The traffic safety commission may adopt rules regarding:

21 (a) Mechanical and operational standards for traffic safety camera
22 equipment;

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

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

27 (4) Jurisdictions using traffic safety cameras must comply with any
28 standards adopted under subsection (3) of this section.

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

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

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

34 (b) When the officer is acting upon the request of a law
35 enforcement officer in whose presence the traffic infraction was
36 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 a notice of traffic infraction may be mailed to the
5 registered owner of or the person renting a vehicle as authorized under
6 subsection (2) of this section.

7 (2) When a traffic safety camera is used in compliance with section
8 1 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 the person renting the vehicle. The registered owner of the
12 vehicle or the person renting the vehicle is responsible for the
13 infraction.

14 (3) A court may issue a notice of traffic infraction upon receipt
15 of a written statement of the officer that there is reasonable cause to
16 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW
2 to read as follows:

3 The registered owner of a vehicle is responsible for an infraction
4 under RCW 46.63.030(2) unless within fifteen days after notification of
5 the infraction the registered owner furnishes the officials or agents
6 of the municipality that issued the notice of infraction with:

7 (1) An affidavit made under oath, stating that the vehicle involved
8 was, at the time, stolen or in the care, custody, or control of some
9 person other than the registered owner; or

10 (2) Testimony in open court under oath that the person was not the
11 operator of the vehicle at the time of the alleged infraction.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW
13 to read as follows:

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

26 **Sec. 5.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
27 as follows:

28 (1) In any traffic infraction case involving a violation of this
29 title or equivalent administrative regulation or local law, ordinance,
30 regulation, or resolution relating to the stopping, standing, or
31 parking of a vehicle, proof that the particular vehicle described in
32 the notice of traffic infraction was stopping, standing, or parking in
33 violation of any such provision of this title or an equivalent
34 administrative regulation or local law, ordinance, regulation, or
35 resolution, together with proof that the person named in the notice of
36 traffic infraction was at the time of the violation the registered
37 owner of the vehicle, (~~shall~~) constitute in evidence a prima facie

1 presumption that the registered owner of the vehicle was the person who
2 parked or placed the vehicle at the point where, and for the time
3 during which, the violation occurred.

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

7 NEW SECTION. **Sec. 6.** The legislature respectfully requests the
8 Washington state supreme court to amend the Infraction Rules for Courts
9 of Limited Jurisdiction to conform to this act. Furthermore, the
10 legislature respectfully asks the court to create a notice of traffic
11 infraction that is consistent with this act.

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