

2SSB 5369 - S AMD 280

By Senator Benton

1 On page 2, after line 16, insert the following:

2 "(1) For the 2003-05 biennium, the Washington traffic safety
3 commission may oversee pilot projects in Pierce county implementing the
4 use of traffic safety cameras."

5 Renumber the subsections following consecutively and correct
6 internal references accordingly.

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7 On page 7, after line 6, insert the following:

8 "NEW SECTION. **Sec. 7.** By January 1, 2005, the traffic safety
9 commission shall provide a report to the legislature regarding the use,
10 public acceptance, outcomes, and other issues regarding traffic safety
11 cameras demonstrated by the Pierce county pilot projects.

12 **Sec. 8.** RCW 3.50.100 and 2003 c ... (2SSB 5369) s 4 are each
13 amended to read as follows:

14 (1) Costs in civil and criminal actions may be imposed as provided
15 in district court. All fees, costs, fines, forfeitures and other money
16 imposed by any municipal court for the violation of any municipal or
17 town ordinances shall be collected by the court clerk and, together
18 with any other noninterest revenues received by the clerk, shall be
19 deposited with the city or town treasurer as a part of the general fund
20 of the city or town, or deposited in such other fund of the city or

1 town, or deposited in such other funds as may be designated by the laws
2 of the state of Washington.

3 (2) The city treasurer shall remit monthly thirty-two percent of
4 the noninterest money received under this section, other than for
5 parking infractions, and certain costs to the state treasurer. (~~The~~
6 ~~city treasurer shall remit monthly ten percent of the noninterest money~~
7 ~~received under this section for infractions detected by an automated~~
8 ~~traffic safety camera to the state treasurer.~~) "Certain costs" as
9 used in this subsection, means those costs awarded to prevailing
10 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
11 costs awarded against convicted defendants in criminal actions under
12 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
13 such costs are specifically designated as costs by the court and are
14 awarded for the specific reimbursement of costs incurred by the state,
15 county, city, or town in the prosecution of the case, including the
16 fees of defense counsel. Money remitted under this subsection to the
17 state treasurer shall be deposited as provided in RCW 43.08.250.

18 (3) The balance of the noninterest money received under this
19 section shall be retained by the city and deposited as provided by law.

20 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
21 interest at the rate of twelve percent per annum, upon assignment to a
22 collection agency. Interest may accrue only while the case is in
23 collection status.

24 (5) Interest retained by the court on penalties, fines, bail
25 forfeitures, fees, and costs shall be split twenty-five percent to the
26 state treasurer for deposit in the public safety and education account
27 as provided in RCW 43.08.250, twenty-five percent to the state
28 treasurer for deposit in the judicial information system account as
29 provided in RCW 2.68.020, twenty-five percent to the city general fund,
30 and twenty-five percent to the city general fund to fund local courts.

31 **Sec. 9.** RCW 46.63.030 and 2003 c ... (2SSB 5369) s 5 are each
32 amended to read as follows:

33 (1) A law enforcement officer has the authority to issue a notice
34 of traffic infraction (~~or an automated traffic infraction notice~~):

- 35 (a) When the infraction is committed in the officer's presence;
36 (b) When the officer is acting upon the request of a law

1 enforcement officer in whose presence the traffic infraction was
2 committed; or

3 (c) If an officer investigating at the scene of a motor vehicle
4 accident has reasonable cause to believe that the driver of a motor
5 vehicle involved in the accident has committed a traffic infraction(~~(+~~
6 ~~or~~

7 ~~(d) When the notice is mailed to the registered owner or the person~~
8 ~~renting a vehicle as authorized under subsection (2) of this section).~~

9 (2) (~~When an automated traffic safety camera is used in compliance~~
10 ~~with section 3 of this act, a law enforcement officer, whether present~~
11 ~~or not during the commission of the infraction, or other issuing agency~~
12 ~~may issue an automated traffic infraction notice by mail to the~~
13 ~~registered owner of the vehicle, or to the person renting the vehicle.~~
14 ~~The registered owner of the vehicle or the person renting the vehicle~~
15 ~~is responsible for the infraction.~~

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

19 ~~((4))~~ (3) If any motor vehicle without a driver is found parked,
20 standing, or stopped in violation of this title or an equivalent
21 administrative regulation or local law, ordinance, regulation, or
22 resolution, the officer finding the vehicle shall take its registration
23 number and may take any other information displayed on the vehicle
24 which may identify its user, and shall conspicuously affix to the
25 vehicle a notice of traffic infraction.

26 ~~((5))~~ (4) In the case of failure to redeem an abandoned vehicle
27 under RCW 46.55.120, upon receiving a complaint by a registered tow
28 truck operator that has incurred costs in removing, storing, and
29 disposing of an abandoned vehicle, an officer of the law enforcement
30 agency responsible for directing the removal of the vehicle shall send
31 a notice of infraction by certified mail to the last known address of
32 the person responsible under RCW 46.55.105. The notice must be
33 entitled "Littering--Abandoned Vehicle" and give notice of the monetary
34 penalty. The officer shall append to the notice of infraction, on a
35 form prescribed by the department of licensing, a notice indicating the
36 amount of costs incurred as a result of removing, storing, and
37 disposing of the abandoned vehicle, less any amount realized at
38 auction, and a statement that monetary penalties for the infraction

1 will not be considered as having been paid until the monetary penalty
2 payable under this chapter has been paid and the court is satisfied
3 that the person has made restitution in the amount of the deficiency
4 remaining after disposal of the vehicle.

5 **Sec. 10.** RCW 46.63.140 and 2003 c ... (2SSB 5369) s 6 are each
6 amended to read as follows:

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

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

27 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
28 each repealed:

- 29 (1) RCW 46.04.--- and section 1 of this act;
- 30 (2) RCW 46.04.--- and section 2 of this act; and
- 31 (3) RCW 46.63.--- and section 3 of this act.

32 NEW SECTION. **Sec. 12.** Sections 8 through 11 of this act take
33 effect June 30, 2005."

1 Renumber the section following consecutively and correct any
2 internal references accordingly.

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3 On line 2 of the title, after "cameras;" strike the remainder of
4 the title and insert "amending RCW 3.50.100, 46.63.030, 46.63.140,
5 3.50.100, 46.63.030, and 46.63.140; adding new sections to chapter
6 46.04 RCW; adding a new section to chapter 46.63 RCW; creating new
7 sections; and providing an effective date."

EFFECT: Establishes a traffic safety camera pilot project in
Pierce County for the length of the 2003-05 biennium, along with a
report to the legislature on the outcome of the projects. Pilot
project expires June 30, 2005.

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