

2SSB 5369 - S AMD 617
By Senator Winsley

ADOPTED 02/12/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
4 to read as follows:

5 "Automated traffic safety camera" means a device that uses a
6 vehicle sensor installed to work in conjunction with an intersection
7 traffic control system or a railroad grade crossing control system, and
8 a camera synchronized to automatically record one or more sequenced
9 photographs, microphotographs, or electronic images of the rear of a
10 motor vehicle at the time the vehicle fails to stop when facing a
11 steady red traffic control signal or an activated railroad grade
12 crossing control signal.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
14 to read as follows:

15 "Automated traffic infraction notice" means a notice of a traffic
16 infraction generated by the use of an authorized automated traffic
17 safety camera issued to the registered owner of a vehicle photographed
18 while failing to stop at a red traffic control signal or violating an
19 activated railroad grade crossing control. An automated traffic
20 infraction notice issued by the use of an automated traffic safety
21 camera system must include a copy or facsimile of the photograph
22 showing both the vehicle license plate of the offending vehicle and the
23 traffic control device or the activated railroad grade crossing
24 control. An automated traffic infraction notice will be administered
25 under RCW 46.63.140.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW
27 to read as follows:

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

3 (a) The appropriate local legislative authority must first enact an
4 ordinance allowing for their use to detect one or more of the
5 following: Stoplight or railroad crossing violations. At a minimum,
6 the local ordinance must contain the restrictions described in this
7 section and provisions for public notice and signage. Cities and
8 counties using traffic safety cameras before the effective date of this
9 act are subject to the restrictions described in this section, but are
10 not required to enact an authorizing ordinance.

11 (b) Use of automated traffic safety cameras is restricted to two-
12 arterial intersections and railroad crossings only.

13 (c) Automated traffic safety cameras may take pictures of the
14 vehicle and vehicle license plate and only while an infraction is
15 occurring. The picture shall not reveal the face of the driver or of
16 passengers in the vehicle.

17 (d) The ordinance enacted by the local legislative authority may
18 provide that automated traffic safety cameras may take pictures of the
19 vehicle and vehicle license plate while an infraction is occurring.

20 (e) The law enforcement agency having jurisdiction shall plainly
21 mark the locations where an automated traffic safety camera is used by
22 placing signs on street locations that clearly indicate to a driver
23 that he or she is entering a zone where traffic laws are enforced by an
24 automated traffic safety camera. Signs must be displayed one hundred
25 yards in advance of placement of the locations where an automated
26 traffic safety camera is used and must state the following in letters
27 at least six inches high: "TRAFFIC LIGHT AND RAILROAD CROSSING
28 VIOLATIONS RECORDED BY CAMERA."

29 (f) A notice of an infraction must be mailed to the registered
30 owner of the vehicle within fourteen days of the infraction occurring.

31 (g) A person receiving an automated traffic infraction notice based
32 on evidence detected by an automated traffic safety camera may respond
33 to the notice by mail.

34 (h) The registered owner of a vehicle is responsible for an
35 infraction under RCW 46.63.030(2) unless within fifteen days after
36 notification of the infraction the registered owner furnishes the

1 officials or agents of the municipality that issued the notice of
2 infraction with:

3 (i) An affidavit made under oath, stating that the vehicle involved
4 was, at the time, stolen or in the care, custody, or control of some
5 person other than the registered owner; or

6 (ii) Testimony in open court under oath that the person was not the
7 operator of the vehicle at the time of the alleged infraction.

8 (2) Infractions detected through the use of automated traffic
9 safety cameras will be processed as are stopping, standing, or parking
10 violations under RCW 46.61.560, but are not part of the registered
11 owner's driving record under RCW 46.52.101 and 46.52.120.

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

28 (4) If a county or city has established an authorized automated
29 traffic safety camera program under this section, the compensation paid
30 to the manufacturer or vendor of the equipment used must be based only
31 upon the value of the equipment and services provided or rendered in
32 support of the system, and may not be based upon a portion of the fine
33 or civil penalty imposed or the revenue generated by the equipment.

34 **Sec. 4.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to read
35 as follows:

1 (1) All money received by the clerk of a municipal department
2 including penalties, fines, bail forfeitures, fees and costs shall be
3 paid by the clerk to the city treasurer.

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

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

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

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

33 **Sec. 5.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read
34 as follows:

35 (1) Costs in civil and criminal actions may be imposed as provided
36 in district court. All fees, costs, fines, forfeitures and other money

1 imposed by any municipal court for the violation of any municipal or
2 town ordinances shall be collected by the court clerk and, together
3 with any other noninterest revenues received by the clerk, shall be
4 deposited with the city or town treasurer as a part of the general fund
5 of the city or town, or deposited in such other fund of the city or
6 town, or deposited in such other funds as may be designated by the laws
7 of the state of Washington.

8 (2) The city treasurer shall remit monthly thirty-two percent of
9 the noninterest money received under this section, other than for
10 parking infractions or for infractions detected by an automated traffic
11 safety camera, and certain costs to the state treasurer. The city
12 treasurer shall remit monthly ten percent of the noninterest money
13 received under this section for infractions detected by an automated
14 traffic safety camera to the state treasurer. "Certain costs" as used
15 in this subsection, means those costs awarded to prevailing parties in
16 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
17 against convicted defendants in criminal actions under RCW 10.01.160,
18 10.46.190, or 36.18.040, or other similar statutes if such costs are
19 specifically designated as costs by the court and are awarded for the
20 specific reimbursement of costs incurred by the state, county, city, or
21 town in the prosecution of the case, including the fees of defense
22 counsel. Money remitted under this subsection to the state treasurer
23 shall be deposited as provided in RCW 43.08.250.

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

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

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

1 **Sec. 6.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read
2 as follows:

3 (1) The chief clerk, under the supervision and direction of the
4 court administrator of the municipal court, shall have the custody and
5 care of the books, papers and records of said court; he shall be
6 present by himself or deputy during the session of said court, and
7 shall have the power to swear all witnesses and jurors, and administer
8 oaths and affidavits, and take acknowledgments. He shall keep the
9 records of said court, and shall issue all process under his hand and
10 the seal of said court, and shall do and perform all things and have
11 the same powers pertaining to his office as the clerks of the superior
12 courts have in their office. He shall receive all fines, penalties and
13 fees of every kind, and keep a full, accurate and detailed account of
14 the same; and shall on each day pay into the city treasury all money
15 received for said city during the day previous, with a detailed account
16 of the same, and taking the treasurer's receipt therefor.

17 (2) The city treasurer shall remit monthly thirty-two percent of
18 the noninterest money received under this section, other than for
19 parking infractions or for infractions detected by an automated traffic
20 safety camera, and certain costs to the state treasurer. The city
21 treasurer shall remit monthly ten percent of the noninterest money
22 received under this section for infractions detected by an automated
23 traffic safety camera to the state treasurer. "Certain costs" as used
24 in this subsection, means those costs awarded to prevailing parties in
25 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
26 against convicted defendants in criminal actions under RCW 10.01.160,
27 10.46.190, or 36.18.040, or other similar statutes if such costs are
28 specifically designated as costs by the court and are awarded for the
29 specific reimbursement of costs incurred by the state, county, city, or
30 town in the prosecution of the case, including the fees of defense
31 counsel. Money remitted under this subsection to the state treasurer
32 shall be deposited as provided in RCW 43.08.250.

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

35 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
36 interest at the rate of twelve percent per annum, upon assignment to a

1 collection agency. Interest may accrue only while the case is in
2 collection status.

3 (5) Interest retained by the court on penalties, fines, bail
4 forfeitures, fees, and costs shall be split twenty-five percent to the
5 state treasurer for deposit in the public safety and education account
6 as provided in RCW 43.08.250, twenty-five percent to the state
7 treasurer for deposit in the judicial information system account as
8 provided in RCW 2.68.020, twenty-five percent to the city general fund,
9 and twenty-five percent to the city general fund to fund local courts.

10 **Sec. 7.** RCW 46.63.030 and 2002 c 279 s 14 are each amended to read
11 as follows:

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

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

15 (b) When the officer is acting upon the request of a law
16 enforcement officer in whose presence the traffic infraction was
17 committed; (~~(c)~~)

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

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

23 (2) When an automated traffic safety camera is used in compliance
24 with section 3 of this act, a law enforcement officer, whether present
25 or not during the commission of the infraction, or other issuing agency
26 may issue an automated traffic infraction notice by mail to the
27 registered owner of the vehicle, or to the person renting the vehicle.
28 The registered owner of the vehicle or the person renting the vehicle
29 is responsible for the infraction.

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

33 (~~(3)~~) (4) If any motor vehicle without a driver is found parked,
34 standing, or stopped in violation of this title or an equivalent
35 administrative regulation or local law, ordinance, regulation, or
36 resolution, the officer finding the vehicle shall take its registration

1 number and may take any other information displayed on the vehicle
2 which may identify its user, and shall conspicuously affix to the
3 vehicle a notice of traffic infraction.

4 ~~((4))~~ (5) In the case of failure to redeem an abandoned vehicle
5 under RCW 46.55.120, upon receiving a complaint by a registered tow
6 truck operator that has incurred costs in removing, storing, and
7 disposing of an abandoned vehicle, an officer of the law enforcement
8 agency responsible for directing the removal of the vehicle shall send
9 a notice of infraction by certified mail to the last known address of
10 the person responsible under RCW 46.55.105. The notice must be
11 entitled "Littering--Abandoned Vehicle" and give notice of the monetary
12 penalty. The officer shall append to the notice of infraction, on a
13 form prescribed by the department of licensing, a notice indicating the
14 amount of costs incurred as a result of removing, storing, and
15 disposing of the abandoned vehicle, less any amount realized at
16 auction, and a statement that monetary penalties for the infraction
17 will not be considered as having been paid until the monetary penalty
18 payable under this chapter has been paid and the court is satisfied
19 that the person has made restitution in the amount of the deficiency
20 remaining after disposal of the vehicle.

21 **Sec. 8.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
22 as follows:

23 (1) In any traffic infraction case or automated traffic infraction
24 case involving a violation of this title or equivalent administrative
25 regulation or local law, ordinance, regulation, or resolution relating
26 to the stopping, standing, or parking of a vehicle or violations
27 detected by automated traffic safety cameras, proof that the particular
28 vehicle described in the notice of traffic infraction or automated
29 traffic infraction notice was stopping, standing, or parking or did
30 commit the violation detected by an automated traffic safety camera in
31 violation of any such provision of this title or an equivalent
32 administrative regulation or local law, ordinance, regulation, or
33 resolution, together with proof that the person named in the notice of
34 traffic infraction or automated traffic infraction notice was at the
35 time of the violation the registered owner of the vehicle, ~~((shall))~~
36 constitutes in evidence a prima facie presumption that the registered

1 owner of the vehicle was the person who parked or placed the vehicle at
2 the point where, and for the time during which, the violation occurred
3 or who operated the vehicle photographed by an automated traffic safety
4 camera.

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

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

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By Senator Winsley

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13 On page 1, line 2 of the title, after "cameras;" strike the
14 remainder of the title and insert "amending RCW 3.46.120, 3.50.100,
15 35.20.220, 46.63.030, and 46.63.140; adding new sections to chapter
16 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a
17 new section."

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