

---

**Transportation Committee**

---

**HB 1324**

**Brief Description:** Regulating automated traffic safety cameras.

**Sponsors:** Representatives Lovick, Delvin, O'Brien, Hankins, Fromhold, Jarrett, Wallace and Anderson.

**Brief Summary of Bill**

- Authorizes local jurisdictions to employ the use of automated traffic safety cameras after first enacting local ordinances that allow for their use in detecting speeding, stoplight, and/or railroad crossing violations.
- The cameras may take pictures of only the vehicle and the vehicle's license plate, and only when the violation is occurring.
- A new penalty classification is created, the "automated traffic infraction notice," which when issued for a violation captured by an automated traffic safety camera, must be mailed to the registered owner of the vehicle.
- Fine revenue generated by automated traffic infraction notices will be retained by the issuing local jurisdiction.

**Hearing Date:** 2/5/03

**Staff:** Reema Griffith (786-7301).

**Background:**

The 2001 Transportation Budget bill contained a proviso authorizing the Washington Traffic Safety Commission (WTSC) to oversee various pilot projects implementing the use of automated traffic safety cameras with the following limitations: the cameras could photograph only the vehicle and vehicle license plate; the owner of the vehicle would be held responsible for the infraction; any infractions captured by the cameras would not become part of the owner's driving record; and law enforcement would be required to notify its citizens of the locations in which the cameras were being used.

The cities of Spokane, Tacoma, Vancouver, Seattle, and Lakewood applied to the WTSC to be part of the pilot projects, but due to budgetary constraints and the costs associated with

starting the projects, the City of Lakewood was the only jurisdiction that actually got a pilot project up-and-running. Lakewood installed four cameras to detect red light running at two high-violation intersections and in a one-year period, they saw decreases in violations as high as 85.5 percent.

Although Lakewood had tremendous enforcement success with the use of the cameras, they also experienced substantial costs. There was a high demand for adjudicating the infractions which required the city to hire four additional court clerks, and there were ongoing costs to the vendor for the use of the equipment, all while current law required that the city also remit 32 percent of the fine revenue to the State. Because of these budget realities, the city did not generate sufficient revenue to cover its costs and is thus not expanding its current program.

### **Summary of Bill:**

House Bill 1324 essentially implements the same programmatic provisions contained in the 2001 Transportation Budget proviso mentioned above and provides a fix for local jurisdictions to better afford implementing an automated traffic safety program.

A new penalty classification called the "automated traffic infraction notice" is created which is defined as a notice of infraction generated by the use of an automated traffic safety camera, issued to the registered owner of a vehicle photographed while speeding, failing to stop at a red light, or going through an activated railroad grade crossing signal. The notice of infraction must include a copy of the photograph showing both the vehicle's license plate and the traffic control device, railroad grade crossing control, or the speed detected by a speed measuring device.

The local jurisdiction must enact a local ordinance allowing for the use of the traffic safety cameras to detect speeding, stoplight violations, or railroad crossing violations. The ordinance must also contain the following restrictions:

- The cameras may take pictures of the vehicle and the vehicle's license plate only and only while a violation is occurring.
- The local law enforcement agency must plainly mark the locations where the cameras are used, by placing signs on street locations that clearly indicate to a driver that they are entering a zone where traffic laws are enforced by an automated traffic safety camera.
- A notice of an infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation.
- Automated traffic infraction notices will be processed and treated like parking violations in that they will not be part of the registered owner's driving record.
- If the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing law enforcement agency within fourteen days of receiving the notice, a declaration disclosing the name and known mailing address of the person who was driving or renting the vehicle when the infraction occurred. If this information is unknown, the business must sign a declaration to this effect and if this is done within fourteen days of receiving the notice, the business is relieved of any liability.
- A declaration form for use by businesses must be included with each automated traffic

infraction notice issued.

In addition to parking infraction revenue, local jurisdictions will also be allowed to keep all of the fine revenue generated by automated traffic infraction notices.

Local law enforcement officers are authorized to issue automated traffic infraction notices by mail, to the registered owner of the vehicle or to the person renting the vehicle, regardless of whether or not the officer is present at the time of the violation, provided that the automated traffic safety camera in which the infraction was captured with, is being used in compliance with the above mentioned restrictions.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 2003.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.