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SECOND SUBSTITUTE SENATE BILL 5369

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to regulating the use of automated traffic safety  
2 cameras; amending RCW 3.50.100, 46.63.030, and 46.63.140; adding new  
3 sections to chapter 46.04 RCW; adding a new section to chapter 46.63  
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW  
7 to read as follows:

8 "Automated traffic safety camera" means a device that uses a  
9 vehicle sensor installed to work in conjunction with an intersection  
10 traffic control system, a railroad grade crossing control system, or a  
11 speed measuring device and a camera synchronized to automatically  
12 record one or more sequenced photographs, microphotographs, or  
13 electronic images of the rear or front, or both, of a motor vehicle at  
14 the time the vehicle fails to stop when facing a steady red traffic  
15 control signal or an activated railroad grade crossing control signal,  
16 or exceeds a predetermined speed as detected by a speed measuring  
17 device.

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

3        "Automated traffic infraction notice" means a notice of a traffic  
4 infraction generated by the use of an authorized automated traffic  
5 safety camera issued to the registered owner of a vehicle photographed  
6 while exceeding a predetermined speed limit or failing to stop at a red  
7 traffic control signal or violating an activated railroad grade  
8 crossing control. An automated traffic infraction notice issued by the  
9 use of an automated traffic safety camera system must include a copy or  
10 facsimile of the photograph showing both the vehicle license plate of  
11 the offending vehicle and the traffic control device, the activated  
12 railroad grade crossing control, or the speed detected by a speed  
13 measuring device. An automated traffic infraction notice will be  
14 administered under RCW 46.63.140.

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

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

19        (a) The appropriate local legislative authority must first enact an  
20 ordinance allowing for their use to detect one or more of the  
21 following: Speeding, stoplight, or railroad crossing violations. At  
22 a minimum, the local ordinance must contain the restrictions described  
23 in this section and provisions for public notice and signage. Cities  
24 and counties using traffic safety cameras before the effective date of  
25 this act are subject to the restrictions described in this section, but  
26 are not required to enact an authorizing ordinance.

27        (b) Use of automated traffic safety cameras is restricted to  
28 construction zones, school zones, two-arterial intersections, railroad  
29 crossings, and other areas designated by the Washington state patrol or  
30 county or city police as areas of high collision frequency.

31        (c) Automated traffic safety cameras may take pictures of the  
32 vehicle and vehicle license plate and only while an infraction is  
33 occurring.

34        (d) The ordinance enacted by the local legislative authority may  
35 provide that automated traffic safety cameras may take pictures of the  
36 vehicle, vehicle license plate, and the face of the driver while an  
37 infraction is occurring.

1 (e) The law enforcement agency having jurisdiction shall plainly  
2 mark the locations where an automated traffic safety camera is used by  
3 placing signs on street locations that clearly indicate to a driver  
4 that he or she is entering a zone where traffic laws are enforced by an  
5 automated traffic safety camera. Signs must be displayed one hundred  
6 yards in advance of placement of the locations where an automated  
7 traffic safety camera is used and must state the following in letters  
8 at least six inches high: "SPEED AND TRAFFIC LIGHT VIOLATIONS RECORDED  
9 BY CAMERA."

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

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

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

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

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

7 **Sec. 4.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read  
8 as follows:

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

18 (2) The city treasurer shall remit monthly thirty-two percent of  
19 the noninterest money received under this section, other than for  
20 parking infractions, and certain costs to the state treasurer. The  
21 city 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. 5.** 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. 6.** 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  
37 owner of the vehicle was the person who parked or placed the vehicle at

1 the point where, and for the time during which, the violation occurred  
2 or who operated the vehicle photographed by an automated traffic safety  
3 camera.

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. 7. 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 an automated traffic  
11 infraction notice that is consistent with this act.

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