

SENATE BILL REPORT

SB 5060

As Reported By Senate Committee On:
Transportation, March 2, 2005

Title: An act relating to regulating the use of automated traffic safety cameras.

Brief Description: Regulating automated traffic safety cameras.

Sponsors: Senators Haugen, Swecker and Jacobsen.

Brief History:

Committee Activity: Transportation: 1/18/05, 3/2/05 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Eide, Kastama, Oke, Spanel and Weinstein.

Minority Report: Do not pass.

Signed by Senators Benson and Mulliken.

Minority Report: That it be referred without recommendation.

Signed by Senator Esser.

Staff: Kelly Simpson (786-7403)

Background: Current law contains no express statutory authority allowing local governments to use automated traffic enforcement systems such as photo radar, photo devices at stop lights, and photo devices at railroad crossings. However, in 2004 the legislature allowed for the use of photo enforcement systems for toll collection evasion. Additionally, the state transportation budgets for the 2001-03 and 2003-05 fiscal bienniums contained provisos establishing pilot projects, to be monitored by the Washington Traffic Safety Commission, utilizing traffic safety cameras.

City treasurers are currently required to remit monthly to the State Treasurer 32 percent of the noninterest money received from penalties, fines, bail forfeitures, fees and costs for violations of municipal or town ordinances, together with any other noninterest revenues received by the clerk. Such funds are deposited by the State Treasurer into the Public Safety and Education Account. The 32 percent remittance does not include monies received for parking infractions.

Summary of Substitute Bill: Local governments may use "automated traffic safety cameras" (cameras) subject to the following conditions: (1) an ordinance must first be enacted by the local legislative authority allowing their use to detect only stoplight, railroad crossing, or school speed zone violations and setting forth public notice and signage provisions; (2) use of the cameras is restricted to two-arterial intersections, railroad crossings, and school speed

zones only; (3) pictures may only be taken of vehicles and vehicle license plates and only while an infraction is occurring, and must not reveal driver or passenger faces; (4) all locations where a camera is used must be clearly marked by signs indicating the presence of a camera zone; (5) infraction notices must be mailed to the registered owner of the vehicle within 14 days of the infraction, and may be responded to by mail; and (6) infractions detected through the use of cameras are not part of the registered owner's driving record.

The registered owner of a vehicle is responsible for an infraction detected by an automated traffic safety camera unless the owner states under oath that the vehicle involved was, at the time, stolen or in the care, custody, or control of another person.

Infractions detected through the use of cameras must be processed in the same manner as parking infractions.

Substitute Bill Compared to Original Bill: The substitute includes a redrafting to eliminate technical errors and to make the language more consistent with photo enforcement language enacted last session regarding toll evasion. Additionally, cameras are allowed to detect school speed zone violations. Finally, language was added to clarify that infractions detected through the use of cameras must be processed in the same manner as parking infractions.

Appropriation: None.

Fiscal Note: Available for original bill.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: While local governments are frequently having to cut back on certain law enforcement activities, this bill helps local governments in the area of traffic enforcement. It is well documented that automated traffic safety cameras are a strong enforcement tool in helping to deter red light running. Red light running nationally and in Washington state is a very costly problem, both in terms of lives lost and financial costs to society. Allowing local governments to establish an automated traffic safety camera program would help to reduce these costs. Additionally, if the bill were to also allow for speed enforcement, particularly in school zones, traffic safety enforcement would improve in that respect as well.

Testimony Against: None.

Who Testified: PRO: Senator Haugen, sponsor; Steve Lind, WA Traffic Safety Commission; Mel Sorensen, Property Casualty Insurance Assoc., & Allstate Ins. Co.; Candice Bock, City of Lakewood; Larry Saunders, Chief, City of Lakewood Police Dept. OTHER: Jeff Hall, Board for Judicial Administration.