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HOUSE BILL 3020

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Lovick, Hankins, Morrell and Kagi; by request of Department of Transportation

Read first time 01/18/2006. Referred to Committee on Transportation.

1 AN ACT Relating to the use of automated traffic safety cameras in  
2 state highway work zones; and amending RCW 46.63.170.

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

4 **Sec. 1.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read  
5 as follows:

6 (1) The use of automated traffic safety cameras for issuance of  
7 notices of infraction is subject to the following requirements:

8 (a) The appropriate local legislative authority must first enact an  
9 ordinance allowing for their use to detect one or more of the  
10 following: Stoplight, railroad crossing, or school speed zone  
11 violations. At a minimum, the local ordinance must contain the  
12 restrictions described in this section and provisions for public notice  
13 and signage. Cities and counties using automated traffic safety  
14 cameras before July 24, 2005, are subject to the restrictions described  
15 in this section, but are not required to enact an authorizing  
16 ordinance. Infractions issued on state highways are not subject to  
17 this subsection (1)(a).

18 (b) The Washington state patrol may issue infractions in work zones  
19 on state highways when workers are present.

1        (c) Use of automated traffic safety cameras is restricted to two-  
2 arterial intersections, railroad crossings, highway work zones, and  
3 school speed zones only.

4        ~~((e))~~ (d) Automated traffic safety cameras may only take pictures  
5 of the vehicle and vehicle license plate and only while an infraction  
6 is occurring. The picture must not reveal the face of the driver or of  
7 passengers in the vehicle.

8        ~~((d))~~ (e) A notice of infraction must be mailed to the registered  
9 owner of the vehicle within fourteen days of the violation, or to the  
10 renter of a vehicle within fourteen days of establishing the renter's  
11 name and address under subsection (3)(a) of this section. The law  
12 enforcement officer issuing the notice of infraction shall include with  
13 it a certificate or facsimile thereof, based upon inspection of  
14 photographs, microphotographs, or electronic images produced by an  
15 automated traffic safety camera, stating the facts supporting the  
16 notice of infraction. This certificate or facsimile is prima facie  
17 evidence of the facts contained in it and is admissible in a proceeding  
18 charging a violation under this chapter. The photographs,  
19 microphotographs, or electronic images evidencing the violation must be  
20 available for inspection and admission into evidence in a proceeding to  
21 adjudicate the liability for the infraction. A person receiving a  
22 notice of infraction based on evidence detected by an automated traffic  
23 safety camera may respond to the notice by mail.

24        ~~((e))~~ (f) The registered owner of a vehicle is responsible for an  
25 infraction under RCW 46.63.030(1)(e) unless the registered owner  
26 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
27 car business, satisfies the conditions under subsection (3) of this  
28 section. If appropriate under the circumstances, a renter identified  
29 under subsection (3)(a) of this section is responsible for an  
30 infraction.

31        ~~((f))~~ (g) Notwithstanding any other provision of law, all  
32 photographs, microphotographs, or electronic images prepared under this  
33 section are for the exclusive use of law enforcement in the discharge  
34 of duties under this section and are not open to the public and may not  
35 be used in a court in a pending action or proceeding unless the action  
36 or proceeding relates to a violation under this section. No  
37 photograph, microphotograph, or electronic image may be used for any

1 purpose other than enforcement of violations under this section nor  
2 retained longer than necessary to enforce this section.

3 ~~((g))~~ (h) All locations where an automated traffic safety camera  
4 is used must be clearly marked by placing signs in locations that  
5 clearly indicate to a driver that he or she is entering a zone where  
6 traffic laws are enforced by an automated traffic safety camera.

7 ~~((h))~~ (i) If a county or city has established an authorized  
8 automated traffic safety camera program under this section, the  
9 compensation paid to the manufacturer or vendor of the equipment used  
10 must be based only upon the value of the equipment and services  
11 provided or rendered in support of the system, and may not be based  
12 upon a portion of the fine or civil penalty imposed or the revenue  
13 generated by the equipment.

14 (2) Infractions detected through the use of automated traffic  
15 safety cameras are not part of the registered owner's driving record  
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
17 by the use of automated traffic safety cameras under this section shall  
18 be processed in the same manner as parking infractions, including for  
19 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and  
20 46.20.270(3). However, the amount of the fine issued for an infraction  
21 generated through the use of an automated traffic safety camera shall  
22 not exceed the amount of a fine issued for other parking infractions  
23 within the jurisdiction, except that the fine issued for work zone  
24 infractions must be the same as fines issued for speeding violations in  
25 work zones under RCW 46.61.527.

26 (3) If the registered owner of the vehicle is a rental car  
27 business, the law enforcement agency shall, before a notice of  
28 infraction being issued under this section, provide a written notice to  
29 the rental car business that a notice of infraction may be issued to  
30 the rental car business if the rental car business does not, within  
31 eighteen days of receiving the written notice, provide to the issuing  
32 agency by return mail:

33 (a) A statement under oath stating the name and known mailing  
34 address of the individual driving or renting the vehicle when the  
35 infraction occurred; or

36 (b) A statement under oath that the business is unable to determine  
37 who was driving or renting the vehicle at the time the infraction  
38 occurred; or

1 (c) In lieu of identifying the vehicle operator, the rental car  
2 business may pay the applicable penalty.

3 Timely mailing of this statement to the issuing law enforcement  
4 agency relieves a rental car business of any liability under this  
5 chapter for the notice of infraction.

6 (4) Nothing in this section prohibits a law enforcement officer  
7 from issuing a notice of traffic infraction to a person in control of  
8 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
9 (b), or (c).

10 (5) For the purposes of this section, "automated traffic safety  
11 camera" means a device that uses a vehicle sensor installed to work in  
12 conjunction with an intersection traffic control system, a railroad  
13 grade crossing control system, or a speed measuring device, and a  
14 camera synchronized to automatically record one or more sequenced  
15 photographs, microphotographs, or electronic images of the rear of a  
16 motor vehicle at the time the vehicle fails to stop when facing a  
17 steady red traffic control signal or an activated railroad grade  
18 crossing control signal, or exceeds a speed limit in a school speed  
19 zone or work zone safety area as detected by a speed measuring device.

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