

SENATE BILL REPORT

SSB 5391

As Passed Senate, February 23, 2007

Title: An act relating to photo enforcement of traffic infractions.

Brief Description: Modifying photo enforcement of traffic infraction provisions.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Haugen and Rockefeller; by request of Board For Judicial Administration).

Brief History:

Committee Activity: Transportation: 1/30/07, 2/5/07 [DPS, DNP].
Passed Senate: 2/23/07, 39-8.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kauffman, Kilmer, Sheldon and Spanel.

Minority Report: Do not pass.

Signed by Senators Clements and Holmquist.

Staff: Kelly Simpson (786-7403)

Background: Under current law, refusing to pay a toll at a tolled facility is a traffic infraction. Since the passage of SHB 2475 in 2004, toll violations may be detected through the use of a photo enforcement system. Photo enforcement systems may take recorded images (e.g., photographs) of vehicles and vehicle license plates only. Additionally, infractions detected through the use of photo enforcement systems are not part of registered owners' driving records.

During the 2005 Legislative Session, ESSB 5060 was enacted allowing local governments to use "automated traffic safety cameras" to detect stoplight, railroad crossing, or school speed zone violations. Infractions detected through the use of the cameras must be processed in the same manner as parking infractions.

Summary of Substitute Bill: The photo enforcement system statute for toll violations is changed to conform with the administrative provisions found in ESSB 5060, enacted in 2005. Toll violations detected through the use of photo enforcement systems must be processed in the same manner as parking infractions and the penalty is set at \$40 plus three times the toll.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The \$40 penalty remains with the local jurisdiction processing the violation, and the "three times the toll" penalty must be deposited into the statewide account in which tolls are deposited for the respective tolling facility.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill provides a good way to ensure that administrative processes applicable to detecting certain traffic infractions through traffic camera systems conform and operate in a uniform manner. The bill also helps with the Washington State Department of Transportation's current efforts at using transponders on the SR 167 HOT lanes pilot project, and any future tolling operations it might employ.

Persons Testifying: PRO: Senator Kilmer, prime sponsor; Judge James Heller, Pierce County District Court; Jeff Hall, Board For Judicial Administration; Greg Selstead, Washington State Department of Transportation.