
HOUSE BILL 2780

State of Washington 61st Legislature 2010 Regular Session

By Representatives Hurst, Williams, and Simpson

Read first time 01/14/10. Referred to Committee on Transportation.

1 AN ACT Relating to automated traffic safety cameras; amending RCW
2 46.63.075 and 46.63.170; creating a new section; prescribing penalties;
3 and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The purpose of law enforcement is to protect
6 and serve, not collect and serve. Anything that corrupts this
7 fundamental goal of guaranteeing public safety demeans and degrades the
8 role of the law enforcement community in the eyes of the public.

9 Automated traffic safety cameras are rapidly devolving into just
10 such a degradation. Rather than fulfilling the original purpose for
11 which the devices were approved, these cameras are instead seen by some
12 as an opportunity to fleece the public in the guise of improving public
13 safety. Although the cameras may still serve a legitimate purpose,
14 further restrictions are necessary to insure that misuse is prevented
15 and that the public's faith in the fairness of the system is upheld.

16 **Sec. 2.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
17 as follows:

18 (1) In a traffic infraction case involving an infraction detected

1 through the use of a photo enforcement system under RCW 46.63.160, or
2 detected through the use of an automated traffic safety camera under
3 RCW 46.63.170, proof that the particular vehicle described in the
4 notice of traffic infraction was in violation of any such provision of
5 RCW 46.63.160 or 46.63.170, together with proof that the person named
6 in the notice of traffic infraction was at the time of the violation
7 the registered owner of the vehicle, constitutes in evidence a prima
8 facie presumption that the registered owner of the vehicle was the
9 person in control of the vehicle at the point where, and for the time
10 during which, the violation occurred.

11 (2) This presumption may be overcome (~~only~~) if the registered
12 owner states, under oath, in a written statement to the court or, if
13 the registered owner wishes, in testimony before the court that the
14 vehicle involved was, at the time, stolen or in the care, custody, or
15 control of some person other than the registered owner, in which case
16 an order dismissing the infraction must be entered in the court
17 records, notice of the dismissal must be sent to the registered owner,
18 and no further hearings or actions are required of the registered
19 owner. The registered owner must not be required to provide any
20 additional information in a written statement beyond the fact that the
21 registered owner was not operating the vehicle at the time of the
22 alleged violation. Additionally, no court or jurisdiction may summon,
23 harass, or intimidate any person into paying a monetary penalty for an
24 infraction detected through the use of an automated traffic safety
25 camera in any case in which the registered owner was not operating the
26 vehicle at the time of the alleged violation.

27 **Sec. 3.** RCW 46.63.170 and 2009 c 470 s 714 are each amended to
28 read as follows:

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

31 (a) The appropriate local legislative authority must first enact an
32 ordinance allowing for their use to detect one or more of the
33 following: Stoplight, railroad crossing, or school speed zone
34 violations. At a minimum, the local ordinance must contain the
35 restrictions described in this section and provisions for public notice
36 and signage. Cities and counties using automated traffic safety

1 cameras before July 24, 2005, are subject to the restrictions described
2 in this section, but are not required to enact an authorizing
3 ordinance.

4 (b) Use of automated traffic safety cameras is restricted to two-
5 arterial intersections where the duration of the yellow change interval
6 for the stoplight is at least four seconds, railroad crossings, and
7 school speed zones only.

8 (c) During the 2009-2011 fiscal biennium, automated traffic safety
9 cameras may be used to detect speed violations for the purposes of
10 section 201(2), chapter 470, Laws of 2009 if the local legislative
11 authority first enacts an ordinance authorizing the use of cameras to
12 detect speed violations.

13 (d) Automated traffic safety cameras may only take pictures of the
14 vehicle and vehicle license plate and only while an infraction is
15 occurring. The picture must not reveal the face of the driver or of
16 passengers in the vehicle.

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

33 (f) The registered owner of a vehicle is responsible for an
34 infraction under RCW 46.63.030(1)(e) unless the registered owner
35 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
36 car business, satisfies the conditions under subsection (3) of this
37 section. If appropriate under the circumstances, a renter identified

1 under subsection (3)(a) of this section is responsible for an
2 infraction.

3 (g) Notwithstanding any other provision of law, all photographs,
4 microphotographs, or electronic images prepared under this section are
5 for the exclusive use of law enforcement in the discharge of duties
6 under this section and are not open to the public and may not be used
7 in a court in a pending action or proceeding unless the action or
8 proceeding relates to a violation under this section. No photograph,
9 microphotograph, or electronic image may be used for any purpose other
10 than enforcement of violations under this section nor retained longer
11 than necessary to enforce this section.

12 (h) All locations where an automated traffic safety camera is used
13 must be clearly marked by placing signs in locations that clearly
14 indicate to a driver that he or she is entering a zone where traffic
15 laws are enforced by an automated traffic safety camera.

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

22 (2) Infractions detected through the use of automated traffic
23 safety cameras are not part of the registered owner's driving record
24 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
25 by the use of automated traffic safety cameras under this section shall
26 be processed in the same manner as parking infractions, including for
27 the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).
28 However, the amount of the fine issued for an infraction generated
29 through the use of an automated traffic safety camera shall not exceed
30 (~~the amount of a fine issued for other parking infractions within the~~
31 ~~jurisdiction~~) twenty-five dollars.

32 (3) If the registered owner of the vehicle is a rental car
33 business, the law enforcement agency shall, before a notice of
34 infraction being issued under this section, provide a written notice to
35 the rental car business that a notice of infraction may be issued to
36 the rental car business if the rental car business does not, within
37 eighteen days of receiving the written notice, provide to the issuing
38 agency by return mail:

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

4 (b) A statement under oath that the business is unable to determine
5 who was driving or renting the vehicle at the time the infraction
6 occurred because the vehicle was stolen at the time of the infraction.
7 A statement provided under this subsection must be accompanied by a
8 copy of a filed police report regarding the vehicle theft; or

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

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

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

18 (5) For the purposes of this section, "automated traffic safety
19 camera" means a device that uses a vehicle sensor installed to work in
20 conjunction with an intersection traffic control system, a railroad
21 grade crossing control system, or a speed measuring device, and a
22 camera synchronized to automatically record one or more sequenced
23 photographs, microphotographs, or electronic images of the rear of a
24 motor vehicle at the time the vehicle fails to stop when facing a
25 steady red traffic control signal or an activated railroad grade
26 crossing control signal, or exceeds a speed limit in a school speed
27 zone as detected by a speed measuring device. During the 2009-2011
28 fiscal biennium, an automated traffic safety camera includes a camera
29 used to detect speed violations for the purposes of section 201(2),
30 chapter 470, Laws of 2009.

31 (6) During the 2009-2011 fiscal biennium, this section does not
32 apply to automated traffic safety cameras for the purposes of section
33 218(2), chapter 470, Laws of 2009.

34 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2010.

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