
SENATE BILL 6411

State of Washington

61st Legislature

2010 Regular Session

By Senators Kastama and Oemig

Read first time 01/13/10. Referred to Committee on Transportation.

1 AN ACT Relating to requiring the traffic safety commission to
2 submit a report on certain revenues generated by public and private
3 entities through use of automated traffic safety cameras; and amending
4 RCW 46.63.170.

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

6 **Sec. 1.** RCW 46.63.170 and 2009 c 470 s 714 are each amended to
7 read as follows:

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

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

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

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

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

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

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

36 (g) Notwithstanding any other provision of law, all photographs,
37 microphotographs, or electronic images prepared under this section are
38 for the exclusive use of law enforcement in the discharge of duties

1 under this section and are not open to the public and may not be used
2 in a court in a pending action or proceeding unless the action or
3 proceeding relates to a violation under this section. No photograph,
4 microphotograph, or electronic image may be used for any purpose other
5 than enforcement of violations under this section nor retained longer
6 than necessary to enforce this section.

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

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

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

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

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

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

1 occurred because the vehicle was stolen at the time of the infraction.
2 A statement provided under this subsection must be accompanied by a
3 copy of a filed police report regarding the vehicle theft; or

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

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

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

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

26 (6) During the 2009-2011 fiscal biennium, this section does not
27 apply to automated traffic safety cameras for the purposes of section
28 218(2), chapter 470, Laws of 2009.

29 (7) By July 1, 2010, and annually thereafter, the Washington
30 traffic safety commission shall, in consultation with the association
31 of Washington cities and the Washington state association of counties,
32 submit to the transportation committees of the legislature a
33 comprehensive report on the income and cost distribution of revenues
34 generated statewide by public and private entities through the use of
35 automated traffic safety cameras.

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