

SB 5188 - S AMD 173
By Senator Becker

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that it is in the
4 interests of the driving public to continue to provide for a uniform
5 system of traffic control signals, including provisions relative to
6 yellow light durations, fine amounts for certain traffic control signal
7 violations, and signage and reporting requirements at certain traffic
8 control signal locations. The legislature further finds that a uniform
9 system of traffic control signals greatly enhances the public's
10 confidence in a safe and equitable highway network. Therefore, it is
11 the intent of the legislature to harmonize and make uniform certain
12 legal provisions relating to traffic control signals.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.36 RCW
14 to read as follows:

15 The duration of a yellow change interval at any traffic control
16 signal must be at least as long as the minimum yellow change interval
17 identified in the manual of uniform traffic control devices for streets
18 and highways as adopted by the department under this chapter.

19 **Sec. 3.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
20 read as follows:

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

23 (a) The appropriate local legislative authority must ~~((first~~
24 ~~enact))~~ prepare an analysis of the locations within the jurisdiction
25 where automated traffic safety cameras are proposed to be located: (i)
26 Before enacting an ordinance allowing for ~~((their use))~~ the initial use
27 of automated traffic safety cameras; and (ii) before adding additional
28 cameras or relocating any existing camera to a new location within the

1 jurisdiction. Automated traffic safety cameras may be used to detect
2 one or more of the following: Stoplight, railroad crossing, or school
3 speed zone violations. At a minimum, the local ordinance must contain
4 the restrictions described in this section and provisions for public
5 notice and signage. Cities and counties using automated traffic safety
6 cameras before July 24, 2005, are subject to the restrictions described
7 in this section, but are not required to enact an authorizing
8 ordinance. Beginning one year after the effective date of this
9 section, cities and counties using automated traffic safety cameras
10 must post an annual report of the number of traffic accidents that
11 occurred at each location where an automated traffic safety camera is
12 located as well as the number of notices of infraction issued for each
13 camera and any other relevant information about the automated traffic
14 safety cameras that the city or county deems appropriate on the city's
15 or county's web site.

16 (b) Use of automated traffic safety cameras is restricted to the
17 following locations only: (i) Two-arterial intersections((τ)) with
18 traffic control signals that have yellow change interval durations in
19 accordance with section 2 of this act, which interval durations may not
20 be reduced after placement of the camera; (ii) railroad crossings((τ));
21 and (iii) school speed zones ((~~only~~)).

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

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

31 (e) A notice of infraction must be mailed to the registered owner
32 of the vehicle within fourteen days of the violation, or to the renter
33 of a vehicle within fourteen days of establishing the renter's name and
34 address under subsection (3)(a) of this section. The law enforcement
35 officer issuing the notice of infraction shall include with it a
36 certificate or facsimile thereof, based upon inspection of photographs,
37 microphotographs, or electronic images produced by an automated traffic
38 safety camera, stating the facts supporting the notice of infraction.

1 This certificate or facsimile is prima facie evidence of the facts
2 contained in it and is admissible in a proceeding charging a violation
3 under this chapter. The photographs, microphotographs, or electronic
4 images evidencing the violation must be available for inspection and
5 admission into evidence in a proceeding to adjudicate the liability for
6 the infraction. A person receiving a notice of infraction based on
7 evidence detected by an automated traffic safety camera may respond to
8 the notice by mail.

9 (f) The registered owner of a vehicle is responsible for an
10 infraction under RCW 46.63.030(1)(e) unless the registered owner
11 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
12 car business, satisfies the conditions under subsection (3) of this
13 section. If appropriate under the circumstances, a renter identified
14 under subsection (3)(a) of this section is responsible for an
15 infraction.

16 (g) Notwithstanding any other provision of law, all photographs,
17 microphotographs, or electronic images prepared under this section are
18 for the exclusive use of law enforcement in the discharge of duties
19 under this section and are not open to the public and may not be used
20 in a court in a pending action or proceeding unless the action or
21 proceeding relates to a violation under this section. No photograph,
22 microphotograph, or electronic image may be used for any purpose other
23 than enforcement of violations under this section nor retained longer
24 than necessary to enforce this section.

25 (h) All locations where an automated traffic safety camera is used
26 must be clearly marked at least thirty days prior to activation of the
27 camera by placing signs in locations that clearly indicate to a driver
28 that he or she is entering a zone where traffic laws are enforced by an
29 automated traffic safety camera. Signs placed in automated traffic
30 safety camera locations after the effective date of this section must
31 follow the specifications and guidelines under the federal manual on
32 traffic devices.

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

1 (2) Infractions detected through the use of automated traffic
2 safety cameras are not part of the registered owner's driving record
3 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
4 by the use of automated traffic safety cameras under this section shall
5 be processed in the same manner as parking infractions, including for
6 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
7 (~~However,~~) The amount of the fine issued for an infraction generated
8 through the use of an automated traffic safety camera shall not exceed
9 the amount of a fine issued for other parking infractions within the
10 jurisdiction. However, the amount of the fine issued for a traffic
11 control signal violation detected through the use of an automated
12 traffic safety camera shall not exceed the monetary penalty for a
13 violation of RCW 46.61.050 as provided under RCW 46.63.110, including
14 all applicable statutory assessments.

15 (3) If the registered owner of the vehicle is a rental car
16 business, the law enforcement agency shall, before a notice of
17 infraction being issued under this section, provide a written notice to
18 the rental car business that a notice of infraction may be issued to
19 the rental car business if the rental car business does not, within
20 eighteen days of receiving the written notice, provide to the issuing
21 agency by return mail:

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

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

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

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

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

1 (5) For the purposes of this section, "automated traffic safety
2 camera" means a device that uses a vehicle sensor installed to work in
3 conjunction with an intersection traffic control system, a railroad
4 grade crossing control system, or a speed measuring device, and a
5 camera synchronized to automatically record one or more sequenced
6 photographs, microphotographs, or electronic images of the rear of a
7 motor vehicle at the time the vehicle fails to stop when facing a
8 steady red traffic control signal or an activated railroad grade
9 crossing control signal, or exceeds a speed limit in a school speed
10 zone as detected by a speed measuring device. During the 2009-2011
11 fiscal biennium, an automated traffic safety camera includes a camera
12 used to detect speed violations for the purposes of section 201(2),
13 chapter 470, Laws of 2009.

14 (6) During the 2009-2011 fiscal biennium, this section does not
15 apply to automated traffic safety cameras for the purposes of section
16 218(2), chapter 470, Laws of 2009."

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17 On page 1, line 2 of the title, after "intervals" strike the
18 remainder of the title and insert ", certain fine amount limitations,
19 and certain signage and reporting requirements; amending RCW 46.63.170;
20 adding a new section to chapter 47.36 RCW; and creating a new section."

EFFECT: Adds the following provisions:

(1) Requires an analysis of proposed traffic camera locations prior to camera installation;

(2) Requires annual reports regarding traffic accident rates where a traffic camera is located and the number of infractions issued for each camera;

(3) Requires signage regarding the location of a traffic camera to be posted at least 30 days before activation of the camera; and

(4) Standardizes the signage requirements for traffic camera locations.

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