
SUBSTITUTE HOUSE BILL 1279

State of Washington

62nd Legislature

2011 Regular Session

By House Transportation (originally sponsored by Representatives Ladenburg, Asay, Dammeier, Ryu, Lias, Jinkins, Takko, Fitzgibbon, and Kenney)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to traffic safety at certain intersections and on
2 certain streets; amending RCW 46.63.170; and adding a new section to
3 chapter 47.36 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.36 RCW
6 to read as follows:

7 When an automated traffic safety camera, as authorized under RCW
8 46.63.170, is used at an intersection, the duration of a yellow change
9 interval must be at least as long as the minimum yellow change interval
10 identified in the manual of uniform traffic control devices as adopted
11 by the department under this chapter.

12 If a local jurisdiction determines, based on a traffic engineering
13 study, that the yellow change interval needs to be adjusted at an
14 intersection with an automated traffic safety camera, the local
15 jurisdiction shall discontinue the use of the automated traffic safety
16 camera before the yellow change interval is adjusted. A local
17 jurisdiction may continue the use of an automated traffic safety camera
18 at an intersection with an adjusted yellow change interval if the local

1 jurisdiction meets the requirements for adding additional cameras or
2 relocating existing cameras under RCW 46.63.170.

3 **Sec. 2.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
4 read as follows:

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

7 (a) The appropriate local legislative authority must ~~((first~~
8 ~~enact))~~ prepare an analysis of the locations within the jurisdiction
9 where automated traffic safety cameras are proposed to be located: (i)
10 Before enacting an ordinance allowing for ~~((their use))~~ the initial use
11 of automated traffic safety cameras; and (ii) before adding additional
12 cameras or relocating any existing camera to a new location within the
13 jurisdiction. Automated traffic safety cameras may be used to detect
14 one or more of the following: Stoplight violations, railroad crossing
15 violations, or school speed zone violations. At a minimum, the local
16 ordinance must contain the restrictions described in this section and
17 provisions for public notice and signage. Cities and counties using
18 automated traffic safety cameras before July 24, 2005, are subject to
19 the restrictions described in this section, but are not required to
20 enact an authorizing ordinance. Beginning one year after the effective
21 date of this act, cities and counties using automated traffic safety
22 cameras must post an annual report of the number of traffic accidents
23 that occurred at each location where an automated traffic safety camera
24 is located as well as the number of notices of infraction issued for
25 each camera and any other relevant information about the automated
26 traffic safety cameras that the city or county deems appropriate on the
27 city's or county's web site.

28 (b) Use of automated traffic safety cameras is restricted to ~~((two-~~
29 ~~arterial))~~:

30 (i) Intersections~~((7))~~ of two or more arterials. Within such
31 arterials, the city or county may use an automated traffic safety
32 camera to issue notices of infraction for stoplight violations only if
33 the intersection is clearly marked with a sign that indicates that an
34 operator of a motor vehicle must always come to a full stop on a red
35 light, including before making a right turn movement;

36 (ii) Railroad crossings~~((7))~~; and

1 (iii) School speed zones, but only if the automated traffic safety
2 camera is restricted to use during hours when adults and children are
3 leaving or arriving at school as indicated by approved school zone
4 signs that flash amber or yellow lights or signs that indicate fixed
5 hours when adults and children leave or arrive at school.

6 (c) When an automated traffic safety camera is used to detect
7 stoplight violations, the yellow change interval for the traffic
8 control signal must be set in accordance with section 1 of this act.

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

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

18 ~~((e))~~ (f) For thirty days after the ordinance under (a) of this
19 subsection is enacted, only a written or verbal warning may be issued
20 to the registered owner of the vehicle detected for a violation within
21 this thirty-day period. For the first thirty days after fixed
22 automated traffic safety camera is installed in a city or county or an
23 existing automated traffic safety camera is relocated to a different
24 authorized location, only a written or verbal warning may be issued to
25 the registered owner of the vehicle detected by the additional or
26 relocated camera for a violation within this thirty-day period. After
27 this thirty-day period, a notice of infraction must be mailed to the
28 registered owner of the vehicle within fourteen days of the violation,
29 or to the renter of a vehicle within fourteen days of establishing the
30 renter's name and address under subsection (3)(a) of this section. The
31 notice of infraction must be reviewed and issued by a law enforcement
32 officer who must use the same discretion in issuing an infraction for
33 a stoplight violation under (b)(i) of this subsection as an officer on
34 patrol. The law enforcement officer issuing the notice of infraction
35 shall include with it a certificate or facsimile thereof, based upon
36 inspection of photographs, microphotographs, or electronic images
37 produced by an automated traffic safety camera, stating the facts
38 supporting the notice of infraction. This certificate or facsimile is

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

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

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

24 ~~((h))~~ (i) All locations where an automated traffic safety camera
25 is used must be clearly marked by placing signs in locations that
26 clearly indicate to a driver that he or she is entering a zone where
27 traffic laws are enforced by an automated traffic safety camera. Signs
28 placed in automated traffic safety camera locations after the effective
29 date of this act must follow the specifications in the manual on
30 uniform traffic control devices as adopted by the department.

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

1 (k) A city or county that receives revenue from an automated
2 traffic safety camera program under this section may use the revenue
3 only for traffic calming, traffic enforcement, and traffic and
4 pedestrian safety programs within the jurisdiction, except that the
5 city or county may use the revenue to pay costs of administering the
6 program, including compensating the manufacturer or vendor of the
7 equipment.

8 (2) Infractions detected through the use of automated traffic
9 safety cameras are not part of the registered owner's driving record
10 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
11 by the use of automated traffic safety cameras under this section shall
12 be processed in the same manner as parking infractions, including for
13 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
14 However, the amount of the fine issued for an infraction generated
15 through the use of an automated traffic safety camera shall not exceed
16 the amount of a fine issued for other parking infractions within the
17 jurisdiction. Infractions generated by the use of automated traffic
18 safety cameras under this section must not be made available to the
19 registered owner's insurance company or employer.

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

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

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

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

37 Timely mailing of this statement to the issuing law enforcement

1 agency relieves a rental car business of any liability under this
2 chapter for the notice of infraction.

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

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

20 (6) During the 2009-2011 fiscal biennium, this section does not
21 apply to automated traffic safety cameras for the purposes of section
22 218(2), chapter 470, Laws of 2009.

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