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HOUSE BILL 2270

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State of Washington                      62nd Legislature                      2012 Regular Session

By Representatives Angel, Armstrong, Johnson, and Finn

Read first time 01/10/12. Referred to Committee on Transportation.

1            AN ACT Relating to signage for automated traffic safety camera  
2 locations; amending RCW 46.63.170; and providing an effective date.

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

4            **Sec. 1.** RCW 46.63.170 and 2011 c 367 s 704 are each amended to  
5 read as follows:

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

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

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

1 (c) During the 2011-2013 fiscal biennium, automated traffic safety  
2 cameras may be used to detect speed violations for the purposes of  
3 section 201(2), chapter 367, Laws of 2011 if the local legislative  
4 authority first enacts an ordinance authorizing the use of cameras to  
5 detect speed violations.

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

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

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

33 (g) Notwithstanding any other provision of law, all photographs,  
34 microphotographs, or electronic images prepared under this section are  
35 for the exclusive use of law enforcement in the discharge of duties  
36 under this section and are not open to the public and may not be used  
37 in a court in a pending action or proceeding unless the action or  
38 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other  
2 than enforcement of violations under this section nor retained longer  
3 than necessary to enforce this section.

4 (h)(i) All locations where an automated traffic safety camera is  
5 used must be clearly marked as provided in (h)(ii) of this subsection  
6 (1) by placing signs in locations that clearly indicate to a driver  
7 that he or she is entering a zone where traffic laws are enforced by an  
8 automated traffic safety camera.

9 (ii) Every local legislative authority that adopts an ordinance as  
10 provided in (a) of this subsection must adopt a definition of "clearly  
11 marked" to be applied to all locations within the local legislative  
12 authority's jurisdiction. At a minimum, the definition of "clearly  
13 marked" must include specific, quantifiable standards for the location  
14 of signage.

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

21 (2) Infractions detected through the use of automated traffic  
22 safety cameras are not part of the registered owner's driving record  
23 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
24 by the use of automated traffic safety cameras under this section shall  
25 be processed in the same manner as parking infractions, including for  
26 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).  
27 However, the amount of the fine issued for an infraction generated  
28 through the use of an automated traffic safety camera shall not exceed  
29 the amount of a fine issued for other parking infractions within the  
30 jurisdiction.

31 (3) If the registered owner of the vehicle is a rental car  
32 business, the law enforcement agency shall, before a notice of  
33 infraction being issued under this section, provide a written notice to  
34 the rental car business that a notice of infraction may be issued to  
35 the rental car business if the rental car business does not, within  
36 eighteen days of receiving the written notice, provide to the issuing  
37 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 2011-2013  
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 367, Laws of 2011.

31 (6) During the 2011-2013 fiscal biennium, this section does not  
32 apply to automated traffic safety cameras for the purposes of section  
33 216(5), chapter 367, Laws of 2011.

34 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2012.

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