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SENATE BILL 5188

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Becker, Haugen, Swecker, Stevens, King, Fain, Delvin, Holmquist Newbry, Honeyford, and Hewitt

Read first time 01/17/11. Referred to Committee on Transportation.

1 AN ACT Relating to harmonizing certain traffic control signal  
2 provisions relative to yellow change intervals and certain fine amount  
3 limitations; amending RCW 46.63.170; adding a new section to chapter  
4 47.36 RCW; and creating a new section.

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

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

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

17 The duration of a yellow change interval at any traffic control

1 signal must be at least as long as the minimum yellow change interval  
2 identified in the manual of uniform traffic control devices for streets  
3 and highways as adopted by the department under this chapter.

4 **Sec. 3.** RCW 46.63.170 and 2010 c 161 s 1127 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 the  
18 following locations only: (i) Two-arterial intersections((~~τ~~)) with  
19 traffic control signals that have yellow change interval durations in  
20 accordance with section 2 of this act, which interval durations may not  
21 be reduced after placement of the camera; (ii) railroad crossings((~~τ~~));  
22 and (iii) school speed zones ((~~only~~)).

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

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

32 (e) A notice of infraction must be mailed to the registered owner  
33 of the vehicle within fourteen days of the violation, or to the renter  
34 of a vehicle within fourteen days of establishing the renter's name and  
35 address under subsection (3)(a) of this section. The law enforcement  
36 officer issuing the notice of infraction shall include with it a  
37 certificate or facsimile thereof, based upon inspection of photographs,

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

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

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

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

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

37 (2) Infractions detected through the use of automated traffic  
38 safety cameras are not part of the registered owner's driving record

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

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

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

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

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

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

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

36 (5) For the purposes of this section, "automated traffic safety  
37 camera" means a device that uses a vehicle sensor installed to work in  
38 conjunction with an intersection traffic control system, a railroad

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

11 (6) During the 2009-2011 fiscal biennium, this section does not  
12 apply to automated traffic safety cameras for the purposes of section  
13 218(2), chapter 470, Laws of 2009.

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