
SENATE BILL 5301

State of Washington

62nd Legislature

2011 Regular Session

By Senators Regala and Carrell

Read first time 01/20/11. Referred to Committee on Transportation.

1 AN ACT Relating to promoting traffic safety at certain
2 intersections and on certain streets through the regulation of yellow
3 change intervals, right turn movements, and signage and the provision
4 of jurisdictional analysis, accident reporting, and infraction
5 warnings; amending RCW 46.63.170; and adding a new section to chapter
6 47.36 RCW.

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

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

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

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

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

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

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

26 (i) Intersections~~((r))~~ of two or more arterials. Within such
27 arterials, the city or county may use an automated traffic safety
28 camera to issue notices of infraction for right turn movements that are
29 in violation of RCW 46.61.235(1) only after any of the following
30 factors are considered:

31 (A) The operator of the motor vehicle fails to yield to a
32 pedestrian or bicyclist;

33 (B) The operator of the motor vehicle puts a pedestrian or
34 bicyclist in danger of injury as a result of the right turn movement;

35 (C) The operator of the motor vehicle fails to yield to another
36 vehicle; or

37 (D) The operator of the motor vehicle does not substantially reduce
38 the speed of the motor vehicle prior to making the right turn movement;

1 (ii) Railroad crossings(~~(, and)~~);

2 (iii) School speed zones, but only if the school speed zone is
3 marked with approved school zone signs that flash amber or yellow
4 lights and operate during set hours when children and adults are
5 arriving at or leaving the school;

6 (iv) Arterial streets adjacent to major transit stations. For the
7 purposes of this subsection (1)(b)(iv), "major transit station" means
8 park and ride facilities, intermodal transit facilities, or transit
9 stops used by two or more transit routes for transfers between routes;
10 and

11 (v) Arterial streets adjacent to public parks and recreation
12 facilities, but only if the city or county demonstrates, in its
13 jurisdictional analysis described in (a) of this subsection, a need for
14 the camera because that public park or recreation facility generates
15 significant pedestrian traffic or is heavily used by children.

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

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

25 (e) For thirty days after the ordinance under (a) of this
26 subsection is enacted, only a written or verbal warning may be issued
27 to the registered owner of the vehicle detected for a violation within
28 this thirty-day period. For the first thirty days after an additional
29 automated traffic safety camera is installed in a city or county or an
30 existing automated traffic safety camera is relocated to a different
31 authorized location, only a written or verbal warning may be issued to
32 the registered owner of the vehicle detected by the additional or
33 relocated camera for a violation within this thirty-day period. After
34 this thirty-day period, a notice of infraction must be mailed to the
35 registered owner of the vehicle within fourteen days of the violation,
36 or to the renter of a vehicle within fourteen days of establishing the
37 renter's name and address under subsection (3)(a) of this section. The
38 law enforcement officer issuing the notice of infraction shall include

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

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

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

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

35 (i) If a county or city has established an authorized automated
36 traffic safety camera program under this section, the compensation paid
37 to the manufacturer or vendor of the equipment used must be based only

1 upon the value of the equipment and services provided or rendered in
2 support of the system, and may not be based upon a portion of the fine
3 or civil penalty imposed or the revenue generated by the equipment.

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

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

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

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

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

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

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