
SENATE BILL 5716

State of Washington 62nd Legislature 2011 Regular Session

By Senators Stevens, Benton, Sheldon, Chase, Carrell, Shin, and Honeyford

Read first time 02/08/11. Referred to Committee on Transportation.

1 AN ACT Relating to the elimination of automated traffic safety
2 cameras; amending RCW 46.12.655, 46.16A.120, 46.16A.120, 46.63.030,
3 46.63.030, 46.63.073, and 46.63.075; adding a new section to chapter
4 46.63 RCW; creating a new section; repealing RCW 46.63.170; repealing
5 2010 c 249 s 7; and providing a contingent effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63 RCW
8 to read as follows:

9 (1) If a county, city, or other local authority has established
10 one or more automated traffic safety camera programs including, without
11 limitation, any programs adopted before the effective date of this
12 section, all such programs must terminate immediately upon the
13 effective date of this section.

14 (2) Any notice of infraction issued by any county, city, or other
15 local authority in connection with an automated traffic safety camera
16 program for a violation occurring on or after the effective date of
17 this section is null and void.

18 (3) As used in this section:

1 (a) "Automated traffic safety camera" means a device that uses a
2 vehicle sensor installed to work in conjunction with an intersection
3 traffic control system, a railroad grade crossing control system, or a
4 speed measuring device, and a camera synchronized to automatically
5 record one or more sequenced photographs, microphotographs, or
6 electronic images of the rear of a motor vehicle at the time the motor
7 vehicle fails to stop when facing a steady red traffic control signal
8 or an activated railroad grade crossing control signal, or exceeds a
9 speed limit in a school speed zone as detected by a speed measuring
10 device.

11 (b) "Local authority" or "local authorities" includes every county,
12 municipal, or other local public board or body that has the authority
13 to adopt local police regulations under the Constitution and laws of
14 this state.

15 **Sec. 2.** RCW 46.12.655 and 2010 c 161 s 310 are each amended to
16 read as follows:

17 (1) An owner is relieved of civil or criminal liability for the
18 operation of a vehicle by another person when the owner has:

19 (a) Made a bona fide sale or transfer of a vehicle;

20 (b) Delivered possession of the vehicle to the person acquiring
21 ownership;

22 (c) Released interest in the vehicle and provided the certificate
23 of title and registration certificate to the person acquiring
24 ownership; and

25 (d) Filed a report of sale that meets all the requirements in RCW
26 46.12.650(2).

27 (2) A person acquiring a vehicle assumes civil or criminal
28 liability for any traffic violation under this title, whether
29 designated as a traffic infraction or classified as a criminal offense,
30 that occurs after the date of sale or transfer of ownership based on
31 the vehicle's identification including, but not limited to:

32 (a) Parking infractions; and

33 (b) High occupancy toll lane violations(~~(+and~~

34 ~~(c) Violations recorded by automated traffic safety cameras~~)).

35 (3) A person shown as the buyer of a vehicle on an abandoned
36 vehicle report submitted to the department by a registered tow truck

1 operator assumes liability for the vehicle. Any previous owner is
2 relieved of civil or criminal liability for the operation of the
3 vehicle from the date of sale.

4 (4) A person who had no knowledge of the filing of the report of
5 sale is relieved of civil or criminal liability for the operation of
6 the vehicle. Liability is then transferred to the seller shown on the
7 report of sale.

8 **Sec. 3.** RCW 46.16A.120 and 2010 c 161 s 430 are each amended to
9 read as follows:

10 (1) Each court and government agency located in this state having
11 jurisdiction over standing, stopping, and parking violations(~~(7)~~) and
12 the use of a photo enforcement system under RCW 46.63.160(~~(7, and the~~
13 ~~use of automated traffic safety cameras under RCW 46.63.170)~~) may
14 forward to the department any outstanding:

15 (a) Standing, stopping, and parking violations; and

16 (b) Photo enforcement infractions issued under RCW
17 46.63.030(1)(d)(~~7 and~~

18 ~~(c) Automated traffic safety camera infractions issued under RCW~~
19 ~~46.63.030(1)(e)~~)).

20 (2) Violations and infractions described in subsection (1) of this
21 section must be reported to the department in the manner described in
22 RCW 46.20.270(3).

23 (3) The department shall:

24 (a) Record the violations and infractions on the matching vehicle
25 records; and

26 (b) Send notice approximately one hundred twenty days in advance of
27 the current vehicle registration expiration date to the registered
28 owner listing the dates and jurisdictions in which the violations
29 occurred, the amounts of unpaid fines and penalties, and the surcharge
30 to be collected. Only those violations and infractions received by the
31 department one hundred twenty days or more before the current vehicle
32 registration expiration date will be included in the notice.
33 Violations and infractions received by the department later than one
34 hundred twenty days before the current vehicle registration expiration
35 date that are not satisfied will be delayed until the next vehicle
36 registration expiration date.

1 (4) The department, county auditor or other agent, or subagent
2 appointed by the director shall not renew a vehicle registration if
3 there are any outstanding standing, stopping, and parking violations,
4 and other infractions issued under RCW 46.63.030(1)(d) for the vehicle
5 unless:

6 (a) The outstanding(~~(standing)~~) ~~(~~(stopping)~~)~~ stopping, or
7 parking violations were received by the department within one hundred
8 twenty days before the current vehicle registration expiration;

9 (b) There is a change in registered ownership; or

10 (c) The registered owner presents proof of payment of each
11 violation and infraction provided in this section and the registered
12 owner pays the surcharge required under RCW 46.17.030.

13 (5) The department shall:

14 (a) Forward a change in registered ownership information to the
15 court or government agency who reported the outstanding violations or
16 infractions; and

17 (b) Remove the outstanding violations and infractions from the
18 vehicle record.

19 **Sec. 4.** RCW 46.16A.120 and 2010 c 249 s 10 are each amended to
20 read as follows:

21 ~~((1) To renew a vehicle license, an applicant shall satisfy all~~
22 ~~listed standing, stopping, and parking violations, and civil penalties~~
23 ~~issued under RCW 46.63.160 for the vehicle incurred while the vehicle~~
24 ~~was registered in the applicant's name and forwarded to the department~~
25 ~~pursuant to RCW 46.20.270(3). For the purposes of this section,~~
26 ~~"listed" standing, stopping, and parking violations, and civil~~
27 ~~penalties issued under RCW 46.63.160 include only those violations for~~
28 ~~which notice has been received from state or local agencies or courts~~
29 ~~by the department one hundred twenty days or more before the date the~~
30 ~~vehicle license expires and that are placed on the records of the~~
31 ~~department. Notice of such violations received by the department later~~
32 ~~than one hundred twenty days before that date that are not satisfied~~
33 ~~shall be considered by the department in connection with any~~
34 ~~applications for license renewal in any subsequent license year. The~~
35 ~~renewal application may be processed by the department or its agents~~
36 ~~only if the applicant:~~

1 ~~(a) Presents a preprinted renewal application showing no listed~~
2 ~~standing, stopping, or parking violations, or civil penalties issued~~
3 ~~under RCW 46.63.160, or in the absence of such presentation, the agent~~
4 ~~verifies the information that would be contained on the preprinted~~
5 ~~renewal application; or~~

6 ~~(b) If listed standing, stopping, or parking violations, or civil~~
7 ~~penalties issued under RCW 46.63.160 exist, presents proof of payment~~
8 ~~and pays a fifteen dollar surcharge.~~

9 ~~(2) The surcharge shall be allocated as follows:~~

10 ~~(a) Ten dollars shall be deposited in the motor vehicle fund to be~~
11 ~~used exclusively for the administrative costs of the department of~~
12 ~~licensing; and~~

13 ~~(b) Five dollars shall be retained by the agent handling the~~
14 ~~renewal application to be used by the agent for the administration of~~
15 ~~this section.~~

16 ~~(3) If there is a change in the registered owner of the vehicle,~~
17 ~~the department shall forward the information regarding the change to~~
18 ~~the state or local charging jurisdiction and release any hold on the~~
19 ~~renewal of the vehicle license resulting from parking violations or~~
20 ~~civil penalties issued under RCW 46.63.160 incurred while the~~
21 ~~certificate of license registration was in a previous registered~~
22 ~~owner's name.~~

23 ~~(4) The department shall send to all registered owners of vehicles~~
24 ~~who have been reported to have outstanding listed parking violations or~~
25 ~~civil penalties issued under RCW 46.63.160, at the time of renewal, a~~
26 ~~statement setting out the dates and jurisdictions in which the~~
27 ~~violations occurred as well as the amounts of unpaid fines and~~
28 ~~penalties relating to them and the surcharge to be collected.))~~

29 (1) Each court and government agency located in this state having
30 jurisdiction over standing, stopping, and parking violations and the
31 use of a photo toll system under RCW 46.63.160 may forward to the
32 department any outstanding:

33 (a) Standing, stopping, and parking violations; and

34 (b) Civil penalties for toll nonpayment detected through the use of
35 photo toll systems issued under RCW 46.63.160.

36 (2) Violations, civil penalties, and infractions described in
37 subsection (1) of this section must be reported to the department in
38 the manner described in RCW 46.20.270(3).

1 (3) The department shall:

2 (a) Record the violations, civil penalties, and infractions on the
3 matching vehicle records; and

4 (b) Send notice approximately one hundred twenty days in advance of
5 the current vehicle registration expiration date to the registered
6 owner listing the dates and jurisdictions in which the violations,
7 civil penalties, and infractions occurred, the amounts of unpaid fines
8 and penalties, and the surcharge to be collected. Only those
9 violations, civil penalties, and infractions received by the department
10 one hundred twenty days or more before the current vehicle registration
11 expiration date will be included in the notice. Violations, civil
12 penalties, and infractions received by the department later than one
13 hundred twenty days before the current vehicle registration expiration
14 date that are not satisfied will be delayed until the next vehicle
15 registration expiration date.

16 (4) The department, county auditor or other agent, or subagent
17 appointed by the director shall not renew a vehicle registration if
18 there are any outstanding standing, stopping, and parking violations,
19 and other civil penalties issued under RCW 46.63.160 for the vehicle
20 unless:

21 (a) The outstanding standing, stopping, or parking violations and
22 civil penalties were received by the department within one hundred
23 twenty days before the current vehicle registration expiration;

24 (b) There is a change in registered ownership; or

25 (c) The registered owner presents proof of payment of each
26 violation, civil penalty, and infraction provided in this section and
27 the registered owner pays the surcharge required under RCW 46.17.030.

28 (5) The department shall:

29 (a) Forward a change in registered ownership information to the
30 court or government agency who reported the outstanding violations,
31 civil penalties, or infractions; and

32 (b) Remove the outstanding violations, civil penalties, and
33 infractions from the vehicle record.

34 **Sec. 5.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
35 as follows:

36 (1) A law enforcement officer has the authority to issue a notice
37 of traffic infraction:

1 (a) When the infraction is committed in the officer's presence;

2 (b) When the officer is acting upon the request of a law
3 enforcement officer in whose presence the traffic infraction was
4 committed;

5 (c) If an officer investigating at the scene of a motor vehicle
6 accident has reasonable cause to believe that the driver of a motor
7 vehicle involved in the accident has committed a traffic infraction; or

8 (d) When the infraction is detected through the use of a photo
9 enforcement system under RCW 46.63.160(~~+~~~~or~~

10 ~~(e) When the infraction is detected through the use of an automated~~
11 ~~traffic safety camera under RCW 46.63.170)).~~

12 (2) A court may issue a notice of traffic infraction upon receipt
13 of a written statement of the officer that there is reasonable cause to
14 believe that an infraction was committed.

15 (3) If any motor vehicle without a driver is found parked,
16 standing, or stopped in violation of this title or an equivalent
17 administrative regulation or local law, ordinance, regulation, or
18 resolution, the officer finding the vehicle shall take its registration
19 number and may take any other information displayed on the vehicle
20 which may identify its user, and shall conspicuously affix to the
21 vehicle a notice of traffic infraction.

22 (4) In the case of failure to redeem an abandoned vehicle under RCW
23 46.55.120, upon receiving a complaint by a registered tow truck
24 operator that has incurred costs in removing, storing, and disposing of
25 an abandoned vehicle, an officer of the law enforcement agency
26 responsible for directing the removal of the vehicle shall send a
27 notice of infraction by certified mail to the last known address of the
28 person responsible under RCW 46.55.105. The notice must be entitled
29 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
30 The officer shall append to the notice of infraction, on a form
31 prescribed by the department of licensing, a notice indicating the
32 amount of costs incurred as a result of removing, storing, and
33 disposing of the abandoned vehicle, less any amount realized at
34 auction, and a statement that monetary penalties for the infraction
35 will not be considered as having been paid until the monetary penalty
36 payable under this chapter has been paid and the court is satisfied
37 that the person has made restitution in the amount of the deficiency
38 remaining after disposal of the vehicle.

1 **Sec. 6.** RCW 46.63.030 and 2010 c 249 s 5 are each amended to read
2 as follows:

3 (1) A law enforcement officer has the authority to issue a notice
4 of traffic infraction:

5 (a) When the infraction is committed in the officer's presence;

6 (b) When the officer is acting upon the request of a law
7 enforcement officer in whose presence the traffic infraction was
8 committed; or

9 (c) If an officer investigating at the scene of a motor vehicle
10 accident has reasonable cause to believe that the driver of a motor
11 vehicle involved in the accident has committed a traffic infraction(~~+~~
12 ~~or~~

13 ~~(d) When the infraction is detected through the use of an automated~~
14 ~~traffic safety camera under RCW 46.63.170)).~~

15 (2) A court may issue a notice of traffic infraction upon receipt
16 of a written statement of the officer that there is reasonable cause to
17 believe that an infraction was committed.

18 (3) If any motor vehicle without a driver is found parked,
19 standing, or stopped in violation of this title or an equivalent
20 administrative regulation or local law, ordinance, regulation, or
21 resolution, the officer finding the vehicle shall take its registration
22 number and may take any other information displayed on the vehicle
23 which may identify its user, and shall conspicuously affix to the
24 vehicle a notice of traffic infraction.

25 (4) In the case of failure to redeem an abandoned vehicle under RCW
26 46.55.120, upon receiving a complaint by a registered tow truck
27 operator that has incurred costs in removing, storing, and disposing of
28 an abandoned vehicle, an officer of the law enforcement agency
29 responsible for directing the removal of the vehicle shall send a
30 notice of infraction by certified mail to the last known address of the
31 person responsible under RCW 46.55.105. The notice must be entitled
32 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
33 The officer shall append to the notice of infraction, on a form
34 prescribed by the department of licensing, a notice indicating the
35 amount of costs incurred as a result of removing, storing, and
36 disposing of the abandoned vehicle, less any amount realized at
37 auction, and a statement that monetary penalties for the infraction
38 will not be considered as having been paid until the monetary penalty

1 payable under this chapter has been paid and the court is satisfied
2 that the person has made restitution in the amount of the deficiency
3 remaining after disposal of the vehicle.

4 **Sec. 7.** RCW 46.63.073 and 2007 c 372 s 1 are each amended to read
5 as follows:

6 (1) In the event a traffic infraction is based on a vehicle's
7 identification, and the registered owner of the vehicle is a rental car
8 business, the law enforcement agency shall, before a notice of
9 infraction may be issued, provide a written notice to the rental car
10 business that a notice of infraction may be issued to the rental car
11 business if the rental car business does not, within thirty days of
12 receiving the written notice, provide to the issuing agency by return
13 mail:

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

17 (b) A statement under oath that the business is unable to determine
18 who was driving or renting the vehicle at the time the infraction
19 occurred because the vehicle was stolen at the time of the infraction.
20 A statement provided under this subsection must be accompanied by a
21 copy of a filed police report regarding the vehicle theft.

22 Timely mailing of this statement to the issuing law enforcement
23 agency relieves a rental car business of any liability under this
24 chapter for the notice of infraction. In lieu of identifying the
25 vehicle operator, the rental car business may pay the applicable
26 penalty. For the purpose of this subsection, a "traffic infraction
27 based on a vehicle's identification" includes, but is not limited to,
28 parking infractions(~~(7)~~) and high occupancy toll lane violations(~~(7) and~~
29 ~~violations recorded by automated traffic safety cameras~~)).

30 (2) In the event a parking infraction is issued by a private
31 parking facility and is based on a vehicle's identification, and the
32 registered owner of the vehicle is a rental car business, the parking
33 facility shall, before a notice of infraction may be issued, provide a
34 written notice to the rental car business that a notice of infraction
35 may be issued to the rental car business if the rental car business
36 does not, within thirty days of receiving the written notice, provide
37 to the parking facility 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.

9 Timely mailing of this statement to the parking facility relieves
10 a rental car business of any liability under this chapter for the
11 notice of infraction. In lieu of identifying the vehicle operator, the
12 rental car business may pay the applicable penalty. For the purpose of
13 this subsection, a "parking infraction based on a vehicle's
14 identification" is limited to parking infractions occurring on a
15 private parking facility's premises.

16 **Sec. 8.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
17 as follows:

18 (1) In a traffic infraction case involving an infraction detected
19 through the use of a photo enforcement system under RCW 46.63.160(~~(, or~~
20 ~~detected through the use of an automated traffic safety camera under~~
21 ~~RCW 46.63.170))~~), proof that the particular vehicle described in the
22 notice of traffic infraction was in violation of any such provision of
23 RCW 46.63.160 (~~(or 46.63.170))~~), together with proof that the person
24 named in the notice of traffic infraction was at the time of the
25 violation the registered owner of the vehicle, constitutes in evidence
26 a prima facie presumption that the registered owner of the vehicle was
27 the person in control of the vehicle at the point where, and for the
28 time during which, the violation occurred.

29 (2) This presumption may be overcome only if the registered owner
30 states, under oath, in a written statement to the court or in testimony
31 before the court that the vehicle involved was, at the time, stolen or
32 in the care, custody, or control of some person other than the
33 registered owner.

34 NEW SECTION. **Sec. 9.** 2010 c 249 s 7 is repealed.

1 NEW SECTION. **Sec. 10.** This act is not intended to restrict,
2 limit, or expand the ability of local authorities to operate toll
3 systems in accordance with RCW 46.63.160.

4 NEW SECTION. **Sec. 11.** RCW 46.63.170 (Automated traffic safety
5 cameras--Definition) and 2010 c 161 s 1127, 2009 c 470 s 714, 2007 c
6 372 s 3, & 2005 c 167 s 1 are each repealed.

7 NEW SECTION. **Sec. 12.** Sections 4, 6, and 9 of this act take
8 effect upon certification by the secretary of transportation that the
9 new statewide tolling operations center and photo toll system are fully
10 operational. A notice of certification must be filed with the code
11 reviser for publication in the state register. If a certificate is not
12 issued by the secretary of transportation by December 1, 2012, sections
13 4, 6, and 9 of this act are null and void.

--- END ---