

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5188

62nd Legislature
2012 Regular Session

Passed by the Senate February 8, 2012
YEAS 45 NAYS 0

President of the Senate

Passed by the House March 2, 2012
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5188** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5188

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senators Becker, Haugen, Swecker, Stevens, King, Fain, Delvin, Holmquist Newbry, Honeyford, and Hewitt)

READ FIRST TIME 01/24/12.

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

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

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

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

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

5 **Sec. 3.** RCW 46.63.170 and 2011 c 367 s 704 are each amended to
6 read as follows:

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

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

30 (b) Use of automated traffic safety cameras is restricted to ~~((two-~~
31 ~~arterial))~~ the following locations only: (i) Intersections~~((τ)) of two~~
32 arterials with traffic control signals that have yellow change interval
33 durations in accordance with section 2 of this act, which interval
34 durations may not be reduced after placement of the camera; (ii)
35 railroad crossings~~((τ))~~ and (iii) school speed zones ~~((only))~~.

36 (c) During the 2011-2013 fiscal biennium, automated traffic safety
37 cameras may be used to detect speed violations for the purposes of

1 section 201(2), chapter 367, Laws of 2011 if the local legislative
2 authority first enacts an ordinance authorizing the use of cameras to
3 detect speed violations.

4 (d) Automated traffic safety cameras may only take pictures of the
5 vehicle and vehicle license plate and only while an infraction is
6 occurring. The picture must not reveal the face of the driver or of
7 passengers in the vehicle. The primary purpose of camera placement is
8 to take pictures of the vehicle and vehicle license plate when an
9 infraction is occurring. Cities and counties shall consider installing
10 cameras in a manner that minimizes the impact of camera flash on
11 drivers.

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

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

35 (g) Notwithstanding any other provision of law, all photographs,
36 microphotographs, or electronic images prepared under this section are
37 for the exclusive use of law enforcement in the discharge of duties
38 under this section and are not open to the public and may not be used

1 in a court in a pending action or proceeding unless the action or
2 proceeding relates to a violation under this section. No photograph,
3 microphotograph, or electronic image may be used for any purpose other
4 than enforcement of violations under this section nor retained longer
5 than necessary to enforce this section.

6 (h) All locations where an automated traffic safety camera is used
7 must be clearly marked at least thirty days prior to activation of the
8 camera by placing signs in locations that clearly indicate to a driver
9 that he or she is entering a zone where traffic laws are enforced by an
10 automated traffic safety camera. Signs placed in automated traffic
11 safety camera locations after the effective date of this section must
12 follow the specifications and guidelines under the manual of uniform
13 traffic control devices for streets and highways as adopted by the
14 department of transportation under chapter 47.36 RCW.

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. However, the amount of the fine issued for a traffic
31 control signal violation detected through the use of an automated
32 traffic safety camera shall not exceed the monetary penalty for a
33 violation of RCW 46.61.050 as provided under RCW 46.63.110, including
34 all applicable statutory assessments.

35 (3) If the registered owner of the vehicle is a rental car
36 business, the law enforcement agency shall, before a notice of
37 infraction being issued under this section, provide a written notice to
38 the rental car business that a notice of infraction may be issued to

1 the rental car business if the rental car business does not, within
2 eighteen days of receiving the written notice, provide to the issuing
3 agency by return mail:

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

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

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

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

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

21 (5) For the purposes of this section, "automated traffic safety
22 camera" means a device that uses a vehicle sensor installed to work in
23 conjunction with an intersection traffic control system, a railroad
24 grade crossing control system, or a speed measuring device, and a
25 camera synchronized to automatically record one or more sequenced
26 photographs, microphotographs, or electronic images of the rear of a
27 motor vehicle at the time the vehicle fails to stop when facing a
28 steady red traffic control signal or an activated railroad grade
29 crossing control signal, or exceeds a speed limit in a school speed
30 zone as detected by a speed measuring device. During the 2011-2013
31 fiscal biennium, an automated traffic safety camera includes a camera
32 used to detect speed violations for the purposes of section 201(2),
33 chapter 367, Laws of 2011.

34 (6) During the 2011-2013 fiscal biennium, this section does not
35 apply to automated traffic safety cameras for the purposes of section
36 216(5), chapter 367, Laws of 2011.

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