

SHB 1864 - H AMD 414

By Representative Takko

ADOPTED 04/16/2013

1 On page 9, line 29, increase the State Patrol Highway Account--  
2 State Appropriation by \$370,000

3  
4 On page 10, line 3, correct the total

5  
6 On page 11, after line 22, insert the following:

7 "(12) \$370,000 of the state patrol highway account--state  
8 appropriation is provided solely for costs associated with the pilot  
9 program described under section 216(5) of this act. The Washington  
10 state patrol may incur costs related only to the assignment of cadets  
11 and necessary computer equipment and to the reimbursement of the  
12 department of transportation for contract costs. The appropriation in  
13 this subsection must be funded from the portion of the automated  
14 traffic safety camera infraction fines deposited into the state patrol  
15 highway account; however, if the fines deposited into the state patrol  
16 highway account from automated traffic safety camera infractions do  
17 not reach three hundred seventy thousand dollars, the department of  
18 transportation shall remit funds necessary to the Washington state  
19 patrol to ensure the completion of the pilot program. The Washington  
20 state patrol may not incur overtime as a result of this pilot program.  
21 The Washington state patrol shall not assign troopers to operate or  
22 deploy the pilot program equipment used in roadway construction  
23 zones."

24  
25 Renumber the remaining subsections consecutively and correct any  
26 internal references accordingly.

27

1 On page 19, after line 30, insert the following:

2 "(5) The department, in consultation with the Washington state  
3 patrol, must continue a pilot program for the state patrol to issue  
4 infractions based on information from automated traffic safety cameras  
5 in roadway construction zones on state highways. For the purpose of  
6 this pilot program, during the 2013-2015 fiscal biennium, a roadway  
7 construction zone includes areas where public employees or private  
8 contractors may be present or where a driving condition exists that  
9 would make it unsafe to drive at higher speeds, such as, when the  
10 department is redirecting or realigning lanes on any public roadway  
11 pursuant to ongoing construction. The department shall use the  
12 following guidelines to administer the program:

13 (a) Automated traffic safety cameras may only take pictures of the  
14 vehicle and vehicle license plate and only while an infraction is  
15 occurring. The picture must not reveal the face of the driver or of  
16 passengers in the vehicle;

17 (b) The department shall plainly mark the locations where the  
18 automated traffic safety cameras are used by placing signs on  
19 locations that clearly indicate to a driver that he or she is entering  
20 a roadway construction zone where traffic laws are enforced by an  
21 automated traffic safety camera;

22 (c) Notices of infractions must be mailed to the registered owner  
23 of a vehicle within fourteen days of the infraction occurring;

24 (d) The owner of the vehicle is not responsible for the violation  
25 if the owner of the vehicle, within fourteen days of receiving  
26 notification of the violation, mails to the patrol, a declaration  
27 under penalty of perjury, stating that the vehicle involved was, at  
28 the time, stolen or in the care, custody, or control of some person  
29 other than the registered owner, or any other extenuating  
30 circumstances;

31 (e) For purposes of the 2013-2015 fiscal biennium pilot program,  
32 infractions detected through the use of automated traffic safety  
33 cameras are not part of the registered owner's driving record under  
34 RCW 46.52.101 and 46.52.120. Additionally, infractions generated by

1 the use of automated traffic safety cameras must be processed in the  
2 same manner as parking infractions for the purposes of RCW 3.50.100,  
3 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the  
4 fine issued under this subsection (3) for an infraction generated  
5 through the use of an automated traffic safety camera is one hundred  
6 thirty-seven dollars. The court shall remit thirty-two dollars of the  
7 fine to the state treasurer for deposit into the state patrol highway  
8 account; and

9 (f) If a notice of infraction is sent to the registered owner and  
10 the registered owner is a rental car business, the infraction must be  
11 dismissed against the business if it mails to the patrol, within  
12 fourteen days of receiving the notice, a declaration under penalty of  
13 perjury of the name and known mailing address of the individual  
14 driving or renting the vehicle when the infraction occurred. If the  
15 business is unable to determine who was driving or renting the vehicle  
16 at the time the infraction occurred, the business must sign a  
17 declaration under penalty of perjury to this effect. The declaration  
18 must be mailed to the patrol within fourteen days of receiving the  
19 notice of traffic infraction. Timely mailing of this declaration to  
20 the issuing agency relieves a rental car business of any liability  
21 under this section for the notice of infraction. A declaration form  
22 suitable for this purpose must be included with each automated traffic  
23 safety camera infraction notice issued, along with instructions for  
24 its completion and use."

25  
26 Renumber the remaining subsections consecutively and correct any interna  
27 references accordingly.

28

29 On page 82, after line 13, insert the following:

30

31 "NEW SECTION. Sec. 711. RCW 46.63.170 and 2012 c 85 s 3 and 2012 c  
32 83 s 7 are each reenacted and amended to read as follows:

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

1 (a) The appropriate local legislative authority must prepare an  
2 analysis of the locations within the jurisdiction where automated  
3 traffic safety cameras are proposed to be located: (i) Before  
4 enacting an ordinance allowing for the initial use of automated  
5 traffic safety cameras; and (ii) before adding additional cameras or  
6 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, railroad crossing, or school  
9 speed zone violations. At a minimum, the local ordinance must contain  
10 the restrictions described in this section and provisions for public  
11 notice and signage. Cities and counties using automated traffic  
12 safety cameras before July 24, 2005, are subject to the restrictions  
13 described in this section, but are not required to enact an  
14 authorizing ordinance. Beginning one year after June 7, 2012, cities  
15 and counties using automated traffic safety cameras must post an  
16 annual report of the number of traffic accidents that occurred at each  
17 location where an automated traffic safety camera is located as well  
18 as the number of notices of infraction issued for each camera and any  
19 other relevant information about the automated traffic safety cameras  
20 that the city or county deems appropriate on the city's or county's  
21 web site.

22 (b) Use of automated traffic safety cameras is restricted to the  
23 following locations only: (i) Intersections of two arterials with  
24 traffic control signals that have yellow change interval durations in  
25 accordance with RCW 47.36.022, which interval durations may not be  
26 reduced after placement of the camera; (ii) railroad crossings; and  
27 (iii) school speed zones.

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

33 (d) Automated traffic safety cameras may only take pictures of the  
34 vehicle and vehicle license plate and only while an infraction is

1 occurring. The picture must not reveal the face of the driver or of  
2 passengers in the vehicle. The primary purpose of camera placement is  
3 to take pictures of the vehicle and vehicle license plate when an  
4 infraction is occurring. Cities and counties shall consider  
5 installing cameras in a manner that minimizes the impact of camera  
6 flash on drivers.

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

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

30 (g) Notwithstanding any other provision of law, all photographs,  
31 microphotographs, or electronic images prepared under this section are  
32 for the exclusive use of law enforcement in the discharge of duties  
33 under this section and are not open to the public and may not be used  
34 in a court in a pending action or proceeding unless the action or

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

5 (h) All locations where an automated traffic safety camera is used  
6 must be clearly marked at least thirty days prior to activation of the  
7 camera by placing signs in locations that clearly indicate to a driver  
8 that he or she is entering a zone where traffic laws are enforced by  
9 an automated traffic safety camera. Signs placed in automated traffic  
10 safety camera locations after June 7, 2012, must follow the  
11 specifications and guidelines under the manual of uniform traffic  
12 control devices for streets and highways as adopted by the department  
13 of transportation under chapter 47.36 RCW.

14 (i) If a county or city has established an authorized automated  
15 traffic safety camera program under this section, the compensation  
16 paid to the manufacturer or vendor of the equipment used must be based  
17 only upon the value of the equipment and services provided or rendered  
18 in support of the system, and may not be based upon a portion of the  
19 fine or civil penalty imposed or the revenue generated by the  
20 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  
24 generated by the use of automated traffic safety cameras under this  
25 section shall be processed in the same manner as parking infractions,  
26 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and  
27 46.20.270(3). The amount of the fine issued for an infraction  
28 generated through the use of an automated traffic safety camera shall  
29 not exceed the amount of a fine issued for other parking infractions  
30 within the jurisdiction. However, the amount of the fine issued for a  
31 traffic control signal violation detected through the use of an  
32 automated traffic safety camera shall not exceed the monetary penalty  
33 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,  
34 including all applicable statutory assessments.

1 (3) If the registered owner of the vehicle is a rental car  
2 business, the law enforcement agency shall, before a notice of  
3 infraction being issued under this section, provide a written notice  
4 to the rental car business that a notice of infraction may be issued  
5 to the rental car business if the rental car business does not, within  
6 eighteen days of receiving the written notice, provide to the issuing  
7 agency by return mail:

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

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

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

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

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

26 (5) For the purposes of this section, "automated traffic safety  
27 camera" means a device that uses a vehicle sensor installed to work in  
28 conjunction with an intersection traffic control system, a railroad  
29 grade crossing control system, or a speed measuring device, and a  
30 camera synchronized to automatically record one or more sequenced  
31 photographs, microphotographs, or electronic images of the rear of a  
32 motor vehicle at the time the vehicle fails to stop when facing a  
33 steady red traffic control signal or an activated railroad grade  
34 crossing control signal, or exceeds a speed limit in a school speed

1 zone as detected by a speed measuring device. During the 2011-2013  
2 fiscal biennium, an automated traffic safety camera includes a camera  
3 used to detect speed violations for the purposes of section 201(2),  
4 chapter 367, Laws of 2011.

5 (6) During the 2011-2013 and 2013-2015 fiscal (~~biennium~~)  
6 biennia, this section does not apply to automated traffic safety  
7 cameras for the purposes of (~~section 216(5), chapter 367, Laws of~~  
8 ~~2011~~) section 216(5) of this act."

9  
10 On page 90, line 2, increase the State Patrol Highway Account--  
11 State Appropriation by \$370,000

12  
13 On page 90, line 11, correct the total

14  
15 On page 90, beginning on line 31, after "(3)" strike all material  
16 through "(4)" on page 32, line 10 and insert the following:

17 "\$370,000 of the state patrol highway account--state  
18 appropriation is provided solely for costs associated with the pilot  
19 program described under section 216(5) (~~of this act~~), chapter 86,  
20 Laws of 2012. The Washington state patrol may incur costs related  
21 only to the assignment of cadets and necessary computer equipment  
22 and to the reimbursement of the Washington state department of  
23 transportation for contract costs. The appropriation in this  
24 subsection must be funded from the portion of the automated traffic  
25 safety camera fines deposited into the state patrol highway account;  
26 however, if the fines deposited into the state patrol highway  
27 account from automated traffic safety camera infractions do not  
28 reach three hundred seventy thousand dollars, the department of  
29 transportation shall remit funds necessary to the Washington state  
30 patrol to ensure the completion of the pilot program. The  
31 Washington state patrol may not incur overtime as a result of this  
32 pilot program. The Washington state patrol shall not assign  
33 troopers to operate or deploy the pilot program equipment used in  
34 the roadway construction zones.



1 (4) ("

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3 Renumber the remaining subsections consecutively and correct any  
4 internal references accordingly.

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6 On page 107, beginning on line 15, after "(5)" strike all  
7 material through "6))" on page 108, line 34 and insert the  
8 following:

9 "The department, in consultation with the Washington state patrol,  
10 must continue a pilot program for the patrol to issue infractions  
11 based on information from automated traffic safety cameras in roadway  
12 construction zones on state highways. The department must report to  
13 the joint transportation committee by January 1, 2012, and January 1,  
14 2013, on the status of this pilot program. For the purpose of this  
15 pilot program, during the 2011-2013 fiscal biennium, a roadway  
16 construction zone includes areas where public employees or private  
17 contractors may be present or where a driving condition exists that  
18 would make it unsafe to drive at higher speeds, such as, when the  
19 department is redirecting or realigning lanes on any public roadway  
20 pursuant to ongoing construction. The department shall use the  
21 following guidelines to administer the program:

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

26 (b) The department shall plainly mark the locations where the  
27 automated traffic safety cameras are used by placing signs on  
28 locations that clearly indicate to a driver that he or she is entering  
29 a roadway construction zone where traffic laws are enforced by an  
30 automated traffic safety camera;

31 (c) Notices of infractions must be mailed to the registered owner  
32 of a vehicle within fourteen days of the infraction occurring;

33 (d) The owner of the vehicle is not responsible for the violation  
34 if the owner of the vehicle, within fourteen days of receiving

1 notification of the violation, mails to the patrol, a declaration  
2 under penalty of perjury, stating that the vehicle involved was, at  
3 the time, stolen or in the care, custody, or control of some person  
4 other than the registered owner, or any other extenuating  
5 circumstances;

6 (e) For purposes of the 2011-2013 fiscal biennium pilot program,  
7 infractions detected through the use of automated traffic safety  
8 cameras are not part of the registered owner's driving record under  
9 RCW 46.52.101 and 46.52.120. Additionally, infractions generated by  
10 the use of automated traffic safety cameras must be processed in the  
11 same manner as parking infractions for the purposes of RCW 3.50.100,  
12 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the  
13 fine issued under this subsection (5) for an infraction generated  
14 through the use of an automated traffic safety camera is one hundred  
15 thirty-seven dollars. The court shall remit thirty-two dollars of the  
16 fine to the state treasurer for deposit into the state patrol highway  
17 account; and

18 (f) If a notice of infraction is sent to the registered owner and  
19 the registered owner is a rental car business, the infraction must be  
20 dismissed against the business if it mails to the patrol, within  
21 fourteen days of receiving the notice, a declaration under penalty of  
22 perjury of the name and known mailing address of the individual  
23 driving or renting the vehicle when the infraction occurred. If the  
24 business is unable to determine who was driving or renting the vehicle  
25 at the time the infraction occurred, the business must sign a  
26 declaration under penalty of perjury to this effect. The declaration  
27 must be mailed to the patrol within fourteen days of receiving the  
28 notice of traffic infraction. Timely mailing of this declaration to  
29 the issuing agency relieves a rental car business of any liability  
30 under this section for the notice of infraction. A declaration form  
31 suitable for this purpose must be included with each automated traffic  
32 infraction notice issued, along with instructions for its completion  
33 and use.

34 (6)"

EFFECT: Directs the Department of Transportation to work with the Washington State Patrol to continue a pilot program for the Patrol to issue traffic citations based on information from automated traffic safety cameras in highway construction zones. This also gives the Patrol the appropriation authority to use fine money received from the citations to help administer the program.

FISCAL IMPACT:

Increases WSP Highway Account - State by \$740,000.

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