
HOUSE BILL 1455

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Overstreet, Hurst, Orcutt, Haigh, Shea, Condotta, Morris, Buys, Taylor, Kretz, Scott, Upthegrove, Short, Harris, Hargrove, O'Ban, Holy, Schmick, Fagan, and Kristiansen

Read first time 01/28/13. Referred to Committee on Transportation.

1 AN ACT Relating to eliminating the use of automated traffic safety
2 cameras; amending RCW 46.12.655, 46.16A.120, 46.63.030, 46.63.073, and
3 46.63.075; and repealing RCW 46.63.170.

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

5 NEW SECTION. **Sec. 1.** RCW 46.63.170 (Automated traffic safety
6 cameras--Definition) and 2012 c 85 s 3, 2012 c 83 s 7, 2011 c 367 s
7 704, 2010 c 161 s 1127, 2009 c 470 s 714, 2007 c 372 s 3, & 2005 c 167
8 s 1 are each repealed.

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

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

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

14 (b) Delivered possession of the vehicle to the person acquiring
15 ownership;

16 (c) Released interest in the vehicle and provided the certificate
17 of title and registration certificate to the person acquiring
18 ownership; and

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

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

8 (a) Parking infractions; and

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

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

11 (3) A person shown as the buyer of a vehicle on an abandoned
12 vehicle report submitted to the department by a registered tow truck
13 operator assumes liability for the vehicle. Any previous owner is
14 relieved of civil or criminal liability for the operation of the
15 vehicle from the date of sale.

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

20 **Sec. 3.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to read
21 as follows:

22 (1) Each court and government agency located in this state having
23 jurisdiction over standing, stopping, and parking violations, the use
24 of a photo toll system under RCW 46.63.160, (~~(the use of automated~~
25 ~~traffic safety cameras under RCW 46.63.170,~~)) and the use of automated
26 school bus safety cameras under RCW 46.63.180 may forward to the
27 department any outstanding:

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

29 (b) Civil penalties for toll nonpayment detected through the use of
30 photo toll systems issued under RCW 46.63.160; and

31 (c) (~~Automated traffic safety camera infractions issued under RCW~~
32 ~~46.63.030(1)(d); and~~

33 ~~(d)~~)) Automated school bus safety camera infractions issued under
34 RCW 46.63.030(1)(~~(e)~~)) (d).

35 (2) Violations, civil penalties, and infractions described in
36 subsection (1) of this section must be reported to the department in
37 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. 4.** RCW 46.63.030 and 2011 c 375 s 5 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 ~~((When the infraction is detected through the use of an
9 automated traffic safety camera under RCW 46.63.170; or~~

10 ~~(e)))~~ When the infraction is detected through the use of an
11 automated school bus safety camera under RCW 46.63.180.

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

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

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

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

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. In lieu of identifying the
22 vehicle operator, the rental car business may pay the applicable
23 penalty. For the purpose of this subsection, a "traffic infraction
24 based on a vehicle's identification" includes, but is not limited to,
25 parking infractions(~~(7)~~) and high occupancy toll lane violations(~~(7~~~~and~~
26 ~~violations recorded by automated traffic safety cameras)~~)).

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

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

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

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

13 **Sec. 6.** RCW 46.63.075 and 2012 c 83 s 6 are each amended to read
14 as follows:

15 (1) In a traffic infraction case involving an infraction (~~detected~~
16 ~~through the use of an automated traffic safety camera under RCW~~
17 ~~46.63.170 or~~) detected through the use of an automated school bus
18 safety camera under RCW 46.63.180, proof that the particular vehicle
19 described in the notice of traffic infraction was in violation of any
20 such provision of RCW (~~46.63.170 and~~) 46.63.180, together with proof
21 that the person named in the notice of traffic infraction was at the
22 time of the violation the registered owner of the vehicle, constitutes
23 in evidence a prima facie presumption that the registered owner of the
24 vehicle was the person in control of the vehicle at the point where,
25 and for the time during which, the violation occurred.

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

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