
HOUSE BILL 2426

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Fey, Farrell, Jinkins, and Pollet

Read first time 01/17/14. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing local authorities to continue
2 operating automated traffic safety cameras to detect speed violations
3 outside of school speed zones after participating in a pilot program
4 for at least three consecutive years; and amending RCW 46.63.170.

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

6 **Sec. 1.** RCW 46.63.170 and 2013 c 306 s 711 are each amended to
7 read as follows:

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

10 (a) The appropriate local legislative authority must prepare an
11 analysis of the locations within the jurisdiction where automated
12 traffic safety cameras are proposed to be located: (i) Before enacting
13 an ordinance allowing for the initial use of automated traffic safety
14 cameras; and (ii) before adding additional cameras or relocating any
15 existing camera to a new location within the jurisdiction. Automated
16 traffic safety cameras may be used to detect one or more of the
17 following: Stoplight, railroad crossing, or school speed zone
18 violations; or speed violations subject to (c) of this subsection. At
19 a minimum, the local ordinance must contain the restrictions described

1 in this section and provisions for public notice and signage. Cities
2 and counties using automated traffic safety cameras before July 24,
3 2005, are subject to the restrictions described in this section, but
4 are not required to enact an authorizing ordinance. Beginning one year
5 after June 7, 2012, cities and counties using automated traffic safety
6 cameras must post an annual report of the number of traffic accidents
7 that occurred at each location where an automated traffic safety camera
8 is located as well as the number of notices of infraction issued for
9 each camera and any other relevant information about the automated
10 traffic safety cameras that the city or county deems appropriate on the
11 city's or county's web site.

12 (b) Except as provided in (c) of this subsection, use of automated
13 traffic safety cameras is restricted to the following locations only:
14 (i) Intersections of two arterials with traffic control signals that
15 have yellow change interval durations in accordance with RCW 47.36.022,
16 which interval durations may not be reduced after placement of the
17 camera; (ii) railroad crossings; and (iii) school speed zones.

18 (c) (~~During the 2011-2013 and 2013-2015 fiscal biennia, automated~~
19 ~~traffic safety cameras may be used to detect speed violations for the~~
20 ~~purposes of section 201(2), chapter 367, Laws of 2011 and section~~
21 ~~201(4), chapter 306, Laws of 2013 if the local legislative authority~~
22 ~~first enacts an ordinance authorizing the use of cameras to detect~~
23 ~~speed violations.)) Local authorities may operate an automated traffic
24 safety camera to detect speed violations subject to the following
25 limitations:~~

26 (i) The local authority may operate only one automated traffic
27 safety camera within its respective jurisdiction;

28 (ii) The automated traffic safety camera may be operated only if
29 the local legislative authority has enacted an ordinance authorizing
30 the use of the camera to detect speed violations; and

31 (iii) Use of the automated traffic safety camera must first be
32 authorized by the legislature as part of a pilot project with the
33 Washington traffic safety commission. If the camera is operated for at
34 least three years in such a pilot project, the local authority may
35 continue to operate the camera without specific biennial authorization
36 from the legislature and without pilot project oversight from the
37 Washington traffic safety commission.

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

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

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

32 (g) Notwithstanding any other provision of law, all photographs,
33 microphotographs, or electronic images prepared under this section are
34 for the exclusive use of law enforcement in the discharge of duties
35 under this section and are not open to the public and may not be used
36 in a court in a pending action or proceeding unless the action or
37 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other
2 than enforcement of violations under this section nor retained longer
3 than necessary to enforce this section.

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

13 (i) If a county or city has established an authorized automated
14 traffic safety camera program under this section, the compensation paid
15 to the manufacturer or vendor of the equipment used must be based only
16 upon the value of the equipment and services provided or rendered in
17 support of the system, and may not be based upon a portion of the fine
18 or civil penalty imposed or the revenue generated by the equipment.

19 (2) Infractions detected through the use of automated traffic
20 safety cameras are not part of the registered owner's driving record
21 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
22 by the use of automated traffic safety cameras under this section shall
23 be processed in the same manner as parking infractions, including for
24 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and
25 46.20.270(~~(+3)~~)(2). The amount of the fine issued for an infraction
26 generated through the use of an automated traffic safety camera shall
27 not exceed the amount of a fine issued for other parking infractions
28 within the jurisdiction. However, the amount of the fine issued for a
29 traffic control signal violation detected through the use of an
30 automated traffic safety camera shall not exceed the monetary penalty
31 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
32 including all applicable statutory assessments.

33 (3) If the registered owner of the vehicle is a rental car
34 business, the law enforcement agency shall, before a notice of
35 infraction being issued under this section, provide a written notice to
36 the rental car business that a notice of infraction may be issued to
37 the rental car business if the rental car business does not, within

1 eighteen days of receiving the written notice, provide to the issuing
2 agency by return mail:

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

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

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

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

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

20 (5) For the purposes of this section, "automated traffic safety
21 camera" means a device that uses a vehicle sensor installed to work in
22 conjunction with an intersection traffic control system, a railroad
23 grade crossing control system, or a speed measuring device, and a
24 camera synchronized to automatically record one or more sequenced
25 photographs, microphotographs, or electronic images of the rear of a
26 motor vehicle at the time the vehicle fails to stop when facing a
27 steady red traffic control signal or an activated railroad grade
28 crossing control signal, or exceeds a speed limit in a school speed
29 zone as detected by a speed measuring device. During the 2011-2013 and
30 2013-2015 fiscal biennia, an automated traffic safety camera includes
31 a camera used to detect speed violations for the purposes of section
32 201(2), chapter 367, Laws of 2011 and section 201(4), chapter 306, Laws
33 of 2013.

34 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this section
35 does not apply to automated traffic safety cameras for the purposes of
36 section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter

1 306, Laws of 2013.

--- END ---