
HOUSE BILL 2470

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Pollet, Reykdal, Ryu, Wylie, and Roberts

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

1 AN ACT Relating to rental car businesses' responsibility to pay
2 monetary penalties; and amending RCW 46.16A.120, 46.20.270, 46.63.073,
3 46.63.160, 46.63.170, and 46.63.180.

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

5 **Sec. 1.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to read
6 as follows:

7 (1) Each court and government agency located in this state having
8 jurisdiction over standing, stopping, and parking violations, the use
9 of a photo toll system under RCW 46.63.160, the use of automated
10 traffic safety cameras under RCW 46.63.170, and the use of automated
11 school bus safety cameras under RCW 46.63.180 may forward to the
12 department any outstanding:

- 13 (a) Standing, stopping, and parking violations;
- 14 (b) Civil penalties for toll nonpayment detected through the use of
15 photo toll systems issued under RCW 46.63.160;
- 16 (c) Automated traffic safety camera infractions issued under RCW
17 46.63.030(1)(d); and
- 18 (d) Automated school bus safety camera infractions issued under RCW
19 46.63.030(1)(e).

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

4 (3) The department shall:

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

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

19 (4) The department, county auditor or other agent, or subagent
20 appointed by the director shall not renew a vehicle registration;
21 including the registration of a rental car, if there are any
22 outstanding standing, stopping, and parking violations, and other civil
23 penalties issued under RCW 46.63.160 for the vehicle unless:

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

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

28 (c) The registered owner presents proof of payment of each
29 violation, civil penalty, and infraction provided in this section and
30 the registered owner pays the surcharge required under RCW 46.17.030;
31 or

32 (d) The registered owner provides proof that an appeal of the
33 violation, civil penalty, or infraction has been timely filed and is
34 still pending.

35 (5) The department shall:

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

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

3 **Sec. 2.** RCW 46.20.270 and 2013 2nd sp.s. c 35 s 17 are each
4 amended to read as follows:

5 (1) Every court having jurisdiction over offenses committed under
6 this chapter, or any other act of this state or municipal ordinance
7 adopted by a local authority regulating the operation of motor vehicles
8 on highways, or any federal authority having jurisdiction over offenses
9 substantially the same as those set forth in this title which occur on
10 federal installations within this state, shall immediately forward to
11 the department a forfeiture of bail or collateral deposited to secure
12 the defendant's appearance in court, a payment of a fine, penalty, or
13 court cost, a plea of guilty or nolo contendere or a finding of guilt,
14 or a finding that any person has committed a traffic infraction an
15 abstract of the court record in the form prescribed by rule of the
16 supreme court, showing the conviction of any person or the finding that
17 any person has committed a traffic infraction in said court for a
18 violation of any said laws other than regulations governing standing,
19 stopping, parking, and pedestrian offenses.

20 (2)(a) Every state agency or municipality having jurisdiction over
21 offenses committed under this chapter, or under any other act of this
22 state or municipal ordinance adopted by a state or local authority
23 regulating the operation of motor vehicles on highways, may forward to
24 the department within ten days of failure to respond, failure to pay a
25 penalty, failure to appear at a hearing to contest the determination
26 that a violation of any statute, ordinance, or regulation relating to
27 standing, stopping, parking, or civil penalties issued under RCW
28 46.63.160 has been committed, or failure to appear at a hearing to
29 explain mitigating circumstances, an abstract of the citation record in
30 the form prescribed by rule of the department, showing the finding by
31 such municipality that two or more violations of laws governing
32 standing, stopping, and parking or one or more civil penalties issued
33 under RCW 46.63.160 have been committed and indicating the nature of
34 the defendant's failure to act. Such violations or infractions may not
35 have occurred while the vehicle is stolen from the registered owner
36 (~~or is leased or rented under a bona fide commercial vehicle lease or~~
37 ~~rental agreement between a lessor engaged in the business of leasing~~

1 ~~vehicles and a lessee who is not the vehicle's registered owner~~). The
2 department may enter into agreements of reciprocity with the duly
3 authorized representatives of the states for reporting to each other
4 violations of laws governing standing, stopping, and parking.

5 (b) For violations identified in (a) of this subsection that are
6 related to infractions issued to a vehicle that is registered as a
7 rental car pursuant to RCW 46.87.023(2), any state agency or
8 municipality having jurisdiction over such violations may forward to
9 the department within ten days of failure to respond, failure to pay a
10 penalty, failure to appear at a hearing to contest the determination
11 that a violation of any statute, ordinance, or regulation relating to
12 standing, stopping, parking, or civil penalties issued under RCW
13 46.63.160 has been committed, or failure to appear at a hearing to
14 explain mitigating circumstances, an abstract of the citation record in
15 the form prescribed by rule of the department, showing the finding by
16 such state agency or municipality that one or more violations of laws
17 governing standing, stopping, and parking or one or more civil
18 penalties issued under RCW 46.63.160 have been committed and indicating
19 the nature of the defendant's failure to act.

20 (3) For the purposes of this title and except as defined in RCW
21 46.25.010, "conviction" means a final conviction in a state or
22 municipal court or by any federal authority having jurisdiction over
23 offenses substantially the same as those set forth in this title which
24 occur on federal installations in this state, an unvacated forfeiture
25 of bail or collateral deposited to secure a defendant's appearance in
26 court, the payment of a fine or court cost, a plea of guilty or nolo
27 contendere, or a finding of guilt on a traffic law violation charge,
28 regardless of whether the imposition of sentence or sanctions are
29 deferred or the penalty is suspended, but not including entry into a
30 deferred prosecution agreement under chapter 10.05 RCW.

31 (4) Perfection of a notice of appeal shall stay the execution of
32 the sentence pertaining to the withholding of the driving privilege.

33 (5) For the purposes of this title, "finding that a traffic
34 infraction has been committed" means a failure to respond to a notice
35 of infraction or a determination made by a court pursuant to this
36 chapter. Payment of a monetary penalty made pursuant to RCW
37 46.63.070(2) is deemed equivalent to such a finding.

1 **Sec. 3.** 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)(i) A statement under oath that the business is unable to
15 determine who was driving or renting the vehicle at the time the
16 infraction occurred because the vehicle was stolen at the time of the
17 infraction. A statement provided under this subsection must be
18 accompanied by a copy of a filed police report regarding the vehicle
19 theft.

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

28 (2)(a) If an infraction identified in subsection (1) of this
29 section has not been paid at the time of vehicle registration renewal,
30 the rental car business, pursuant to RCW 46.16A.120, must pay any
31 monetary penalty accompanying the infraction to complete the
32 registration renewal, unless the rental car business provides proof of
33 a timely appeal pending for the infraction.

34 (b) A rental car business may seek reimbursement for any such
35 monetary penalty, including reasonable administrative fees, from the
36 individual renting the vehicle at the time the infraction was issued by
37 the following means:

1 (i) The rental car business may add the total amount to the charge
2 for a subsequent rental by the same individual; or

3 (ii) The rental car business may charge the renter's credit card
4 directly for the total amount. Notice of such a charge for infractions
5 accrued during a rental period must be posted at each location of the
6 rental car business and be included in any rental agreement, including
7 any electronic rental agreement.

8 (3) In the event a parking infraction is issued by a private
9 parking facility and is based on a vehicle's identification, and the
10 registered owner of the vehicle is a rental car business, the parking
11 facility shall, before a notice of infraction may be issued, provide a
12 written notice to the rental car business that a notice of infraction
13 may be issued to the rental car business if the rental car business
14 does not, within thirty days of receiving the written notice, provide
15 to the parking facility by return mail:

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

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

25 (ii) Timely mailing of this statement to the parking facility
26 relieves a rental car business of any liability under this chapter for
27 the notice of infraction. In lieu of identifying the vehicle operator,
28 the rental car business may pay the applicable penalty. For the
29 purpose of this subsection, a "parking infraction based on a vehicle's
30 identification" is limited to parking infractions occurring on a
31 private parking facility's premises.

32 **Sec. 4.** RCW 46.63.160 and 2013 c 226 s 1 are each amended to read
33 as follows:

34 (1) This section applies only to civil penalties for nonpayment of
35 tolls detected through use of photo toll systems.

36 (2) Nothing in this section prohibits a law enforcement officer

1 from issuing a notice of traffic infraction to a person in control of
2 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
3 (b), or (c).

4 (3) A notice of civil penalty may be issued by the department of
5 transportation when a toll is assessed through use of a photo toll
6 system and the toll is not paid by the toll payment due date, which is
7 eighty days from the date the vehicle uses the toll facility and incurs
8 the toll charge.

9 (4) Any registered owner or renter of a vehicle traveling upon a
10 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
11 a civil penalty governed by the administrative procedures set forth in
12 this section when the vehicle incurs a toll charge and the toll is not
13 paid by the toll payment due date, which is eighty days from the date
14 the vehicle uses the toll facility and incurs the toll charge.

15 (5)(a) Consistent with chapter 34.05 RCW, the department of
16 transportation shall develop an administrative adjudication process to
17 review appeals of civil penalties issued by the department of
18 transportation for toll nonpayment detected through the use of a photo
19 toll system under this section. The department of transportation shall
20 submit to the transportation committees of the legislature an annual
21 report on the number of times adjudicators reduce or dismiss the civil
22 penalty as provided in (b) of this subsection and the total amount of
23 the civil penalties dismissed. The report must be submitted by
24 December 1st of each year.

25 (b) During the adjudication process, the alleged violator must have
26 an opportunity to explain mitigating circumstances. Hospitalization,
27 a divorce decree or legal separation agreement resulting in a transfer
28 of the vehicle, an active duty member of the military or national guard
29 covered by the federal service members civil relief act, 50 U.S.C. Sec.
30 501 et seq., or state service members' civil relief act, chapter 38.42
31 RCW, eviction, homelessness, the death of the alleged violator or of an
32 immediate family member, or if the alleged violator did not receive a
33 toll charge bill or notice of civil penalty are valid mitigating
34 circumstances. All of these reasons that constitute mitigating
35 circumstances must occur within a reasonable time of the alleged toll
36 violation. In response to these circumstances, the adjudicator may
37 reduce or dismiss the civil penalty.

1 (6) The use of a photo toll system is subject to the following
2 requirements:

3 (a) Photo toll systems may take photographs, digital photographs,
4 microphotographs, videotapes, or other recorded images of the vehicle
5 and vehicle license plate only.

6 (b) A notice of civil penalty must include with it a certificate or
7 facsimile thereof, based upon inspection of photographs,
8 microphotographs, videotape, or other recorded images produced by a
9 photo toll system, stating the facts supporting the notice of civil
10 penalty. This certificate or facsimile is prima facie evidence of the
11 facts contained in it and is admissible in a proceeding established
12 under subsection (5) of this section. The photographs, digital
13 photographs, microphotographs, videotape, or other recorded images
14 evidencing the toll nonpayment civil penalty must be available for
15 inspection and admission into evidence in a proceeding to adjudicate
16 the liability for the civil penalty.

17 (c) Notwithstanding any other provision of law, all photographs,
18 digital photographs, microphotographs, videotape, other recorded
19 images, or other records identifying a specific instance of travel
20 prepared under this section are for the exclusive use of the tolling
21 agency for toll collection and enforcement purposes and are not open to
22 the public and may not be used in a court in a pending action or
23 proceeding unless the action or proceeding relates to a civil penalty
24 under this section. No photograph, digital photograph,
25 microphotograph, videotape, other recorded image, or other record
26 identifying a specific instance of travel may be used for any purpose
27 other than toll collection or enforcement of civil penalties under this
28 section. Records identifying a specific instance of travel by a
29 specific person or vehicle must be retained only as required to ensure
30 payment and enforcement of tolls and to comply with state records
31 retention policies.

32 (d) All locations where a photo toll system is used must be clearly
33 marked by placing signs in locations that clearly indicate to a driver
34 that he or she is entering a zone where tolls are assessed and enforced
35 by a photo toll system.

36 (e) Within existing resources, the department of transportation
37 shall conduct education and outreach efforts at least six months prior
38 to activating an all-electronic photo toll system. Methods of outreach

1 shall include a department presence at community meetings in the
2 vicinity of a toll facility, signage, and information published in
3 local media. Information provided shall include notice of when all
4 electronic photo tolling shall begin and methods of payment.
5 Additionally, the department shall provide quarterly reporting on
6 education and outreach efforts and other data related to the issuance
7 of civil penalties.

8 (f) The envelope containing a toll charge bill or related notice
9 issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of civil
10 penalty issued under this section, must prominently indicate that the
11 contents are time sensitive and related to a toll violation.

12 (7) Civil penalties for toll nonpayment detected through the use of
13 photo toll systems must be issued to the registered owner of the
14 vehicle identified by the photo toll system, but are not part of the
15 registered owner's driving record under RCW 46.52.101 and 46.52.120.

16 (8) The civil penalty for toll nonpayment detected through the use
17 of a photo toll system is forty dollars plus the photo toll and
18 associated fees.

19 (9) Except as provided otherwise in this subsection, all civil
20 penalties, including the photo toll and associated fees, collected
21 under this section must be deposited into the toll facility account of
22 the facility on which the toll was assessed. However, through June 30,
23 2013, civil penalties deposited into the Tacoma Narrows toll bridge
24 account created under RCW 47.56.165 that are in excess of amounts
25 necessary to support the toll adjudication process applicable to toll
26 collection on the Tacoma Narrows bridge must first be allocated toward
27 repayment of operating loans and reserve payments provided to the
28 account from the motor vehicle account under section 1005(15), chapter
29 518, Laws of 2007. Additionally, all civil penalties, resulting from
30 nonpayment of tolls on the state route number 520 corridor, shall be
31 deposited into the state route number 520 civil penalties account
32 created under section 4, chapter 248, Laws of 2010 but only if chapter
33 248, Laws of 2010 is enacted by June 30, 2010.

34 (10)(a) If the registered owner of the vehicle is a rental car
35 business, the department of transportation shall, before a toll bill is
36 issued, provide a written notice to the rental car business that a toll
37 bill may be issued to the rental car business if the rental car

1 business does not, within thirty days of the mailing of the written
2 notice, provide to the issuing agency by return mail:

3 ~~((a))~~ (i) A statement under oath stating the name and known
4 mailing address of the individual driving or renting the vehicle when
5 the toll was assessed; or

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

12 ~~((c))~~ (iii) In lieu of identifying the vehicle operator, the
13 rental car business may pay the applicable toll and fee.

14 ~~((Timely mailing of this statement to the issuing agency relieves
15 a rental car business of any liability under this section for the
16 payment of the toll.))~~

17 (b)(i) If a toll bill or notice of civil penalty has not been paid
18 at the time of vehicle registration renewal, the rental car business,
19 pursuant to RCW 46.16A.120, must pay the toll bill or notice of civil
20 penalty and any monetary penalty accompanying the toll bill or notice
21 of civil penalty to complete the registration renewal, unless the
22 rental car business provides proof of a timely appeal pending for the
23 toll bill or notice of civil penalty.

24 (ii) A rental car business may seek reimbursement for any such toll
25 bill and monetary penalty, including reasonable administrative fees,
26 from the individual renting the vehicle at the time the infraction was
27 issued by the following means:

28 (A) The rental car business may add the total amount to the charge
29 for a subsequent rental by the same individual; or

30 (B) The rental car business may charge the renter's credit card
31 directly for the total amount. Notice of such a charge for toll bills
32 and monetary penalties accrued during a rental period must be posted at
33 each location of the rental car business and be included in any rental
34 agreement, including any electronic rental agreement.

35 (11) Consistent with chapter 34.05 RCW, the department of
36 transportation shall develop rules to implement this section.

37 (12) For the purposes of this section, "photo toll system" means
38 the system defined in RCW 47.56.010 and 47.46.020.

1 **Sec. 5.** RCW 46.63.170 and 2013 c 306 s 711 are each amended to
2 read as follows:

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

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

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

31 (c) During the 2011-2013 and 2013-2015 fiscal biennia, automated
32 traffic safety cameras may be used to detect speed violations for the
33 purposes of section 201(2), chapter 367, Laws of 2011 and section
34 201(4), chapter 306, Laws of 2013 if the local legislative authority
35 first enacts an ordinance authorizing the use of cameras to detect
36 speed violations.

37 (d) Automated traffic safety cameras may only take pictures of the
38 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 installing
5 cameras in a manner that minimizes the impact of camera flash on
6 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 and
10 address under subsection (3)(a)(i) of this section. The law
11 enforcement officer issuing the notice of infraction shall include with
12 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 proceeding
17 charging a violation under this chapter. The photographs,
18 microphotographs, or electronic images evidencing the violation must be
19 available for inspection and admission into evidence in a proceeding to
20 adjudicate the liability for the infraction. A person receiving a
21 notice of infraction based on evidence detected by an automated traffic
22 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 rental
26 car business, satisfies the conditions under subsection (3) of this
27 section. If appropriate under the circumstances, a renter identified
28 under subsection (3)(a)(i) of this section is responsible for an
29 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
35 proceeding relates to a violation under this section. No photograph,
36 microphotograph, or electronic image may be used for any purpose other
37 than enforcement of violations under this section nor retained longer
38 than necessary to enforce this section.

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

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

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

30 (3)(a) If the registered owner of the vehicle is a rental car
31 business, the law enforcement agency shall, before a notice of
32 infraction being issued under this section, provide a written notice to
33 the rental car business that a notice of infraction may be issued to
34 the rental car business if the rental car business does not, within
35 eighteen days of receiving the written notice, provide to the issuing
36 agency by return mail:

37 (~~(+a)~~) (i) A statement under oath stating the name and known

1 mailing address of the individual driving or renting the vehicle when
2 the infraction occurred; or

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

9 ~~((e))~~ (iii) In lieu of identifying the vehicle operator, the
10 rental car business may pay the applicable penalty.

11 ~~((Timely mailing of this statement to the issuing law enforcement
12 agency relieves a rental car business of any liability under this
13 chapter for the notice of infraction.))~~

14 (b)(i) If an infraction detected through the use of an automated
15 traffic safety camera has not been paid at the time of vehicle
16 registration renewal, the rental car business, pursuant to RCW
17 46.16A.120, must pay any monetary penalty accompanying the infraction
18 to complete the registration renewal, unless the rental car business
19 provides proof of a timely appeal pending for the infraction.

20 (ii) A rental car business may seek reimbursement for any such
21 monetary penalty, including reasonable administrative fees, from the
22 individual renting the vehicle at the time the infraction was issued by
23 the following means:

24 (A) The rental car business may add the total amount to the charge
25 for a subsequent rental by the same individual; or

26 (B) The rental car business may charge the renter's credit card
27 directly for the total amount. Notice of such a charge for infractions
28 and monetary penalties accrued during a rental period must be posted at
29 each location of the rental business and be included in any rental
30 agreement, including any electronic rental agreement.

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

35 (5) For the purposes of this section, "automated traffic safety
36 camera" means a device that uses a vehicle sensor installed to work in
37 conjunction with an intersection traffic control system, a railroad
38 grade crossing control system, or a speed measuring device, and a

1 camera synchronized to automatically record one or more sequenced
2 photographs, microphotographs, or electronic images of the rear of a
3 motor vehicle at the time the vehicle fails to stop when facing a
4 steady red traffic control signal or an activated railroad grade
5 crossing control signal, or exceeds a speed limit in a school speed
6 zone as detected by a speed measuring device. During the 2011-2013 and
7 2013-2015 fiscal biennia, an automated traffic safety camera includes
8 a camera used to detect speed violations for the purposes of section
9 201(2), chapter 367, Laws of 2011 and section 201(4), chapter 306, Laws
10 of 2013.

11 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this section
12 does not apply to automated traffic safety cameras for the purposes of
13 section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter
14 306, Laws of 2013.

15 **Sec. 6.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
16 read as follows:

17 (1) School districts may install and operate automated school bus
18 safety cameras on school buses to be used for the detection of
19 violations of RCW 46.61.370(1) if the use of the cameras is approved by
20 a vote of the school district board of directors. School districts are
21 not required to take school buses out of service if the buses are not
22 equipped with automated school bus safety cameras or functional
23 automated safety cameras. Further, school districts shall be held
24 harmless from and not liable for any criminal or civil liability
25 arising under the provisions of this section.

26 (a) Automated school bus safety cameras may only take pictures of
27 the vehicle and vehicle license plate and only while an infraction is
28 occurring. The picture must not reveal the face of the driver or of
29 passengers in the vehicle.

30 (b) A notice of infraction must be mailed to the registered owner
31 of the vehicle within fourteen days of the violation, or to the renter
32 of a vehicle within fourteen days of establishing the renter's name and
33 address under subsection (2)(a)(i) of this section. The law
34 enforcement officer issuing the notice of infraction shall include a
35 certificate or facsimile of the notice, based upon inspection of
36 photographs, microphotographs, or electronic images produced by an
37 automated school bus safety camera, stating the facts supporting the

1 notice of infraction. This certificate or facsimile is prima facie
2 evidence of the facts contained in it and is admissible in a proceeding
3 charging a violation under this chapter. The photographs,
4 microphotographs, or electronic images evidencing the violation must be
5 available for inspection and admission into evidence in a proceeding to
6 adjudicate the liability for the infraction. A person receiving a
7 notice of infraction based on evidence detected by an automated school
8 bus safety camera may respond to the notice by mail.

9 (c) The registered owner of a vehicle is responsible for an
10 infraction under RCW 46.63.030(1)(e) unless the registered owner
11 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
12 car business, satisfies the conditions under subsection (2) of this
13 section. If appropriate under the circumstances, a renter identified
14 under subsection (2)(a)(i) of this section is responsible for an
15 infraction.

16 (d) Notwithstanding any other provision of law, all photographs,
17 microphotographs, or electronic images prepared under this section are
18 for the exclusive use of law enforcement in the discharge of duties
19 under this section and are not open to the public and may not be used
20 in a court in a pending action or proceeding unless the action or
21 proceeding relates to a violation under this section. No photograph,
22 microphotograph, or electronic image may be used for any purpose other
23 than enforcement of violations under this section nor retained longer
24 than necessary to enforce this section.

25 (e) If a school district installs and operates an automated school
26 bus safety camera under this section, the compensation paid to the
27 manufacturer or vendor of the equipment used must be based only upon
28 the value of the equipment and services provided or rendered in support
29 of the system, and may not be based upon a portion of the fine or civil
30 penalty imposed or the revenue generated by the equipment. Further,
31 any repair, replacement, or administrative work costs related to
32 installing or repairing automated school bus safety cameras must be
33 solely paid for by the manufacturer or vendor of the cameras. Before
34 entering into a contract with the manufacturer or vendor of the
35 equipment used under this subsection (1)(e), the school district must
36 follow the competitive bid process as outlined in RCW 28A.335.190(1).

37 (f) Any revenue collected from infractions detected through the use
38 of automated school bus safety cameras, less the administration and

1 operating costs of the cameras, must be remitted to school districts
2 for school zone safety projects as determined by the school district
3 using the automated school bus safety cameras. The administration and
4 operating costs of the cameras includes infraction enforcement and
5 processing costs that are incurred by local law enforcement or local
6 courts. During the 2013-2015 fiscal biennium, the infraction revenue
7 may also be used for school bus safety projects by those school
8 districts eligible to apply for funding from the school zone safety
9 account appropriation in section 201, chapter 306, Laws of 2013.

10 (2)(a) If the registered owner of the vehicle is a rental car
11 business, the law enforcement agency shall, before a notice of
12 infraction is issued under this section, provide a written notice to
13 the rental car business that a notice of infraction may be issued to
14 the rental car business if the rental car business does not, within
15 eighteen days of receiving the written notice, provide to the issuing
16 agency by return mail:

17 (i) A statement under oath stating the name and known mailing
18 address of the individual driving or renting the vehicle when the
19 infraction occurred;

20 (ii) A statement under oath that the business is unable to
21 determine who was driving or renting the vehicle at the time the
22 infraction occurred because the vehicle was stolen at the time of the
23 infraction. A statement provided under this subsection (2)(a)(ii) must
24 be accompanied by a copy of a filed police report regarding the vehicle
25 theft; or

26 (iii) In lieu of identifying the vehicle operator, the rental car
27 business may pay the applicable penalty.

28 (b) ~~((Timely mailing of a statement under this subsection to the
29 issuing law enforcement agency relieves a rental car business of any
30 liability under this chapter for the notice of infraction.))~~ (i) If an
31 infraction detected through the use of an automated school bus safety
32 camera has not been paid at the time of vehicle registration renewal,
33 the rental car business, pursuant to RCW 46.16A.120, must pay any
34 monetary penalty accompanying the infraction to complete the
35 registration renewal, unless the rental car business provides proof of
36 a timely appeal pending for the infraction.

37 (ii) A rental car business may seek reimbursement for any such

1 monetary penalty, including reasonable administrative fees, from the
2 individual renting the vehicle at the time the infraction was issued by
3 the following means:

4 (A) The rental car business may add the total amount to the charge
5 for a subsequent rental by the same individual; or

6 (B) The rental car business may charge the renter's credit card
7 directly for the total amount. Notice of such a charge for infractions
8 and monetary penalties accrued during a rental period must be posted at
9 each location of the rental car business and be included in any rental
10 agreement, including any electronic rental agreement.

11 (3) For purposes of this section, "automated school bus safety
12 camera" means a device that is affixed to a school bus that is
13 synchronized to automatically record one or more sequenced photographs,
14 microphotographs, or electronic images of the rear of a vehicle at the
15 time the vehicle is detected for an infraction identified in RCW
16 46.61.370(1).

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