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SENATE BILL 5678

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Frockt and Darneille

Read first time 02/08/13. Referred to Committee on Transportation.

1 AN ACT Relating to clarifying the use of automated traffic safety  
2 cameras at intersections with two or more arterial highways; and  
3 reenacting and amending RCW 46.63.170.

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

5 **Sec. 1.** RCW 46.63.170 and 2012 c 85 s 3 and 2012 c 83 s 7 are each  
6 reenacted and amended to 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 prepare an  
10 analysis of the locations within the jurisdiction where automated  
11 traffic safety cameras are proposed to be located: (i) Before enacting  
12 an ordinance allowing for the initial use of automated traffic safety  
13 cameras; and (ii) before adding additional cameras or relocating any  
14 existing camera to a new location within the jurisdiction. Automated  
15 traffic safety cameras may be used to detect one or more of the  
16 following: Stoplight, railroad crossing, or school speed zone  
17 violations. At a minimum, the local ordinance must contain the  
18 restrictions described in this section and provisions for public notice  
19 and signage. Cities and counties using automated traffic safety

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

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

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

21 (d) Automated traffic safety cameras may only take pictures of the  
22 vehicle and vehicle license plate and only while an infraction is  
23 occurring. The picture must not reveal the face of the driver or of  
24 passengers in the vehicle. The primary purpose of camera placement is  
25 to take pictures of the vehicle and vehicle license plate when an  
26 infraction is occurring. Cities and counties shall consider installing  
27 cameras in a manner that minimizes the impact of camera flash on  
28 drivers.

29 (e) A notice of infraction must be mailed to the registered owner  
30 of the vehicle within fourteen days of the violation, or to the renter  
31 of a vehicle within fourteen days of establishing the renter's name and  
32 address under subsection (3)(a) of this section. The law enforcement  
33 officer issuing the notice of infraction shall include with it a  
34 certificate or facsimile thereof, based upon inspection of photographs,  
35 microphotographs, or electronic images produced by an automated traffic  
36 safety camera, stating the facts supporting the notice of infraction.  
37 This certificate or facsimile is prima facie evidence of the facts  
38 contained in it and is admissible in a proceeding charging a violation

1 under this chapter. The photographs, microphotographs, or electronic  
2 images evidencing the violation must be available for inspection and  
3 admission into evidence in a proceeding to adjudicate the liability for  
4 the infraction. A person receiving a notice of infraction based on  
5 evidence detected by an automated traffic safety camera may respond to  
6 the notice by mail.

7 (f) The registered owner of a vehicle is responsible for an  
8 infraction under RCW 46.63.030(1)(d) unless the registered owner  
9 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
10 car business, satisfies the conditions under subsection (3) of this  
11 section. If appropriate under the circumstances, a renter identified  
12 under subsection (3)(a) of this section is responsible for an  
13 infraction.

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

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

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

1 (2) Infractions detected through the use of automated traffic  
2 safety cameras are not part of the registered owner's driving record  
3 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
4 by the use of automated traffic safety cameras under this section shall  
5 be processed in the same manner as parking infractions, including for  
6 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).  
7 The amount of the fine issued for an infraction generated through the  
8 use of an automated traffic safety camera shall not exceed the amount  
9 of a fine issued for other parking infractions within the jurisdiction.  
10 However, the amount of the fine issued for a traffic control signal  
11 violation detected through the use of an automated traffic safety  
12 camera shall not exceed the monetary penalty for a violation of RCW  
13 46.61.050 as provided under RCW 46.63.110, including all applicable  
14 statutory assessments.

15 (3) If the registered owner of the vehicle is a rental car  
16 business, the law enforcement agency shall, before a notice of  
17 infraction being issued under this section, provide a written notice to  
18 the rental car business that a notice of infraction may be issued to  
19 the rental car business if the rental car business does not, within  
20 eighteen days of receiving the written notice, provide to the issuing  
21 agency by return mail:

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

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

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

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

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

1           (5) For the purposes of this section, "automated traffic safety  
2 camera" means a device that uses a vehicle sensor installed to work in  
3 conjunction with an intersection traffic control system, a railroad  
4 grade crossing control system, or a speed measuring device, and a  
5 camera synchronized to automatically record one or more sequenced  
6 photographs, microphotographs, or electronic images of the rear of a  
7 motor vehicle at the time the vehicle fails to stop when facing a  
8 steady red traffic control signal or an activated railroad grade  
9 crossing control signal, or exceeds a speed limit in a school speed  
10 zone as detected by a speed measuring device. During the 2011-2013  
11 fiscal biennium, an automated traffic safety camera includes a camera  
12 used to detect speed violations for the purposes of section 201(2),  
13 chapter 367, Laws of 2011.

14           (6) During the 2011-2013 fiscal biennium, this section does not  
15 apply to automated traffic safety cameras for the purposes of section  
16 216(5), chapter 367, Laws of 2011.

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