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HOUSE BILL 1087

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Takko and Gregerson

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1 AN ACT Relating to automated traffic safety cameras in school  
2 speed zones; and amending RCW 46.63.170.

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

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

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

8 (a) The appropriate local legislative authority must prepare an  
9 analysis of the locations within the jurisdiction where automated  
10 traffic safety cameras are proposed to be located: (i) Before  
11 enacting an ordinance allowing for the initial use of automated  
12 traffic safety cameras; and (ii) before adding additional cameras or  
13 relocating any existing camera to a new location within the  
14 jurisdiction. Automated traffic safety cameras may be used to detect  
15 one or more of the following: Stoplight, railroad crossing, or school  
16 speed zone violations. At a minimum, the local ordinance must contain  
17 the restrictions described in this section and provisions for public  
18 notice and signage. Cities and counties using automated traffic  
19 safety cameras before July 24, 2005, are subject to the restrictions  
20 described in this section, but are not required to enact an  
21 authorizing ordinance. Beginning one year after June 7, 2012, cities

1 and counties using automated traffic safety cameras must post an  
2 annual report of the number of traffic accidents that occurred at  
3 each location where an automated traffic safety camera is located as  
4 well as the number of notices of infraction issued for each camera  
5 and any other relevant information about the automated traffic safety  
6 cameras that the city or county deems appropriate on the city's or  
7 county's web site.

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

14 (c) During the 2011-2013 and 2013-2015 fiscal biennia, automated  
15 traffic safety cameras may be used to detect speed violations for the  
16 purposes of section 201(2), chapter 367, Laws of 2011 and section  
17 201(4), chapter 306, Laws of 2013 if the local legislative authority  
18 first enacts an ordinance authorizing the use of cameras to detect  
19 speed violations.

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

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

1 proceeding to adjudicate the liability for the infraction. A person  
2 receiving a notice of infraction based on evidence detected by an  
3 automated traffic safety camera may respond to the notice by mail.

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

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

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

29 (i) A flashing yellow beacon and a sign reading "CAMERA ACTIVE  
30 WHEN FLASHING" must be placed in locations where school speed zones  
31 are enforced by automated traffic safety cameras. A beacon required  
32 under this subsection (1)(i) must flash only when an automated  
33 traffic safety camera is being used and not at any other time.

34 (j) If a county or city has established an authorized automated  
35 traffic safety camera program under this section, the compensation  
36 paid to the manufacturer or vendor of the equipment used must be  
37 based only upon the value of the equipment and services provided or  
38 rendered in support of the system, and may not be based upon a  
39 portion of the fine or civil penalty imposed or the revenue generated  
40 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  
4 generated by the use of automated traffic safety cameras under this  
5 section shall be processed in the same manner as parking infractions,  
6 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,  
7 and 46.20.270(~~((+3+))~~) (2). The amount of the fine issued for an  
8 infraction generated through the use of an automated traffic safety  
9 camera shall not exceed the amount of a fine issued for other parking  
10 infractions within the jurisdiction. However, the amount of the fine  
11 issued for a traffic control signal violation detected through the  
12 use of an automated traffic safety camera shall not exceed the  
13 monetary penalty for a violation of RCW 46.61.050 as provided under  
14 RCW 46.63.110, including all applicable 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  
18 to the rental car business that a notice of infraction may be issued  
19 to the rental car business if the rental car business does not,  
20 within eighteen days of receiving the written notice, provide to the  
21 issuing 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  
26 determine who was driving or renting the vehicle at the time the  
27 infraction occurred because the vehicle was stolen at the time of the  
28 infraction. A statement provided under this subsection must be  
29 accompanied by a copy of a filed police report regarding the vehicle  
30 theft; or

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

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

36           (4) Nothing in this section prohibits a law enforcement officer  
37 from issuing a notice of traffic infraction to a person in control of  
38 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
39 (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  
3 in conjunction with an intersection traffic control system, a  
4 railroad grade crossing control system, or a speed measuring device,  
5 and a camera synchronized to automatically record one or more  
6 sequenced photographs, microphotographs, or electronic images of the  
7 rear of a motor vehicle at the time the vehicle fails to stop when  
8 facing a steady red traffic control signal or an activated railroad  
9 grade crossing control signal, or exceeds a speed limit in a school  
10 speed zone as detected by a speed measuring device. During the  
11 2011-2013 and 2013-2015 fiscal biennia, an automated traffic safety  
12 camera includes a camera used to detect speed violations for the  
13 purposes of section 201(2), chapter 367, Laws of 2011 and section  
14 201(4), chapter 306, Laws of 2013.

15           (6) During the 2011-2013 and 2013-2015 fiscal biennia, this  
16 section does not apply to automated traffic safety cameras for the  
17 purposes of section 216(5), chapter 367, Laws of 2011 and section  
18 216(6), chapter 306, Laws of 2013.

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