
HOUSE BILL 1688

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64th Legislature

2015 Regular Session

By Representatives Scott, Taylor, Condotta, Holy, Shea, Griffey, Sawyer, Van Werven, Schmick, Kirby, and G. Hunt

Read first time 01/26/15. Referred to Committee on Transportation.

1 AN ACT Relating to eliminating the use of automated traffic
2 safety cameras; amending RCW 46.12.655, 46.16A.120, 46.63.030,
3 46.63.073, and 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6 cameras—Definition) and 2013 c 306 s 711 are each repealed.

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

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

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

12 (b) Delivered possession of the vehicle to the person acquiring
13 ownership;

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

17 (d) Filed a report of sale that meets all the requirements in RCW
18 46.12.650(2).

19 (2) A person acquiring a vehicle assumes civil or criminal
20 liability for any traffic violation under this title, whether

1 designated as a traffic infraction or classified as a criminal
2 offense, that occurs after the date of sale or transfer of ownership
3 based on the vehicle's identification including, but not limited to:

4 (a) Parking infractions; and

5 (b) High occupancy toll lane violations(~~(; and~~

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

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

12 (4) A person who had no knowledge of the filing of the report of
13 sale is relieved of civil or criminal liability for the operation of
14 the vehicle. Liability is then transferred to the seller shown on the
15 report of sale.

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

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

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

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

27 (~~(Automated traffic safety camera infractions issued under~~
28 ~~RCW 46.63.030(1)(d); and~~

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

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

34 (3) The department shall:

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

37 (b) Send notice approximately one hundred twenty days in advance
38 of the current vehicle registration expiration date to the registered
39 owner listing the dates and jurisdictions in which the violations,

1 civil penalties, and infractions occurred, the amounts of unpaid
2 fines and penalties, and the surcharge to be collected. Only those
3 violations, civil penalties, and infractions received by the
4 department one hundred twenty days or more before the current vehicle
5 registration expiration date will be included in the notice.
6 Violations, civil penalties, and infractions received by the
7 department later than one hundred twenty days before the current
8 vehicle registration expiration date that are not satisfied will be
9 delayed until the next vehicle registration expiration date.

10 (4) The department, county auditor or other agent, or subagent
11 appointed by the director shall not renew a vehicle registration if
12 there are any outstanding standing, stopping, and parking violations,
13 and other civil penalties issued under RCW 46.63.160 for the vehicle
14 unless:

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

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

19 (c) The registered owner presents proof of payment of each
20 violation, civil penalty, and infraction provided in this section and
21 the registered owner pays the surcharge required under RCW 46.17.030.

22 (5) The department shall:

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

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

28 **Sec. 4.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each
29 amended to read as follows:

30 (1) A law enforcement officer has the authority to issue a notice
31 of traffic infraction:

32 (a) When the infraction is committed in the officer's presence,
33 except as provided in RCW 46.09.485;

34 (b) When the officer is acting upon the request of a law
35 enforcement officer in whose presence the traffic infraction was
36 committed;

37 (c) If an officer investigating at the scene of a motor vehicle
38 accident has reasonable cause to believe that the driver of a motor

1 vehicle involved in the accident has committed a traffic infraction;
2 or

3 ~~(d) ((When the infraction is detected through the use of an~~
4 ~~automated traffic safety camera under RCW 46.63.170; or~~
5 ~~(e))~~) When the infraction is detected through the use of an
6 automated school bus safety camera under RCW 46.63.180.

7 (2) A court may issue a notice of traffic infraction upon receipt
8 of a written statement of the officer that there is reasonable cause
9 to believe that an infraction was committed.

10 (3) If any motor vehicle without a driver is found parked,
11 standing, or stopped in violation of this title or an equivalent
12 administrative regulation or local law, ordinance, regulation, or
13 resolution, the officer finding the vehicle shall take its
14 registration number and may take any other information displayed on
15 the vehicle which may identify its user, and shall conspicuously
16 affix to the vehicle a notice of traffic infraction.

17 (4) In the case of failure to redeem an abandoned vehicle under
18 RCW 46.55.120, upon receiving a complaint by a registered tow truck
19 operator that has incurred costs in removing, storing, and disposing
20 of an abandoned vehicle, an officer of the law enforcement agency
21 responsible for directing the removal of the vehicle shall send a
22 notice of infraction by certified mail to the last known address of
23 the person responsible under RCW 46.55.105. The notice must be
24 entitled "Littering—Abandoned Vehicle" and give notice of the
25 monetary penalty. The officer shall append to the notice of
26 infraction, on a form prescribed by the department of licensing, a
27 notice indicating the amount of costs incurred as a result of
28 removing, storing, and disposing of the abandoned vehicle, less any
29 amount realized at auction, and a statement that monetary penalties
30 for the infraction will not be considered as having been paid until
31 the monetary penalty payable under this chapter has been paid and the
32 court is satisfied that the person has made restitution in the amount
33 of the deficiency remaining after disposal of the vehicle.

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

36 (1) In the event a traffic infraction is based on a vehicle's
37 identification, and the registered owner of the vehicle is a rental
38 car business, the law enforcement agency shall, before a notice of
39 infraction may be issued, provide a written notice to the rental car

1 business that a notice of infraction may be issued to the rental car
2 business if the rental car business does not, within thirty days of
3 receiving the written notice, provide to the issuing agency by return
4 mail:

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

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

14 Timely mailing of this statement to the issuing law enforcement
15 agency relieves a rental car business of any liability under this
16 chapter for the notice of infraction. In lieu of identifying the
17 vehicle operator, the rental car business may pay the applicable
18 penalty. For the purpose of this subsection, a "traffic infraction
19 based on a vehicle's identification" includes, but is not limited to,
20 parking infractions((~~7~~)) and high occupancy toll lane violations((~~7~~
21 ~~and violations recorded by automated traffic safety cameras~~)).

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

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

33 (b) A statement under oath that the business is unable to
34 determine who was driving or renting the vehicle at the time the
35 infraction occurred because the vehicle was stolen at the time of the
36 infraction. A statement provided under this subsection must be
37 accompanied by a copy of a filed police report regarding the vehicle
38 theft.

39 Timely mailing of this statement to the parking facility relieves
40 a rental car business of any liability under this chapter for the

1 notice of infraction. In lieu of identifying the vehicle operator,
2 the rental car business may pay the applicable penalty. For the
3 purpose of this subsection, a "parking infraction based on a
4 vehicle's identification" is limited to parking infractions occurring
5 on a private parking facility's premises.

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

8 (1) In a traffic infraction case involving an infraction
9 (~~detected through the use of an automated traffic safety camera~~
10 ~~under RCW 46.63.170 or~~) detected through the use of an automated
11 school bus safety camera under RCW 46.63.180, proof that the
12 particular vehicle described in the notice of traffic infraction was
13 in violation of any such provision of RCW (~~46.63.170 and~~)
14 46.63.180, together with proof that the person named in the notice of
15 traffic infraction was at the time of the violation the registered
16 owner of the vehicle, constitutes in evidence a prima facie
17 presumption that the registered owner of the vehicle was the person
18 in control of the vehicle at the point where, and for the time during
19 which, the violation occurred.

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

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