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SENATE BILL 5336

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State of Washington

64th Legislature

2015 Regular Session

By Senators Miloscia, Darneille, Angel, Conway, King, Hobbs, Warnick, and Chase

Read first time 01/19/15. Referred to Committee on Transportation.

1 AN ACT Relating to limiting the use of automated traffic safety  
2 cameras to detect speed violations not in school zones to certain  
3 cities authorized by the Washington state legislature as a pilot  
4 project for at least one full year prior to January 1, 2015; and  
5 amending RCW 46.63.170.

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

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

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

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

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

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

19 (~~During the 2011-2013 and 2013-2015 fiscal biennia,~~  
20 ~~automated traffic safety cameras may be used to detect speed~~  
21 ~~violations for the purposes of section 201(2), chapter 367, Laws of~~  
22 ~~2011 and section 201(4), chapter 306, Laws of 2013 if the local~~  
23 ~~legislative authority first enacts an ordinance authorizing the use~~  
24 ~~of cameras to detect speed violations.)) A city with a population of  
25 more than one hundred ninety-five thousand located on the west side  
26 of the Cascade mountain range may operate an automated traffic safety  
27 camera to detect speed violations subject to the following  
28 limitations:~~

29 (i) The city may only operate one automated traffic safety camera  
30 within its respective jurisdiction;

31 (ii) The use and location of the automated traffic safety camera  
32 must have been authorized by the Washington state legislature as a  
33 pilot project for at least one full year prior to January 1, 2015.

34 (d) Automated traffic safety cameras may only take pictures of  
35 the vehicle and vehicle license plate and only while an infraction is  
36 occurring. The picture must not reveal the face of the driver or of  
37 passengers in the vehicle. The primary purpose of camera placement is  
38 to take pictures of the vehicle and vehicle license plate when an  
39 infraction is occurring. Cities and counties shall consider

1 installing cameras in a manner that minimizes the impact of camera  
2 flash on drivers.

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

19 (f) The registered owner of a vehicle is responsible for an  
20 infraction under RCW 46.63.030(1)(d) unless the registered owner  
21 overcomes the presumption in RCW 46.63.075, or, in the case of a  
22 rental car business, satisfies the conditions under subsection (3) of  
23 this section. If appropriate under the circumstances, a renter  
24 identified under subsection (3)(a) of this section is responsible for  
25 an infraction.

26 (g) Notwithstanding any other provision of law, all photographs,  
27 microphotographs, or electronic images prepared under this section  
28 are for the exclusive use of law enforcement in the discharge of  
29 duties under this section and are not open to the public and may not  
30 be used in a court in a pending action or proceeding unless the  
31 action or proceeding relates to a violation under this section. No  
32 photograph, microphotograph, or electronic image may be used for any  
33 purpose other than enforcement of violations under this section nor  
34 retained longer than necessary to enforce this section.

35 (h) All locations where an automated traffic safety camera is  
36 used must be clearly marked at least thirty days prior to activation  
37 of the camera by placing signs in locations that clearly indicate to  
38 a driver that he or she is entering a zone where traffic laws are  
39 enforced by an automated traffic safety camera. Signs placed in  
40 automated traffic safety camera locations after June 7, 2012, must

1 follow the specifications and guidelines under the manual of uniform  
2 traffic control devices for streets and highways as adopted by the  
3 department of transportation under chapter 47.36 RCW.

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

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

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

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

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

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

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

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

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

24 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this  
25 section does not apply to automated traffic safety cameras for the  
26 purposes of section 216(5), chapter 367, Laws of 2011 and section  
27 216(6), chapter 306, Laws of 2013.

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