
SUBSTITUTE HOUSE BILL 2403

State of Washington **65th Legislature** **2018 Regular Session**

By House Transportation (originally sponsored by Representatives Fitzgibbon and Tarleton)

READ FIRST TIME 01/22/18.

1 AN ACT Relating to transit-only lane enforcement cameras;
2 amending RCW 46.63.170; and providing an expiration date.

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

4 **Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each
5 amended to read as follows:

6 (1) The use of automated traffic safety and transit-only lane
7 enforcement cameras for issuance of notices of infraction is subject
8 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
12 enacting an ordinance allowing for the initial use of automated
13 traffic safety cameras; and (ii) before adding additional cameras or
14 relocating any existing camera to a new location within the
15 jurisdiction. Automated traffic safety cameras may be used to detect
16 one or more of the following: Stoplight, railroad crossing, or school
17 speed zone violations; or speed violations subject to ~~((+e))~~ (e) of
18 this subsection. At a minimum, the local ordinance must contain the
19 restrictions described in this section and provisions for public
20 notice and signage. Cities and counties using automated traffic
21 safety cameras before July 24, 2005, are subject to the restrictions

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

10 (b)(i) A pilot project is authorized for up to three transit lane
11 corridors for the testing of automated transit-only lane enforcement
12 cameras in cities with populations greater than five hundred
13 thousand. Pilot projects are authorized from September 1, 2018, to
14 December 31, 2020. A work group must be established for any pilot
15 project to include the local transportation authority of the city in
16 which an included transit lane corridor is located, the metropolitan
17 municipal corporation that operates transit on an included transit
18 lane corridor, and the Washington state department of transportation.
19 The work group must recommend the transit lane corridors to be
20 selected for inclusion in the pilot project.

21 (ii) The appropriate local legislative authority must prepare an
22 analysis of the locations within the jurisdiction where transit-only
23 lane enforcement cameras are proposed to be located as part of a
24 pilot project: (A) Before enacting an ordinance allowing for the
25 initial use of transit-only lane enforcement cameras; and (B) before
26 adding additional cameras or relocating any existing camera to a new
27 location within the jurisdiction. Transit-only lane enforcement
28 cameras may be used to detect transit-only lane violations. At a
29 minimum, the local ordinance must contain the restrictions described
30 in this section and provisions for public notice and signage.

31 (iii) The pilot project work group must provide an update by
32 November 30, 2019, and a report by December 31, 2020, to the
33 transportation committees of the legislature. The report must
34 include:

35 (A) A recommendation for how transit lane usage policies may be
36 used to address significant current and near-term building and
37 roadway construction projects in the city that are adversely
38 impacting or that will adversely impact traffic in the city; and

39 (B) A recommendation for enforcement policies for traffic
40 infractions generated through the use of automated transit-only lane

1 enforcement cameras that considers how drivers may be educated
2 regarding the use of these cameras and the penalties that may result
3 from infractions captured by them.

4 (c) Except as provided in ~~((e))~~ (e) of this subsection, use of
5 automated traffic safety cameras is restricted to the following
6 locations only: (i) Intersections of two arterials with traffic
7 control signals that have yellow change interval durations in
8 accordance with RCW 47.36.022, which interval durations may not be
9 reduced after placement of the camera; (ii) railroad crossings; and
10 (iii) school speed zones.

11 (d) Use of transit-only lane enforcement cameras is restricted to
12 specifically-designated areas of transit lane exclusivity.

13 ~~((e))~~ (e) Any city west of the Cascade mountains with a
14 population of more than one hundred ninety-five thousand located in a
15 county with a population of fewer than one million five hundred
16 thousand may operate an automated traffic safety camera to detect
17 speed violations subject to the following limitations:

18 (i) A city may only operate one such automated traffic safety
19 camera within its respective jurisdiction; and

20 (ii) The use and location of the automated traffic safety camera
21 must have first been authorized by the Washington state legislature
22 as a pilot project for at least one full year.

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

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

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

9 (ii)(A) A notice of infraction for an infraction generated
10 through the use of an automated transit-only lane enforcement camera
11 may only be issued for the second or subsequent violation within a
12 five-year period by the registered owner of the vehicle or the renter
13 of the vehicle for an infraction generated through the use of an
14 automated transit-only lane enforcement camera. A warning of
15 infraction must be mailed in place of a notice of infraction for the
16 first violation by the registered owner of the vehicle or the renter
17 of the vehicle for an infraction generated through the use of an
18 automated transit-only lane enforcement camera.

19 (B) A warning of infraction must be issued in the same manner and
20 is subject to the same evidentiary, inspection, and admission
21 requirements, and opportunity for the recipient to respond by mail,
22 applicable to a notice of infraction as provided in (g)(i) of this
23 subsection.

24 (C) No fine may be issued for a warning of infraction for a first
25 infraction by the registered owner of the vehicle or the renter of
26 the vehicle within a five-year period generated through the use of an
27 automated transit-only lane enforcement camera.

28 ~~((f))~~ (h) The registered owner of a vehicle is responsible for
29 an infraction under RCW 46.63.030(1)(d) unless the registered owner
30 overcomes the presumption in RCW 46.63.075, or, in the case of a
31 rental car business, satisfies the conditions under subsection (3) of
32 this section. If appropriate under the circumstances, a renter
33 identified under subsection (3)(a) of this section is responsible for
34 an infraction.

35 ~~((g))~~ (i) Notwithstanding any other provision of law, all
36 photographs, microphotographs, or electronic images prepared under
37 this section are for the exclusive use of law enforcement in the
38 discharge of duties under this section and are not open to the public
39 and may not be used in a court in a pending action or proceeding
40 unless the action or proceeding relates to a violation under this

1 section. No photograph, microphotograph, or electronic image may be
2 used for any purpose other than enforcement of violations under this
3 section nor retained longer than necessary to enforce this section.

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

14 ~~((i))~~ (k) If a county or city has established an authorized
15 automated traffic safety or transit-only lane enforcement camera
16 program under this section, the compensation paid to the manufacturer
17 or vendor of the equipment used must be based only upon the value of
18 the equipment and services provided or rendered in support of the
19 system, and may not be based upon a portion of the fine or civil
20 penalty imposed or the revenue generated by the equipment.

21 (2) Infractions detected through the use of automated traffic
22 safety or transit-only lane enforcement cameras are not part of the
23 registered owner's driving record under RCW 46.52.101 and 46.52.120.
24 Additionally, infractions generated by the use of automated traffic
25 safety or transit-only lane enforcement cameras under this section
26 shall be processed in the same manner as parking infractions,
27 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
28 and 46.20.270(2). The amount of the fine issued for an infraction
29 generated through the use of an automated traffic safety or transit-
30 only lane enforcement camera shall not exceed the amount of a fine
31 issued for other parking infractions within the jurisdiction.
32 However, the amount of the fine issued for a traffic control signal
33 violation detected through the use of an automated traffic safety
34 camera shall not exceed the monetary penalty for a violation of RCW
35 46.61.050 as provided under RCW 46.63.110, including all applicable
36 statutory assessments.

37 (3) If the registered owner of the vehicle is a rental car
38 business, the law enforcement agency shall, before a notice of
39 infraction being issued under this section, provide a written notice
40 to the rental car business that a notice of infraction may be issued

1 to the rental car business if the rental car business does not,
2 within eighteen days of receiving the written notice, provide to the
3 issuing agency by return mail:

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

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

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

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

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

22 (5) For the purposes of this section, "automated traffic safety
23 camera" means a device that uses a vehicle sensor installed to work
24 in conjunction with an intersection traffic control system, a
25 railroad grade crossing control system, or a speed measuring device,
26 and a camera synchronized to automatically record one or more
27 sequenced photographs, microphotographs, or electronic images of the
28 rear of a motor vehicle at the time the vehicle fails to stop when
29 facing a steady red traffic control signal or an activated railroad
30 grade crossing control signal, or exceeds a speed limit as detected
31 by a speed measuring device.

32 (6) For the purposes of this section, "automated transit-only
33 lane enforcement camera" means a device that uses a vehicle sensor
34 installed to monitor nontraffic transit vehicles in violation of
35 designated transit-only lanes.

36 (7) During the 2011-2013 and 2013-2015 fiscal biennia, this
37 section does not apply to automated traffic safety cameras for the
38 purposes of section 216(5), chapter 367, Laws of 2011 and section
39 216(6), chapter 306, Laws of 2013.

1 NEW SECTION. **Sec. 2.** This act expires December 31, 2020.

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