
HOUSE BILL 2403

State of Washington

65th Legislature

2018 Regular Session

By Representatives Fitzgibbon and Tarleton

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1 AN ACT Relating to transit-only lane enforcement cameras; and
2 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 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) The appropriate local legislative authority must prepare an
11 analysis of the locations within the jurisdiction where transit-only
12 lane enforcement cameras are proposed to be located: (i) Before
13 enacting an ordinance allowing for the initial use of transit-only
14 lane enforcement cameras; and (ii) before adding additional cameras
15 or relocating any existing camera to a new location within the
16 jurisdiction. Transit-only lane enforcement cameras may be used to
17 detect transit-only lane violations. At a minimum, the local
18 ordinance must contain the restrictions described in this section and
19 provisions for public notice and signage.

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

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

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

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

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

39 ~~((d))~~ (f) Automated traffic safety or transit-only lane
40 enforcement cameras may only take pictures of the vehicle and vehicle

1 license plate and only while an infraction is occurring. The picture
2 must not reveal the face of the driver or of passengers in the
3 vehicle. The primary purpose of camera placement is to take pictures
4 of the vehicle and vehicle license plate when an infraction is
5 occurring. Cities and counties shall consider installing cameras in a
6 manner that minimizes the impact of camera flash on drivers.

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

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

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

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

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

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

34 (3) If the registered owner of the vehicle is a rental car
35 business, the law enforcement agency shall, before a notice of
36 infraction being issued under this section, provide a written notice
37 to the rental car business that a notice of infraction may be issued
38 to the rental car business if the rental car business does not,
39 within eighteen days of receiving the written notice, provide to the
40 issuing agency by return mail:

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

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

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

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

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

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

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

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

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