

ESHB 1793 - S AMD 826
By Senator Saldaña

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

7 (a) Except for proposed locations used solely for the pilot
8 program purposes permitted under subsection (6) of this section, the
9 appropriate local legislative authority must prepare an analysis of
10 the locations within the jurisdiction where automated traffic safety
11 cameras are proposed to be located: (i) Before enacting an ordinance
12 allowing for the initial use of automated traffic safety cameras; and
13 (ii) before adding additional cameras or relocating any existing
14 camera to a new location within the jurisdiction. Automated traffic
15 safety cameras may be used to detect one or more of the following:
16 Stoplight, railroad crossing, or school speed zone violations; ~~((e))~~
17 speed violations subject to (c) of this subsection; or violations
18 included in subsection (6) of this section for the duration of the
19 pilot program authorized under subsection (6) of this section. At a
20 minimum, the local ordinance must contain the restrictions described
21 in this section and provisions for public notice and signage. Cities
22 and counties using automated traffic safety cameras before July 24,
23 2005, are subject to the restrictions described in this section, but
24 are not required to enact an authorizing ordinance. Beginning one
25 year after June 7, 2012, cities and counties using automated traffic
26 safety cameras must post an annual report of the number of traffic
27 accidents that occurred at each location where an automated traffic
28 safety camera is located as well as the number of notices of
29 infraction issued for each camera and any other relevant information
30 about the automated traffic safety cameras that the city or county
31 deems appropriate on the city's or county's web site.

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

8 (c) Any city west of the Cascade mountains with a population of
9 more than one hundred ninety-five thousand located in a county with a
10 population of fewer than one million five hundred thousand may
11 operate an automated traffic safety camera to detect speed violations
12 subject to the following limitations:

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

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

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

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

1 receiving a notice of infraction based on evidence detected by an
2 automated traffic safety camera may respond to the notice by mail.

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

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

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

28 (i) If a county or city has established an authorized automated
29 traffic safety camera program under this section, the compensation
30 paid to the manufacturer or vendor of the equipment used must be
31 based only upon the value of the equipment and services provided or
32 rendered in support of the system, and may not be based upon a
33 portion of the fine or civil penalty imposed or the revenue generated
34 by the equipment.

35 (2) Infractions detected through the use of automated traffic
36 safety cameras are not part of the registered owner's driving record
37 under RCW 46.52.101 and 46.52.120. Additionally, infractions
38 generated by the use of automated traffic safety cameras under this
39 section shall be processed in the same manner as parking infractions,
40 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,

1 and 46.20.270(2). Except as provided otherwise in subsection (6) of
2 this section, the amount of the fine issued for an infraction
3 generated through the use of an automated traffic safety camera shall
4 not exceed the amount of a fine issued for other parking infractions
5 within the jurisdiction. However, the amount of the fine issued for a
6 traffic control signal violation detected through the use of an
7 automated traffic safety camera shall not exceed the monetary penalty
8 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
9 including all applicable statutory assessments.

10 (3) If the registered owner of the vehicle is a rental car
11 business, the law enforcement agency shall, before a notice of
12 infraction being issued under this section, provide a written notice
13 to the rental car business that a notice of infraction may be issued
14 to the rental car business if the rental car business does not,
15 within eighteen days of receiving the written notice, provide to the
16 issuing agency by return mail:

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

20 (b) A statement under oath that the business is unable to
21 determine who was driving or renting the vehicle at the time the
22 infraction occurred because the vehicle was stolen at the time of the
23 infraction. A statement provided under this subsection must be
24 accompanied by a copy of a filed police report regarding the vehicle
25 theft; or

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

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

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

35 (5) (a) For the purposes of this section, "automated traffic
36 safety camera" means a device that uses a vehicle sensor installed to
37 work in conjunction with an intersection traffic control system, a
38 railroad grade crossing control system, or a speed measuring device,
39 and a camera synchronized to automatically record one or more
40 sequenced photographs, microphotographs, or electronic images of the

1 rear of a motor vehicle at the time the vehicle fails to stop when
2 facing a steady red traffic control signal or an activated railroad
3 grade crossing control signal, or exceeds a speed limit as detected
4 by a speed measuring device.

5 (b) For the purposes of the pilot program authorized under
6 subsection (6) of this section, "automated traffic safety camera"
7 also includes a device used to detect stopping at intersection or
8 crosswalk violations; public transportation only lane violations; and
9 stopping or traveling in restricted lane violations.

10 ~~(6) ((During the 2011-2013 and 2013-2015 fiscal biennia, this~~
11 ~~section does not apply to automated traffic safety cameras for the~~
12 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~
13 ~~216(6), chapter 306, Laws of 2013.))~~ (a) (i) A city with a population
14 greater than five hundred thousand may adopt an ordinance creating a
15 pilot program authorizing automated traffic safety cameras to be used
16 to detect one or more of the following violations: Stopping at
17 intersection or crosswalk violations; public transportation only lane
18 violations; and stopping or traveling in restricted lane violations.
19 Under the pilot program, stopping at intersection or crosswalk
20 violations may only be enforced at the twenty intersections where the
21 city would most like to address safety concerns related to stopping
22 at intersection or crosswalk violations. At a minimum, the local
23 ordinance must contain the restrictions described in this section and
24 provisions for public notice and signage.

25 (ii) (A) Except where specifically exempted, all of the rules and
26 restrictions applicable to the use of automated traffic safety
27 cameras in this section apply to the use of automated traffic safety
28 cameras in the pilot program established in this subsection (6).

29 (B) Regarding any violation detected under this pilot program
30 with respect to trucks parked for the purposes of delivering
31 commercial products between the hours of midnight to 5:00 a.m. in
32 public transportation only lanes or in lanes restricted for high
33 occupancy vehicles, a warning notice with no penalty must be issued
34 to the registered owner of the vehicle.

35 (C) During the pilot program, notice of infractions may not be
36 issued to the registered owner of a public transportation vehicle for
37 any violation listed in (a) (i) of this subsection detected by an
38 automated traffic safety camera.

39 (b) Use of automated traffic safety cameras as authorized in this
40 subsection (6) is restricted to the following locations only:

1 Locations authorized in subsection (1)(b) of this section; and
2 midblock on arterials. Additionally, the use of automated traffic
3 safety cameras as authorized in this subsection (6) is further
4 limited to the following:

5 (i) The portion of state and local roadways in downtown areas of
6 the city used for office and commercial activities, as well as retail
7 shopping and support services, and that may include mixed residential
8 uses;

9 (ii) The portion of state and local roadways in areas in the city
10 within one-half mile of the boundaries of the area described in
11 (b)(i) of this subsection;

12 (iii) Portions of roadway systems in the city that travel into
13 and out of (b)(ii) of this subsection that are designated by the
14 Washington state department of transportation as noninterstate
15 freeways for up to three miles; and

16 (iv) Portions of roadway systems in the city connected to the
17 portions of the noninterstate freeways identified in (b)(iii) of this
18 subsection that are designated by the Washington state department of
19 transportation as arterial roadways for up to one mile from the
20 intersection of the arterial roadway and the noninterstate freeway.

21 (c) However, automated traffic safety cameras may not be used on
22 portions of a roadway serving as an on-ramp to an interstate.

23 (d) From the effective date of this section until December 31,
24 2019, a warning notice with no penalty must be issued to the
25 registered owner of the vehicle for a violation generated through the
26 use of an automated traffic safety camera authorized in this
27 subsection (6). Beginning January 1, 2020, a notice of infraction
28 must be issued, in a manner consistent with subsections (1)(e) and
29 (3) of this section, for a violation generated through the use of an
30 automated traffic safety camera authorized in this subsection (6).
31 However, the penalty for the violation after January 1, 2020, may not
32 exceed sixty dollars.

33 (e) For infractions issued as authorized in this subsection (6),
34 a city with a pilot program shall remit monthly to the state one
35 hundred percent of the noninterest money received under this
36 subsection (6) in excess of the cost to install, operate, and
37 maintain the automated traffic safety cameras for use in the pilot
38 program. Money remitted under this subsection to the state treasurer
39 shall be deposited in the multimodal transportation account created
40 in RCW 47.66.070.

1 (f) A city that implements a pilot program under this subsection
2 (6) must provide a preliminary report to the transportation
3 committees of the legislature by June 30, 2021, and a final report by
4 January 1, 2022, on the pilot program that includes the locations
5 chosen for the automated traffic safety cameras used in the pilot
6 program, the number of warnings and traffic infractions issued under
7 the pilot program, the number of traffic infractions issued with
8 respect to vehicles registered outside of the county in which the
9 city is located, safety and on-time performance statistics related to
10 the impact on driver behavior of the use of automated traffic safety
11 cameras in the pilot program, and any recommendations on the use of
12 automated traffic safety cameras to enforce the violations that these
13 cameras were authorized to detect under the pilot program.

14 (g) As used in this subsection (6), "public transportation
15 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,
16 or any other device or vehicle, that is owned or operated by a
17 transit authority or an entity providing service on behalf of a
18 transit authority that is used for the purpose of carrying passengers
19 and that operates on established routes. "Transit authority" has the
20 meaning provided in RCW 9.91.025.

21 **Sec. 2.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each
22 amended to read as follows:

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

25 (a) The appropriate local legislative authority must prepare an
26 analysis of the locations within the jurisdiction where automated
27 traffic safety cameras are proposed to be located: (i) Before
28 enacting an ordinance allowing for the initial use of automated
29 traffic safety cameras; and (ii) before adding additional cameras or
30 relocating any existing camera to a new location within the
31 jurisdiction. Automated traffic safety cameras may be used to detect
32 one or more of the following: Stoplight, railroad crossing, or school
33 speed zone violations; or speed violations subject to (c) of this
34 subsection. At a minimum, the local ordinance must contain the
35 restrictions described in this section and provisions for public
36 notice and signage. Cities and counties using automated traffic
37 safety cameras before July 24, 2005, are subject to the restrictions
38 described in this section, but are not required to enact an
39 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) Except as provided in (c) of this subsection, use of
9 automated traffic safety cameras is restricted to the following
10 locations only: (i) Intersections of two or more arterials with
11 traffic control signals that have yellow change interval durations in
12 accordance with RCW 47.36.022, which interval durations may not be
13 reduced after placement of the camera; (ii) railroad crossings; and
14 (iii) school speed zones.

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

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

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

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

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

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

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

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

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

34 (i) 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(2). The amount of the fine issued for an infraction
8 generated through the use of an automated traffic safety camera shall
9 not exceed the amount of a fine issued for other parking infractions
10 within the jurisdiction. However, the amount of the fine issued for a
11 traffic control signal violation detected through the use of an
12 automated traffic safety camera shall not exceed the monetary penalty
13 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
14 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 as detected
10 by a speed measuring device.

11 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
12 section does not apply to automated traffic safety cameras for the
13 purposes of section 216(5), chapter 367, Laws of 2011 and section
14 216(6), chapter 306, Laws of 2013.

15 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
16 2022.

17 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
18 1, 2022."

ESHB 1793 - S AMD 826
By Senator Saldaña

NOT CONSIDERED 12/23/2019

19 On page 1, line 3 of the title, after "safety;" strike the
20 remainder of the title and insert "amending RCW 46.63.170 and
21 46.63.170; providing an effective date; and providing an expiration
22 date."

EFFECT: (1) Reduces the violations that may be detected by a camera in the pilot program to: Stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations.

(2) Further limits the pilot program enforcement of intersection or crosswalk blocking violations to the 20 intersections at which the city would most like to address safety concerns.

(3) Exempts portions of roadways that serve as an on-ramp to an interstate from the pilot program.

(4) Requires that only a warning may be issued for violations until December 31, 2019.

(5) Changes the penalty framework by removing the limitation that the first violation after January 1, 2020, is a warning and instead

requires that a violation result in a notice of infraction with a monetary penalty from January 1, 2020, to January 1, 2022.

(6) Limits the amount of the fine for the infraction to no more than \$60.

(7) Public transportation vehicles may not be issued an infraction under the pilot program.

(8) Redirects 100 percent of the amount of the penalties that are in excess of the cost to install and maintain the cameras to the state Multimodal Transportation Account instead of the Highway Safety Account.

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