
ENGROSSED SUBSTITUTE HOUSE BILL 1793

State of Washington

66th Legislature

2019 Regular Session

By House Transportation (originally sponsored by Representatives Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet, and Tarleton)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing additional uses for automated
2 traffic safety cameras for traffic congestion reduction and increased
3 safety; amending RCW 46.63.170 and 46.63.170; providing an effective
4 date; and providing an expiration date.

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

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

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

10 (a) Except for proposed locations used solely for the pilot
11 program purposes permitted under subsection (6) of this section, the
12 appropriate local legislative authority must prepare an analysis of
13 the locations within the jurisdiction where automated traffic safety
14 cameras are proposed to be located: (i) Before enacting an ordinance
15 allowing for the initial use of automated traffic safety cameras; and
16 (ii) before adding additional cameras or relocating any existing
17 camera to a new location within the jurisdiction. Automated traffic
18 safety cameras may be used to detect one or more of the following:
19 Stoplight, railroad crossing, or school speed zone violations; ((or))
20 speed violations subject to (c) of this subsection; or violations
21 included in subsection (6) of this section for the duration of the

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

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

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

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

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

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

39 (e) A notice of infraction must be mailed to the registered owner
40 of the vehicle within fourteen days of the violation, or to the

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

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

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

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

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

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

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

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

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

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

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

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

8 (5) (a) For the purposes of this section, "automated traffic
9 safety camera" means a device that uses a vehicle sensor installed to
10 work in conjunction with an intersection traffic control system, a
11 railroad grade crossing control system, or a speed measuring device,
12 and a camera synchronized to automatically record one or more
13 sequenced photographs, microphotographs, or electronic images of the
14 rear of a motor vehicle at the time the vehicle fails to stop when
15 facing a steady red traffic control signal or an activated railroad
16 grade crossing control signal, or exceeds a speed limit as detected
17 by a speed measuring device.

18 (b) For the purposes of the pilot program authorized under
19 subsection (6) of this section, "automated traffic safety camera"
20 also includes a device used to detect stopping when traffic
21 obstructed violations; stopping at intersection or crosswalk
22 violations; public transportation only lane violations; stopping or
23 traveling in restricted lane violations; and stopping or parking
24 violations at locations restricted for emergency response vehicle
25 entry or exit or the boarding or disembarking of public
26 transportation vehicles, including public ferries.

27 ~~((During the 2011-2013 and 2013-2015 fiscal biennia, this~~
28 ~~section does not apply to automated traffic safety cameras for the~~
29 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~
30 ~~216(6), chapter 306, Laws of 2013.)) (a) (i) A city with a population
31 greater than five hundred thousand may adopt an ordinance creating a
32 pilot program authorizing automated traffic safety cameras to be used
33 to detect one or more of the following violations: Stopping when
34 traffic obstructed violations; stopping at intersection or crosswalk
35 violations; public transportation only lane violations; stopping or
36 traveling in restricted lane violations; and stopping or parking
37 violations at locations restricted for emergency response vehicle
38 entry or exit or the boarding or disembarking of public
39 transportation vehicles, including public ferries. At a minimum, the~~

1 local ordinance must contain the restrictions described in this
2 section and provisions for public notice and signage.

3 (ii) (A) Except where specifically exempted from them, all of the
4 rules and restrictions applicable to the use of automated traffic
5 safety cameras in this section apply to the use of automated traffic
6 safety cameras in the pilot program established in this subsection
7 (6).

8 (B) Regarding any violation detected under this pilot program
9 with respect to trucks parked for the purposes of delivering
10 commercial products between the hours of midnight to 5 a.m. in public
11 transportation only lanes or in lanes restricted for high occupancy
12 vehicles, a warning notice with no penalty must be issued to the
13 registered owner of the vehicle.

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

21 (b) Use of automated traffic safety cameras as authorized in this
22 subsection (6) is restricted to the following locations only:
23 Locations authorized in subsection (1)(b) of this section; and
24 midblock on arterials. Additionally, the use of automated traffic
25 safety cameras as authorized in this subsection (6) is further
26 limited to the following:

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

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

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

38 (iv) Portions of roadway systems in the city connected to the
39 portions of the noninterstate freeways identified in (b)(iii) of this
40 subsection that are designated by the Washington state department of

1 transportation as arterial roadways for up to one mile from the
2 intersection of the arterial roadway and the noninterstate freeway.

3 (c) From the effective date of this section until January 1,
4 2020, a warning notice with no penalty must be issued to the
5 registered owner of the vehicle for a violation generated through the
6 use of an automated traffic safety camera authorized in this
7 subsection (6). Beginning January 1, 2020, a warning notice with no
8 penalty must be issued to the registered owner of the vehicle for the
9 first violation generated through the use of an automated traffic
10 safety camera authorized in this subsection (6) after January 1,
11 2020, and a notice of infraction must be issued, but only for a
12 second or subsequent violation, in a manner consistent with
13 subsections (1)(e) and (3) of this section for an infraction
14 generated through the use of an automated traffic safety camera
15 authorized in this subsection (6).

16 (d) For violations issued as authorized in this subsection (6), a
17 city with a pilot program shall remit monthly to the state fifty
18 percent of the noninterest money received under this subsection (6)
19 in excess of the cost to install, operate, and maintain the automated
20 traffic safety cameras for use in the pilot program. Money remitted
21 under this subsection to the state treasurer shall be deposited in
22 the highway safety fund created in RCW 46.68.060.

23 (e) A city that implements a pilot program under this subsection
24 (6) must provide a report to the transportation committees of the
25 legislature by June 30, 2021, on the pilot program that includes the
26 locations chosen for the automated traffic safety cameras used in the
27 pilot program, the number of traffic infractions issued under the
28 pilot program, the number of traffic infractions issued with respect
29 to vehicles registered outside of the county in which the city is
30 located, safety and on-time performance statistics related to the
31 impact on driver behavior of the use of automated traffic safety
32 cameras in the pilot program, and any recommendations on the use of
33 automated traffic safety cameras to enforce the violations that these
34 cameras were authorized to detect under the pilot program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
27 section does not apply to automated traffic safety cameras for the
28 purposes of section 216(5), chapter 367, Laws of 2011 and section
29 216(6), chapter 306, Laws of 2013.

30 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
31 2022.

32 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
33 1, 2022.

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