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**HOUSE BILL 2735**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Springer, Walen, Slatter, Fitzgibbon, Kloba, and Pollet

Read first time 01/20/20. Referred to Committee on Public Safety.

1 AN ACT Relating to allowing limited authority officers to issue  
2 infractions for violations detected through automated traffic safety  
3 and school bus safety cameras; and amending RCW 46.16A.120,  
4 46.63.030, 46.63.140, 46.63.170, 46.63.180, and 46.75.050.

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

6 **Sec. 1.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to  
7 read as follows:

8 (1) Each court and government agency located in this state having  
9 jurisdiction over standing, stopping, and parking violations, the use  
10 of a photo toll system under RCW 46.63.160, the use of automated  
11 traffic safety cameras under RCW 46.63.170, and the use of automated  
12 school bus safety cameras under RCW 46.63.180 may forward to the  
13 department any outstanding:

14 (a) Standing, stopping, and parking violations;

15 (b) Civil penalties for toll nonpayment detected through the use  
16 of photo toll systems issued under RCW 46.63.160;

17 (c) Automated traffic safety camera infractions issued under RCW  
18 46.63.030 (1)(d) and (2)(a); and

19 (d) Automated school bus safety camera infractions issued under  
20 RCW 46.63.030 (1)(e) and (2)(b).

1 (2) Violations, civil penalties, and infractions described in  
2 subsection (1) of this section must be reported to the department in  
3 the manner described in RCW 46.20.270(3).

4 (3) The department shall:

5 (a) Record the violations, civil penalties, and infractions on  
6 the matching vehicle records; and

7 (b) Send notice approximately one hundred twenty days in advance  
8 of the current vehicle registration expiration date to the registered  
9 owner listing the dates and jurisdictions in which the violations,  
10 civil penalties, and infractions occurred, the amounts of unpaid  
11 fines and penalties, and the surcharge to be collected. Only those  
12 violations, civil penalties, and infractions received by the  
13 department one hundred twenty days or more before the current vehicle  
14 registration expiration date will be included in the notice.  
15 Violations, civil penalties, and infractions received by the  
16 department later than one hundred twenty days before the current  
17 vehicle registration expiration date that are not satisfied will be  
18 delayed until the next vehicle registration expiration date.

19 (4) The department, county auditor or other agent, or subagent  
20 appointed by the director shall not renew a vehicle registration if  
21 there are any outstanding standing, stopping, and parking violations,  
22 and other civil penalties issued under RCW 46.63.160 for the vehicle  
23 unless:

24 (a) The outstanding standing, stopping, or parking violations and  
25 civil penalties were received by the department within one hundred  
26 twenty days before the current vehicle registration expiration;

27 (b) There is a change in registered ownership; or

28 (c) The registered owner presents proof of payment of each  
29 violation, civil penalty, and infraction provided in this section and  
30 the registered owner pays the surcharge required under RCW 46.17.030.

31 (5) The department shall:

32 (a) Forward a change in registered ownership information to the  
33 court or government agency who reported the outstanding violations,  
34 civil penalties, or infractions; and

35 (b) Remove the outstanding violations, civil penalties, and  
36 infractions from the vehicle record.

37 **Sec. 2.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each  
38 amended to read as follows:

1 (1) A law enforcement officer has the authority to issue a notice  
2 of traffic infraction:

3 (a) When the infraction is committed in the officer's presence,  
4 except as provided in RCW 46.09.485;

5 (b) When the officer is acting upon the request of a law  
6 enforcement officer in whose presence the traffic infraction was  
7 committed;

8 (c) If an officer investigating at the scene of a motor vehicle  
9 accident has reasonable cause to believe that the driver of a motor  
10 vehicle involved in the accident has committed a traffic infraction;

11 (d) When the infraction is detected through the use of an  
12 automated traffic safety camera under RCW 46.63.170; or

13 (e) When the infraction is detected through the use of an  
14 automated school bus safety camera under RCW 46.63.180.

15 (2) When authorized by the local law enforcement agency with the  
16 authority to conduct traffic enforcement in the respective  
17 jurisdiction, a limited authority Washington peace officer, as  
18 defined in RCW 10.93.020, has the authority to issue a notice of  
19 traffic infraction:

20 (a) When the infraction is detected through the use of an  
21 automated traffic safety camera under RCW 46.63.170; or

22 (b) When the infraction is detected through the use of an  
23 automated school bus safety camera under RCW 46.63.180.

24 (3) A court may issue a notice of traffic infraction upon receipt  
25 of a written statement of the officer that there is reasonable cause  
26 to believe that an infraction was committed.

27 ((+3)) (4) If any motor vehicle without a driver is found  
28 parked, standing, or stopped in violation of this title or an  
29 equivalent administrative regulation or local law, ordinance,  
30 regulation, or resolution, the officer finding the vehicle shall take  
31 its registration number and may take any other information displayed  
32 on the vehicle which may identify its user, and shall conspicuously  
33 affix to the vehicle a notice of traffic infraction.

34 ((+4)) (5) In the case of failure to redeem an abandoned vehicle  
35 under RCW 46.55.120, upon receiving a complaint by a registered tow  
36 truck operator that has incurred costs in removing, storing, and  
37 disposing of an abandoned vehicle, an officer of the law enforcement  
38 agency responsible for directing the removal of the vehicle shall  
39 send a notice of infraction by certified mail to the last known  
40 address of the person responsible under RCW 46.55.105. The notice

1 must be entitled "Littering—Abandoned Vehicle" and give notice of the  
2 monetary penalty. The officer shall append to the notice of  
3 infraction, on a form prescribed by the department of licensing, a  
4 notice indicating the amount of costs incurred as a result of  
5 removing, storing, and disposing of the abandoned vehicle, less any  
6 amount realized at auction, and a statement that monetary penalties  
7 for the infraction will not be considered as having been paid until  
8 the monetary penalty payable under this chapter has been paid and the  
9 court is satisfied that the person has made restitution in the amount  
10 of the deficiency remaining after disposal of the vehicle.

11 **Sec. 3.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to  
12 read as follows:

13 (1) In any traffic infraction case involving a violation of this  
14 title or equivalent administrative regulation or local law,  
15 ordinance, regulation, or resolution relating to the stopping,  
16 standing, or parking of a vehicle, proof that the particular vehicle  
17 described in the notice of traffic infraction was stopping, standing,  
18 or parking in violation of any such provision of this title or an  
19 equivalent administrative regulation or local law, ordinance,  
20 regulation, or resolution, together with proof that the person named  
21 in the notice of traffic infraction was at the time of the violation  
22 the registered owner of the vehicle, shall constitute in evidence a  
23 prima facie presumption that the registered owner of the vehicle was  
24 the person who parked or placed the vehicle at the point where, and  
25 for the time during which, the violation occurred.

26 (2) The foregoing stated presumption shall apply only when the  
27 procedure prescribed in RCW 46.63.030(~~(3)~~) (4) has been followed.

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

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

32 (a) The appropriate local legislative authority must prepare an  
33 analysis of the locations within the jurisdiction where automated  
34 traffic safety cameras are proposed to be located: (i) Before  
35 enacting an ordinance allowing for the initial use of automated  
36 traffic safety cameras; and (ii) before adding additional cameras or  
37 relocating any existing camera to a new location within the  
38 jurisdiction. Automated traffic safety cameras may be used to detect

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

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

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

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

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

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

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

17 (f) The registered owner of a vehicle is responsible for an  
18 infraction under RCW 46.63.030 (1)(d) or (2)(a) unless the registered  
19 owner overcomes the presumption in RCW 46.63.075, or, in the case of  
20 a rental car business, satisfies the conditions under subsection (3)  
21 of this section. If appropriate under the circumstances, a renter  
22 identified under subsection (3)(a) of this section is responsible for  
23 an infraction.

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

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

1 traffic control devices for streets and highways as adopted by the  
2 department of transportation under chapter 47.36 RCW.

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

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

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

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

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

20 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this  
21 section does not apply to automated traffic safety cameras for the  
22 purposes of section 216(5), chapter 367, Laws of 2011 and section  
23 216(6), chapter 306, Laws of 2013.

24 **Sec. 5.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to  
25 read as follows:

26 (1) School districts may install and operate automated school bus  
27 safety cameras on school buses to be used for the detection of  
28 violations of RCW 46.61.370(1) if the use of the cameras is approved  
29 by a vote of the school district board of directors. School districts  
30 are not required to take school buses out of service if the buses are  
31 not equipped with automated school bus safety cameras or functional  
32 automated safety cameras. Further, school districts shall be held  
33 harmless from and not liable for any criminal or civil liability  
34 arising under the provisions of this section.

35 (a) Automated school bus safety cameras may only take pictures of  
36 the vehicle and vehicle license plate and only while an infraction is  
37 occurring. The picture must not reveal the face of the driver or of  
38 passengers in the vehicle.



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

18 (c) The registered owner of a vehicle is responsible for an  
19 infraction under RCW 46.63.030 (1)(e) or (2)(b) unless the registered  
20 owner overcomes the presumption in RCW 46.63.075, or, in the case of  
21 a rental car business, satisfies the conditions under subsection (2)  
22 of this section. If appropriate under the circumstances, a renter  
23 identified under subsection (2)(a)(i) of this section is responsible  
24 for an infraction.

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

34 (e) If a school district installs and operates an automated  
35 school bus safety camera under this section, the compensation paid to  
36 the manufacturer or vendor of the equipment used must be based only  
37 upon the value of the equipment and services provided or rendered in  
38 support of the system, and may not be based upon a portion of the  
39 fine or civil penalty imposed or the revenue generated by the  
40 equipment. Further, any repair, replacement, or administrative work

1 costs related to installing or repairing automated school bus safety  
2 cameras must be solely paid for by the manufacturer or vendor of the  
3 cameras. Before entering into a contract with the manufacturer or  
4 vendor of the equipment used under this subsection (1)(e), the school  
5 district must follow the competitive bid process as outlined in RCW  
6 28A.335.190(1).

7 (f) Any revenue collected from infractions detected through the  
8 use of automated school bus safety cameras, less the administration  
9 and operating costs of the cameras, must be remitted to school  
10 districts for school zone safety projects as determined by the school  
11 district using the automated school bus safety cameras. The  
12 administration and operating costs of the cameras includes infraction  
13 enforcement and processing costs that are incurred by local law  
14 enforcement or local courts. During the 2013-2015 fiscal biennium,  
15 the infraction revenue may also be used for school bus safety  
16 projects by those school districts eligible to apply for funding from  
17 the school zone safety account appropriation in section 201, chapter  
18 306, Laws of 2013.

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

26 (i) A statement under oath stating the name and known mailing  
27 address of the individual driving or renting the vehicle when the  
28 infraction occurred;

29 (ii) A statement under oath that the business is unable to  
30 determine who was driving or renting the vehicle at the time the  
31 infraction occurred because the vehicle was stolen at the time of the  
32 infraction. A statement provided under this subsection (2)(a)(ii)  
33 must be accompanied by a copy of a filed police report regarding the  
34 vehicle theft; or

35 (iii) In lieu of identifying the vehicle operator, the rental car  
36 business may pay the applicable penalty.

37 (b) Timely mailing of a statement under this subsection to the  
38 issuing law enforcement agency relieves a rental car business of any  
39 liability under this chapter for the notice of infraction.

1 (3) For purposes of this section, "automated school bus safety  
2 camera" means a device that is affixed to a school bus that is  
3 synchronized to automatically record one or more sequenced  
4 photographs, microphotographs, or electronic images of the rear of a  
5 vehicle at the time the vehicle is detected for an infraction  
6 identified in RCW 46.61.370(1).

7 **Sec. 6.** RCW 46.75.050 and 2019 c 214 s 5 are each amended to  
8 read as follows:

9 (1) A violation of this chapter, or of chapter 46.61 RCW by a  
10 personal delivery device, is a traffic infraction. A notice of  
11 infraction must be mailed to the registered agent listed on the  
12 personal delivery device within fourteen days of the violation.

13 (2) The registered agent of the eligible entity operating a  
14 personal delivery device is responsible for (~~an~~) any infraction  
15 imposed under RCW 46.63.030 (1) or (2).

16 (3) Infractions committed by a personal delivery device are not  
17 part of the registered agent's driving record under RCW 46.52.101 and  
18 46.52.120. Additionally, infractions issued under this section shall  
19 be processed in the same manner as parking infractions, including for  
20 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and  
21 46.20.270(2). The amount of the fine issued for an infraction issued  
22 under this section shall not exceed the amount of a fine issued for  
23 other parking infractions within the jurisdiction.

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