

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1793

66th Legislature
2020 Regular Session

Passed by the House March 9, 2020
Yeas 56 Nays 40

**Speaker of the House of
Representatives**

Passed by the Senate March 7, 2020
Yeas 27 Nays 22

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1793** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1793

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

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; adding a new section to chapter 46.68
4 RCW; 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) ~~((The))~~ Except for proposed locations used solely for the
11 pilot program purposes permitted under subsection (6) of this
12 section, the appropriate local legislative authority must prepare an
13 analysis of the locations within the jurisdiction where automated
14 traffic safety cameras are proposed to be located: (i) Before
15 enacting an ordinance allowing for the initial use of automated
16 traffic safety cameras; and (ii) before adding additional cameras or
17 relocating any existing camera to a new location within the
18 jurisdiction. Automated traffic safety cameras may be used to detect
19 one or more of the following: Stoplight, railroad crossing, or school
20 speed zone violations; ~~((or))~~ speed violations subject to (c) of this
21 subsection; or violations included in subsection (6) of this section

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

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

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

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

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

32 (d) Automated traffic safety cameras may only take pictures of
33 the vehicle and vehicle license plate and only while an infraction is
34 occurring. The picture must not reveal the face of the driver or of
35 passengers in the vehicle. The primary purpose of camera placement is
36 to take pictures of the vehicle and vehicle license plate when an
37 infraction is occurring. Cities and counties shall consider
38 installing cameras in a manner that minimizes the impact of camera
39 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) unless the registered owner
19 overcomes the presumption in RCW 46.63.075, or, in the case of a
20 rental car business, satisfies the conditions under subsection (3) of
21 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, or any other personally
26 identifying data prepared under this section are for the exclusive
27 use of law enforcement in the discharge of duties under this section
28 and are not open to the public and may not be used in a court in a
29 pending action or proceeding unless the action or proceeding relates
30 to a violation under this section. No photograph, microphotograph, or
31 electronic image, or any other personally identifying data may be
32 used for any purpose other than enforcement of violations under this
33 section nor retained longer than necessary to enforce this section.

34 (h) All locations where an automated traffic safety camera is
35 used must be clearly marked at least thirty days prior to activation
36 of the camera by placing signs in locations that clearly indicate to
37 a driver that he or she is entering a zone where traffic laws are
38 enforced by an automated traffic safety camera. Signs placed in
39 automated traffic safety camera locations after June 7, 2012, must
40 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))~~ Except as provided otherwise in subsection
17 (6) of this section, the amount of the fine issued for an infraction
18 generated through the use of an automated traffic safety camera shall
19 not exceed the amount of a fine issued for other parking infractions
20 within the jurisdiction. However, the amount of the fine issued for a
21 traffic control signal violation detected through the use of an
22 automated traffic safety camera shall not exceed the monetary penalty
23 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
24 including all applicable statutory assessments.

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

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

35 (b) A statement under oath that the business is unable to
36 determine who was driving or renting the vehicle at the time the
37 infraction occurred because the vehicle was stolen at the time of the
38 infraction. A statement provided under this subsection must be
39 accompanied by a copy of a filed police report regarding the vehicle
40 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) (a) For the purposes of this section, "automated traffic
11 safety camera" means a device that uses a vehicle sensor installed to
12 work 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 (b) For the purposes of the pilot program authorized under
21 subsection (6) of this section, "automated traffic safety camera"
22 also includes a device used to detect stopping at intersection or
23 crosswalk violations; stopping when traffic obstructed violations;
24 public transportation only lane violations; and stopping or traveling
25 in restricted lane violations. The device, including all technology
26 defined under "automated traffic safety camera," must not reveal the
27 face of the driver or the passengers in vehicles, and must not use
28 any facial recognition technology in real time or after capturing any
29 information. If the face of any individual in a crosswalk or
30 otherwise within the frame is incidentally captured, it may not be
31 made available to the public nor used for any purpose including, but
32 not limited to, any law enforcement action, except in a pending
33 action or proceeding related to a violation under this section.

34 ~~((During the 2011-2013 and 2013-2015 fiscal biennia, this~~
35 ~~section does not apply to automated traffic safety cameras for the~~
36 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~
37 ~~216(6), chapter 306, Laws of 2013.)) (a) (i) A city with a population
38 greater than five hundred thousand may adopt an ordinance creating a
39 pilot program authorizing automated traffic safety cameras to be used
40 to detect one or more of the following violations: Stopping when~~

1 traffic obstructed violations; stopping at intersection or crosswalk
2 violations; public transportation only lane violations; and stopping
3 or traveling in restricted lane violations. Under the pilot program,
4 stopping at intersection or crosswalk violations may only be enforced
5 at the twenty intersections where the city would most like to address
6 safety concerns related to stopping at intersection or crosswalk
7 violations. At a minimum, the local ordinance must contain the
8 restrictions described in this section and provisions for public
9 notice and signage.

10 (ii) Except where specifically exempted, all of the rules and
11 restrictions applicable to the use of automated traffic safety
12 cameras in this section apply to the use of automated traffic safety
13 cameras in the pilot program established in this subsection (6).

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 north of the boundary 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 four 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) However, automated traffic safety cameras may not be used on
4 an on-ramp to an interstate.

5 (d) From the effective date of this section through December 31,
6 2020, a warning notice with no penalty must be issued to the
7 registered owner of the vehicle for a violation generated through the
8 use of an automated traffic safety camera authorized in this
9 subsection (6). Beginning January 1, 2021, a notice of infraction
10 must be issued, in a manner consistent with subsections (1)(e) and
11 (3) of this section, for a violation generated through the use of an
12 automated traffic safety camera authorized in this subsection (6).
13 However, the penalty for the violation may not exceed seventy-five
14 dollars.

15 (e) For infractions issued as authorized in this subsection (6),
16 a city with a pilot program shall remit monthly to the state fifty
17 percent of the noninterest money received under this subsection (6)
18 in excess of the cost to install, operate, and maintain the automated
19 traffic safety cameras for use in the pilot program. Money remitted
20 under this subsection to the state treasurer shall be deposited in
21 the Cooper Jones active transportation safety account created in
22 section 2 of this act. The remaining fifty percent retained by the
23 city must be used only for improvements to transportation that
24 support equitable access and mobility for persons with disabilities.

25 (f) A transit authority may not take disciplinary action,
26 regarding a warning or infraction issued pursuant to this subsection
27 (6), against an employee who was operating a public transportation
28 vehicle at the time the violation that was the basis of the warning
29 or infraction was detected.

30 (g) A city that implements a pilot program under this subsection
31 (6) must provide a preliminary report to the transportation
32 committees of the legislature by June 30, 2022, and a final report by
33 January 1, 2023, on the pilot program that includes the locations
34 chosen for the automated traffic safety cameras used in the pilot
35 program, the number of warnings and traffic infractions issued under
36 the pilot program, the number of traffic infractions issued with
37 respect to vehicles registered outside of the county in which the
38 city is located, the infrastructure improvements made using the
39 penalty moneys as required under (e) of this subsection, an equity
40 analysis that includes any disproportionate impacts, safety, and on-

1 time performance statistics related to the impact on driver behavior
2 of the use of automated traffic safety cameras in the pilot program,
3 and any recommendations on the use of automated traffic safety
4 cameras to enforce the violations that these cameras were authorized
5 to detect under the pilot program.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.68
7 RCW to read as follows:

8 The Cooper Jones active transportation safety account is created
9 in the state treasury. All receipts from penalties collected under
10 RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures
11 from the account may be used only to fund grant projects or programs
12 for bicycle, pedestrian, and nonmotorist safety improvement
13 administered by the Washington traffic safety commission. The account
14 is subject to allotment procedures under chapter 43.88 RCW. Moneys in
15 the account may be spent only after appropriation.

16 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,
17 2023.

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