
SENATE BILL 5869

State of Washington

67th Legislature

2022 Regular Session

By Senators Lovick, Dhingra, Keiser, King, Kuderer, Wellman, and C. Wilson

Read first time 01/14/22. Referred to Committee on Law & Justice.

1 AN ACT Relating to photographs, digital photographs,
2 microphotographs, videotapes, other recorded images, or other records
3 identifying a specific instance of travel from toll systems and
4 traffic safety cameras; amending RCW 46.63.160, 46.63.170, and
5 46.63.170; providing an effective date; and providing an expiration
6 date.

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

8 **Sec. 1.** RCW 46.63.160 and 2015 c 292 s 1 are each amended to
9 read as follows:

10 (1) This section applies only to civil penalties for nonpayment
11 of tolls detected through use of photo toll systems.

12 (2) 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 (3) A notice of civil penalty may be issued by the department of
17 transportation when a toll is assessed through use of a photo toll
18 system and the toll is not paid by the toll payment due date, which
19 is ((~~eighty~~)) 80 days from the date the vehicle uses the toll
20 facility and incurs the toll charge.

1 (4) Any registered owner or renter of a vehicle traveling upon a
2 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
3 a civil penalty governed by the administrative procedures set forth
4 in this section when the vehicle incurs a toll charge and the toll is
5 not paid by the toll payment due date, which is (~~eighty~~) 80 days
6 from the date the vehicle uses the toll facility and incurs the toll
7 charge.

8 (5) (a) The department shall develop rules to allow an individual
9 who has been issued a notice of civil penalty to present evidence of
10 mitigating circumstances as to why a toll bill was not timely paid.
11 If an individual is able to present verifiable evidence to the
12 department that a civil penalty was incurred due to hospitalization,
13 military deployment, eviction, homelessness, death of the alleged
14 violator or of an alleged violator's immediate family member, failure
15 to receive the toll bill due to an incorrect address that has since
16 been corrected, a prepaid electronic toll account error that has
17 since been corrected, an error made by the department or an agent of
18 the department, or other mitigating circumstances as determined by
19 the department, the department may dismiss or reduce the civil
20 penalty and associated fees.

21 (b) (i) Consistent with chapter 34.05 RCW, the department of
22 transportation shall develop an administrative adjudication process
23 to review appeals of civil penalties issued by the department of
24 transportation for toll nonpayment detected through the use of a
25 photo toll system under this section. The department of
26 transportation shall submit to the transportation committees of the
27 legislature an annual report on the number of times adjudicators
28 reduce or dismiss the civil penalty as provided in (b) (ii) of this
29 subsection and the total amount of the civil penalties dismissed. The
30 report must be submitted by December 1st of each year.

31 (ii) During the adjudication process, the alleged violator must
32 have an opportunity to explain mitigating circumstances as to why the
33 toll bill was not timely paid. Hospitalization, a divorce decree or
34 legal separation agreement resulting in a transfer of the vehicle, an
35 active duty member of the military or national guard covered by the
36 federal service members civil relief act, 50 U.S.C. Sec. 501 et seq.,
37 or state service members' civil relief act, chapter 38.42 RCW,
38 eviction, homelessness, the death of the alleged violator or of an
39 immediate family member, being switched to a different method of toll
40 payment, if the alleged violator did not receive a toll charge bill

1 or notice of civil penalty, or other mitigating circumstances as
2 determined by the adjudicator are deemed valid mitigating
3 circumstances. All of the reasons that constitute mitigating
4 circumstances must have occurred within a reasonable time of the
5 alleged toll violation. In response to these circumstances, the
6 adjudicator may reduce or dismiss the civil penalty and associated
7 administrative fees.

8 (6) The use of a photo toll system is subject to the following
9 requirements:

10 (a) Photo toll systems may take photographs, digital photographs,
11 microphotographs, videotapes, or other recorded images of the vehicle
12 and vehicle license plate only.

13 (b) A notice of civil penalty must include with it a certificate
14 or facsimile thereof, based upon inspection of photographs,
15 microphotographs, videotape, or other recorded images produced by a
16 photo toll system, stating the facts supporting the notice of civil
17 penalty. This certificate or facsimile is prima facie evidence of the
18 facts contained in it and is admissible in a proceeding established
19 under subsection (5) of this section. The photographs, digital
20 photographs, microphotographs, videotape, or other recorded images
21 evidencing the toll nonpayment civil penalty must be available for
22 inspection and admission into evidence in a proceeding to adjudicate
23 the liability for the civil penalty.

24 (c)(i) By June 30, 2016, prior to issuing a notice of civil
25 penalty to a registered owner of a vehicle listed on an active
26 prepaid electronic toll account, the department of transportation
27 must:

28 (A) Send an (~~electronic mail~~) email notice to the email address
29 provided in the prepaid electronic toll account of unpaid pay-by-mail
30 toll bills at least (~~ten~~) 10 days prior to a notice of civil
31 penalty being issued for the associated pay-by-mail toll. The notice
32 must be separate from any regular notice sent by the department; and

33 (B) Call the phone numbers provided in the account to provide
34 notice of unpaid pay-by-mail toll bills at least (~~ten~~) 10 days
35 prior to a notice of civil penalty being issued for the associated
36 pay-by-mail toll.

37 (ii) The department is relieved of its obligation to provide
38 notice as required by this section if the customer has declined to
39 receive communications from the department through such methods.

1 (d) (~~Notwithstanding any other provision of law~~) Except as
2 provided in (e) and (f) of this subsection, all photographs, digital
3 photographs, microphotographs, videotape, other recorded images, or
4 other records identifying a specific instance of travel prepared
5 under this section are for the exclusive use of the tolling agency
6 for toll collection and enforcement purposes and are not open to the
7 public and may not be used in a court in a pending action or
8 proceeding unless the action or proceeding relates to a civil penalty
9 under this section. No photograph, digital photograph,
10 microphotograph, videotape, other recorded image, or other record
11 identifying a specific instance of travel may be used for any purpose
12 other than toll collection or enforcement of civil penalties under
13 this section. Records identifying a specific instance of travel by a
14 specific person or vehicle must be retained only as required to
15 ensure payment and enforcement of tolls and to comply with state
16 records retention policies.

17 (e) Pursuant to a lawfully issued search warrant, any photograph,
18 digital photograph, microphotograph, videotape, other recorded image,
19 or other record identifying a specific instance of travel prepared
20 under this section shall be made available to law enforcement and all
21 restrictions on their use, as set forth in (d) of this subsection,
22 shall not apply.

23 (f) Pursuant to a judicially authorized subpoena duces tecum, any
24 photograph, digital photograph, microphotograph, videotape, other
25 recorded image, or other record identifying a specific instance of
26 travel prepared under this section shall be made available to
27 prosecuting attorneys and defense counsels and all restrictions on
28 their use, as set forth in (d) of this subsection, shall not apply.

29 (g) All locations where a photo toll system is used must be
30 clearly marked by placing signs in locations that clearly indicate to
31 a driver that he or she is entering a zone where tolls are assessed
32 and enforced by a photo toll system.

33 (~~(f)~~) (h) Within existing resources, the department of
34 transportation shall conduct education and outreach efforts at least
35 six months prior to activating an all-electronic photo toll system.
36 Methods of outreach shall include a department presence at community
37 meetings in the vicinity of a toll facility, signage, and information
38 published in local media. Information provided shall include notice
39 of when all electronic photo tolling shall begin and methods of
40 payment. Additionally, the department shall provide quarterly

1 reporting on education and outreach efforts and other data related to
2 the issuance of civil penalties.

3 ((~~g~~)) (i) The envelope containing a toll charge bill or related
4 notice issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of
5 civil penalty issued under this section, must prominently indicate
6 that the contents are time sensitive and related to a toll violation.

7 (7) Civil penalties for toll nonpayment detected through the use
8 of photo toll systems must be issued to the registered owner of the
9 vehicle identified by the photo toll system, but are not part of the
10 registered owner's driving record under RCW 46.52.101 and 46.52.120.

11 (8) The civil penalty for toll nonpayment detected through the
12 use of a photo toll system is ((~~forty dollars~~)) \$40 plus the photo
13 toll and associated fees.

14 (9) Except as provided otherwise in this subsection, all civil
15 penalties, including the photo toll and associated fees, collected
16 under this section must be deposited into the toll facility account
17 of the facility on which the toll was assessed. However, through June
18 30, 2013, civil penalties deposited into the Tacoma Narrows toll
19 bridge account created under RCW 47.56.165 that are in excess of
20 amounts necessary to support the toll adjudication process applicable
21 to toll collection on the Tacoma Narrows bridge must first be
22 allocated toward repayment of operating loans and reserve payments
23 provided to the account from the motor vehicle account under section
24 1005(15), chapter 518, Laws of 2007. Additionally, all civil
25 penalties, resulting from nonpayment of tolls on the state route
26 number 520 corridor, shall be deposited into the state route number
27 520 civil penalties account created under section 4, chapter 248,
28 Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June
29 30, 2010.

30 (10) If the registered owner of the vehicle is a rental car
31 business, the department of transportation shall, before a toll bill
32 is issued, provide a written notice to the rental car business that a
33 toll bill may be issued to the rental car business if the rental car
34 business does not, within ((~~thirty~~)) 30 days of the mailing of the
35 written notice, provide to the issuing agency by return mail:

36 (a) A statement under oath stating the name and known mailing
37 address of the individual driving or renting the vehicle when the
38 toll was assessed; or

39 (b) A statement under oath that the business is unable to
40 determine who was driving or renting the vehicle at the time the toll

1 was assessed because the vehicle was stolen at the time the toll was
2 assessed. A statement provided under this subsection must be
3 accompanied by a copy of a filed police report regarding the vehicle
4 theft; or

5 (c) In lieu of identifying the vehicle operator, the rental car
6 business may pay the applicable toll and fee.

7 Timely mailing of this statement to the issuing agency relieves a
8 rental car business of any liability under this section for the
9 payment of the toll.

10 (11) It is the intent of the legislature that the department
11 provide an educational opportunity when vehicle owners incur fees and
12 penalties associated with late payment of tolls for the first time.
13 As part of this educational opportunity, the department may waive
14 penalties and fees if the issue that resulted in the toll not being
15 timely paid has been resolved and the vehicle owner establishes an
16 electronic toll account, if practicable. To aid in collecting tolls
17 in a timely manner, the department may waive or reduce the
18 outstanding amounts of fees and penalties assessed when tolls are not
19 timely paid.

20 (12)(a) By June 30, 2016, the department of transportation must
21 update its website, and accommodate access to the website from mobile
22 platforms, to allow toll customers to efficiently manage all their
23 tolling accounts, regardless of method of payment.

24 (b)(i) By June 30, 2016, the department of transportation must
25 make available to the public a point of access that allows a third
26 party to develop an application for mobile technologies that (A)
27 securely accesses a user's toll account information and (B) allows
28 the user to manage his or her toll account to the same extent
29 possible through the department's website.

30 (ii) If the department determines that it would be cost-effective
31 and in the best interests of the citizens of Washington, it may also
32 develop an application for mobile technologies that allows toll
33 customers to manage all of their tolling accounts from a mobile
34 platform.

35 (13) When acquiring a new photo toll system, the department of
36 transportation must enable the new system to:

37 (a) Connect with the department of licensing's vehicle record
38 system so that a prepaid electronic toll account can be updated
39 automatically when a toll customer's vehicle record is updated, if
40 the customer has consented to such updates; and

1 (b) Document when any toll is assessed for a vehicle listed in a
2 prepaid electronic toll account in the monthly statement that is made
3 available to the electronic toll account holder regardless of whether
4 the method of payment for the toll is via pay-by-mail or prepaid
5 electronic toll account.

6 (14) Consistent with chapter 34.05 RCW, the department of
7 transportation shall develop rules to implement this section.

8 (15) For the purposes of this section:

9 (a) "Photo toll system" means the system defined in RCW 47.56.010
10 and 47.46.020.

11 (b) "Prepaid electronic toll account" means a prepaid toll
12 account linked to a pass or license plate number, including "Good to
13 Go!".

14 (16) If a customer's toll charge or civil penalty is waived
15 pursuant to this section due to an error made by the department, or
16 an agent of the department, in reading the customer's license plate,
17 the secretary of transportation must send a letter to the customer
18 apologizing for the error.

19 **Sec. 2.** RCW 46.63.170 and 2020 c 224 s 1 are each amended to
20 read as follows:

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

23 (a) Except for proposed locations used solely for the pilot
24 program purposes permitted under subsection (6) of this section, the
25 appropriate local legislative authority must prepare an analysis of
26 the locations within the jurisdiction where automated traffic safety
27 cameras are proposed to be located: (i) Before enacting an ordinance
28 allowing for the initial use of automated traffic safety cameras; and
29 (ii) before adding additional cameras or relocating any existing
30 camera to a new location within the jurisdiction. Automated traffic
31 safety cameras may be used to detect one or more of the following:
32 Stoplight, railroad crossing, or school speed zone violations; speed
33 violations subject to (c) of this subsection; or violations included
34 in subsection (6) of this section for the duration of the pilot
35 program authorized under subsection (6) of this section. At a
36 minimum, the local ordinance must contain the restrictions described
37 in this section and provisions for public notice and signage. Cities
38 and counties using automated traffic safety cameras before July 24,
39 2005, are subject to the restrictions described in this section, but

1 are not required to enact an authorizing ordinance. Beginning one
2 year after June 7, 2012, cities and counties using automated traffic
3 safety cameras must post an annual report of the number of traffic
4 accidents that occurred at each location where an automated traffic
5 safety camera is located as well as the number of notices of
6 infraction issued for each camera and any other relevant information
7 about the automated traffic safety cameras that the city or county
8 deems appropriate on the city's or county's website.

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

16 (c) Any city west of the Cascade mountains with a population of
17 more than (~~one hundred ninety-five thousand~~) 195,000 located in a
18 county with a population of fewer than (~~one million five hundred~~
19 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
20 to detect speed violations subject to the following limitations:

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

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

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

34 (e) A notice of infraction must be mailed to the registered owner
35 of the vehicle within (~~fourteen~~) 14 days of the violation, or to
36 the renter of a vehicle within (~~fourteen~~) 14 days of establishing
37 the renter's name and address under subsection (3)(a) of this
38 section. The law enforcement officer issuing the notice of infraction
39 shall include with it a certificate or facsimile thereof, based upon
40 inspection of photographs, microphotographs, or electronic images

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

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

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

29 (h) Pursuant to a lawfully issued search warrant, any photograph,
30 digital photograph, microphotograph, videotape, other recorded image,
31 or other record identifying a specific instance of travel prepared
32 under this section shall be made available to law enforcement and all
33 restrictions on their use, as set forth in (g) of this subsection,
34 shall not apply.

35 (i) Pursuant to a judicially authorized subpoena duces tecum, any
36 photograph, digital photograph, microphotograph, videotape, other
37 recorded image, or other record identifying a specific instance of
38 travel prepared under this section shall be made available to
39 prosecuting attorneys and defense counsels and all restrictions on
40 their use, as set forth in (g) of this subsection, shall not apply.

1 (j) All locations where an automated traffic safety camera is
2 used must be clearly marked at least (~~(thirty)~~) 30 days prior to
3 activation of the camera by placing signs in locations that clearly
4 indicate to a driver that he or she is entering a zone where traffic
5 laws are enforced by an automated traffic safety camera. Signs placed
6 in 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)~~) (k) If a county or city has established an authorized
11 automated traffic safety camera program under this section, the
12 compensation paid to the manufacturer or vendor of the equipment used
13 must be based only upon the value of the equipment and services
14 provided or rendered in support of the system, and may not be based
15 upon a portion of the fine or civil penalty imposed or the revenue
16 generated 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). Except as provided otherwise in subsection (6) of
24 this section, the amount of the fine issued for an infraction
25 generated through the use of an automated traffic safety camera shall
26 not exceed the amount of a fine issued for other parking infractions
27 within the jurisdiction. However, the amount of the fine issued for a
28 traffic control signal violation detected through the use of an
29 automated traffic safety camera shall not exceed the monetary penalty
30 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
31 including all applicable statutory assessments.

32 (3) If the registered owner of the vehicle is a rental car
33 business, the law enforcement agency shall, before a notice of
34 infraction being issued under this section, provide a written notice
35 to the rental car business that a notice of infraction may be issued
36 to the rental car business if the rental car business does not,
37 within (~~(eighteen)~~) 18 days of receiving the written notice, provide
38 to the issuing agency by return mail:

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

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

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

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

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

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

29 (b) For the purposes of the pilot program authorized under
30 subsection (6) of this section, "automated traffic safety camera"
31 also includes a device used to detect stopping at intersection or
32 crosswalk violations; stopping when traffic obstructed violations;
33 public transportation only lane violations; and stopping or traveling
34 in restricted lane violations. The device, including all technology
35 defined under "automated traffic safety camera," must not reveal the
36 face of the driver or the passengers in vehicles, and must not use
37 any facial recognition technology in real time or after capturing any
38 information. If the face of any individual in a crosswalk or
39 otherwise within the frame is incidentally captured, it may not be
40 made available to the public nor used for any purpose including, but

1 not limited to, any law enforcement action, except in a pending
2 action or proceeding related to a violation under this section.

3 (6) (a) (i) A city with a population greater than (~~five hundred~~
4 ~~thousand~~) 500,000 may adopt an ordinance creating a pilot program
5 authorizing automated traffic safety cameras to be used to detect one
6 or more of the following violations: Stopping when traffic obstructed
7 violations; stopping at intersection or crosswalk violations; public
8 transportation only lane violations; and stopping or traveling in
9 restricted lane violations. Under the pilot program, stopping at
10 intersection or crosswalk violations may only be enforced at the
11 twenty intersections where the city would most like to address safety
12 concerns related to stopping at intersection or crosswalk violations.
13 At a minimum, the local ordinance must contain the restrictions
14 described in this section and provisions for public notice and
15 signage.

16 (ii) Except where specifically exempted, all of the rules and
17 restrictions applicable to the use of automated traffic safety
18 cameras in this section apply to the use of automated traffic safety
19 cameras in the pilot program established in this subsection (6).

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

27 (b) Use of automated traffic safety cameras as authorized in this
28 subsection (6) is restricted to the following locations only:
29 Locations authorized in subsection (1)(b) of this section; and
30 midblock on arterials. Additionally, the use of automated traffic
31 safety cameras as authorized in this subsection (6) is further
32 limited to the following:

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

37 (ii) The portion of state and local roadways in areas in the city
38 within one-half mile north of the boundary of the area described in
39 (b) (i) of this subsection;

1 (iii) Portions of roadway systems in the city that travel into
2 and out of (b)(ii) of this subsection that are designated by the
3 Washington state department of transportation as noninterstate
4 freeways for up to four miles; and

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

10 (c) However, automated traffic safety cameras may not be used on
11 an on-ramp to an interstate.

12 (d) From June 11, 2020, through December 31, 2020, a warning
13 notice with no penalty must be issued to the registered owner of the
14 vehicle for a violation generated through the use of an automated
15 traffic safety camera authorized in this subsection (6). Beginning
16 January 1, 2021, a notice of infraction must be issued, in a manner
17 consistent with subsections (1)(e) and (3) of this section, for a
18 violation generated through the use of an automated traffic safety
19 camera authorized in this subsection (6). However, the penalty for
20 the violation may not exceed (~~(seventy-five dollars)~~) \$75.

21 (e) For infractions issued as authorized in this subsection (6),
22 a city with a pilot program shall remit monthly to the state
23 (~~(fifty)~~) 50 percent of the noninterest money received under this
24 subsection (6) in excess of the cost to install, operate, and
25 maintain the automated traffic safety cameras for use in the pilot
26 program. Money remitted under this subsection to the state treasurer
27 shall be deposited in the Cooper Jones active transportation safety
28 account created in RCW 46.68.480. The remaining (~~(fifty)~~) 50 percent
29 retained by the city must be used only for improvements to
30 transportation that support equitable access and mobility for persons
31 with disabilities.

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

37 (g) A city that implements a pilot program under this subsection
38 (6) must provide a preliminary report to the transportation
39 committees of the legislature by June 30, 2022, and a final report by
40 January 1, 2023, on the pilot program that includes the locations

1 chosen for the automated traffic safety cameras used in the pilot
2 program, the number of warnings and traffic infractions issued under
3 the pilot program, the number of traffic infractions issued with
4 respect to vehicles registered outside of the county in which the
5 city is located, the infrastructure improvements made using the
6 penalty moneys as required under (e) of this subsection, an equity
7 analysis that includes any disproportionate impacts, safety, and on-
8 time performance statistics related to the impact on driver behavior
9 of the use of automated traffic safety cameras in the pilot program,
10 and any recommendations on the use of automated traffic safety
11 cameras to enforce the violations that these cameras were authorized
12 to detect under the pilot program.

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

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

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

1 (b) Except as provided in (c) of this subsection, use of
2 automated traffic safety cameras is restricted to the following
3 locations only: (i) Intersections of two arterials with traffic
4 control signals that have yellow change interval durations in
5 accordance with RCW 47.36.022, which interval durations may not be
6 reduced after placement of the camera; (ii) railroad crossings; and
7 (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~~) 195,000 located in a
10 county with a population of fewer than (~~one million five hundred~~
11 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
12 to detect speed violations 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~~) 14 days of the violation, or to
28 the renter of a vehicle within (~~fourteen~~) 14 days of establishing
29 the renter's name and address under subsection (3)(a) of this
30 section. The law enforcement officer issuing the notice of infraction
31 shall include with it a certificate or facsimile thereof, based upon
32 inspection of photographs, microphotographs, or electronic images
33 produced by an automated traffic safety camera, stating the facts
34 supporting the notice of infraction. This certificate or facsimile is
35 prima facie evidence of the facts contained in it and is admissible
36 in a proceeding charging a violation under this chapter. The
37 photographs, microphotographs, or electronic images evidencing the
38 violation must be available for inspection and admission into
39 evidence in a proceeding to adjudicate the liability for the
40 infraction. A person receiving a notice of infraction based on

1 evidence detected by an automated traffic safety camera may respond
2 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~~) Except as
11 provided in (h) and (i) of this subsection, all photographs,
12 microphotographs, or electronic images prepared under this section
13 are for the exclusive use of law enforcement in the discharge of
14 duties under this section and are not open to the public and may not
15 be used in a court in a pending action or proceeding unless the
16 action or proceeding relates to a violation under this section. No
17 photograph, microphotograph, or electronic image may be used for any
18 purpose other than enforcement of violations under this section nor
19 retained longer than necessary to enforce this section.

20 (h) Pursuant to a lawfully issued search warrant, any photograph,
21 digital photograph, microphotograph, videotape, other recorded image,
22 or other record identifying a specific instance of travel prepared
23 under this section shall be made available to law enforcement and all
24 restrictions on their use, as set forth in (g) of this subsection,
25 shall not apply.

26 (i) Pursuant to a judicially authorized subpoena duces tecum, any
27 photograph, digital photograph, microphotograph, videotape, other
28 recorded image, or other record identifying a specific instance of
29 travel prepared under this section shall be made available to
30 prosecuting attorneys and defense counsels and all restrictions on
31 their use, as set forth in (g) of this subsection, shall not apply.

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

1 (~~(i)~~) (k) If a county or city has established an authorized
2 automated traffic safety camera program under this section, the
3 compensation paid to the manufacturer or vendor of the equipment used
4 must be based only upon the value of the equipment and services
5 provided or rendered in support of the system, and may not be based
6 upon a portion of the fine or civil penalty imposed or the revenue
7 generated 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)~~) 18 days of receiving the written notice, provide
28 to the 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) For the purposes of this section, "automated traffic safety
9 camera" means a device that uses a vehicle sensor installed to work
10 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 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
19 section does not apply to automated traffic safety cameras for the
20 purposes of section 216(5), chapter 367, Laws of 2011 and section
21 216(6), chapter 306, Laws of 2013.

22 NEW SECTION. **Sec. 4.** Section 2 of this act expires June 30,
23 2023.

24 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect June
25 30, 2023.

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