

SSB 6115 - H COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 03/01/2024

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

3 "Sec. 1. RCW 46.16A.120 and 2012 c 83 s 5 are each amended to
4 read as follows:

5 (1) Each court and government agency located in this state having
6 jurisdiction over standing, stopping, and parking violations, the use
7 of a photo toll system under RCW 46.63.160, the use of automated
8 traffic safety cameras under RCW 46.63.170, ~~((and))~~ the use of
9 automated school bus safety cameras under RCW 46.63.180, and the use
10 of speed safety camera systems under RCW 46.63.200 may forward to the
11 department any outstanding:

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

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

15 (c) Automated traffic safety camera infractions issued under RCW
16 46.63.030(1)(d); ~~((and))~~

17 (d) Automated school bus safety camera infractions issued under
18 RCW 46.63.030(1)(e); and

19 (e) Speed safety camera system infractions issued under RCW
20 46.63.030(1)(f).

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

24 (3) The department shall:

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

27 (b) Send notice approximately ~~((one hundred twenty))~~ 120 days in
28 advance of the current vehicle registration expiration date to the
29 registered owner listing the dates and jurisdictions in which the
30 violations, civil penalties, and infractions occurred, the amounts of
31 unpaid fines and penalties, and the surcharge to be collected. Only
32 those violations, civil penalties, and infractions received by the

1 department (~~one hundred twenty~~) 120 days or more before the current
2 vehicle registration expiration date will be included in the notice.
3 Violations, civil penalties, and infractions received by the
4 department later than (~~one hundred twenty~~) 120 days before the
5 current vehicle registration expiration date that are not satisfied
6 will be delayed until the next vehicle registration expiration date.

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

12 (a) The outstanding standing, stopping, or parking violations and
13 civil penalties were received by the department within (~~one hundred~~
14 ~~twenty~~) 120 days before the current vehicle registration expiration;

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

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

19 (5) The department shall:

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

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

25 **Sec. 2.** RCW 46.20.270 and 2015 c 189 s 1 are each amended to
26 read as follows:

27 (1) Every court having jurisdiction over offenses committed under
28 this chapter, or any other act of this state or municipal ordinance
29 adopted by a local authority regulating the operation of motor
30 vehicles on highways, or any federal authority having jurisdiction
31 over offenses substantially the same as those set forth in this title
32 which occur on federal installations within this state, shall
33 immediately forward to the department a forfeiture of bail or
34 collateral deposited to secure the defendant's appearance in court, a
35 payment of a fine, penalty, or court cost, a plea of guilty or nolo
36 contendere or a finding of guilt, or a finding that any person has
37 committed a traffic infraction an abstract of the court record in the
38 form prescribed by rule of the supreme court, showing the conviction
39 of any person or the finding that any person has committed a traffic

1 infraction in said court for a violation of any said laws other than
2 regulations governing standing, stopping, parking, and pedestrian
3 offenses.

4 (2) Every state agency or municipality having jurisdiction over
5 offenses committed under this chapter, or under any other act of this
6 state or municipal ordinance adopted by a state or local authority
7 regulating the operation of motor vehicles on highways, may forward
8 to the department within (~~ten~~) 10 days of failure to respond,
9 failure to pay a penalty, failure to appear at a hearing to contest
10 the determination that a violation of any statute, ordinance, or
11 regulation relating to standing, stopping, parking, or civil
12 penalties issued under RCW 46.63.160 or 46.63.200 has been committed,
13 or failure to appear at a hearing to explain mitigating
14 circumstances, an abstract of the citation record in the form
15 prescribed by rule of the department, showing the finding by such
16 municipality that two or more violations of laws governing standing,
17 stopping, and parking or one or more civil penalties issued under RCW
18 46.63.160 or 46.63.200 have been committed and indicating the nature
19 of the defendant's failure to act. Such violations or infractions may
20 not have occurred while the vehicle is stolen from the registered
21 owner. The department may enter into agreements of reciprocity with
22 the duly authorized representatives of the states for reporting to
23 each other violations of laws governing standing, stopping, and
24 parking.

25 (3) For the purposes of this title and except as defined in RCW
26 46.25.010, "conviction" means a final conviction in a state or
27 municipal court or by any federal authority having jurisdiction over
28 offenses substantially the same as those set forth in this title
29 which occur on federal installations in this state, an unvacated
30 forfeiture of bail or collateral deposited to secure a defendant's
31 appearance in court, the payment of a fine or court cost, a plea of
32 guilty or nolo contendere, or a finding of guilt on a traffic law
33 violation charge, regardless of whether the imposition of sentence or
34 sanctions are deferred or the penalty is suspended, but not including
35 entry into a deferred prosecution agreement under chapter 10.05 RCW.

36 (4) Perfection of a notice of appeal shall stay the execution of
37 the sentence pertaining to the withholding of the driving privilege.

38 (5) For the purposes of this title, "finding that a traffic
39 infraction has been committed" means a failure to respond to a notice
40 of infraction or a determination made by a court pursuant to this

1 chapter. Payment of a monetary penalty made pursuant to RCW
2 46.63.070(2) is deemed equivalent to such a finding.

3 **Sec. 3.** RCW 46.63.110 and 2023 c 388 s 2 are each amended to
4 read as follows:

5 (1)(a) A person found to have committed a traffic infraction
6 shall be assessed a monetary penalty. No penalty may exceed \$250 for
7 each offense unless authorized by this chapter or title.

8 (b) The court may waive or remit any monetary penalty, fee, cost,
9 assessment, or other monetary obligation associated with a traffic
10 infraction unless the specific monetary obligation in question is
11 prohibited from being waived or remitted by state law.

12 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
13 is \$250 for each offense; (b) RCW 46.61.210(1) is \$500 for each
14 offense. No penalty assessed under this subsection (2) may be
15 reduced.

16 (3) The supreme court shall prescribe by rule a schedule of
17 monetary penalties for designated traffic infractions. This rule
18 shall also specify the conditions under which local courts may
19 exercise discretion in assessing fines and penalties for traffic
20 infractions. The legislature respectfully requests the supreme court
21 to adjust this schedule every two years for inflation.

22 (4) There shall be a penalty of \$25 for failure to respond to a
23 notice of traffic infraction except where the infraction relates to
24 parking as defined by local law, ordinance, regulation, or resolution
25 or failure to pay a monetary penalty imposed pursuant to this
26 chapter. A local legislative body may set a monetary penalty not to
27 exceed \$25 for failure to respond to a notice of traffic infraction
28 relating to parking as defined by local law, ordinance, regulation,
29 or resolution. The local court, whether a municipal, police, or
30 district court, shall impose the monetary penalty set by the local
31 legislative body.

32 (5) Monetary penalties provided for in chapter 46.70 RCW which
33 are civil in nature and penalties which may be assessed for
34 violations of chapter 46.44 RCW relating to size, weight, and load of
35 motor vehicles are not subject to the limitation on the amount of
36 monetary penalties which may be imposed pursuant to this chapter.

37 (6) Whenever a monetary penalty, fee, cost, assessment, or other
38 monetary obligation is imposed by a court under this chapter, it is
39 immediately payable and is enforceable as a civil judgment under

1 Title 6 RCW. If the court determines that a person is not able to pay
2 a monetary obligation in full, the court shall enter into a payment
3 plan with the person in accordance with RCW 46.63.190 and standards
4 that may be set out in court rule.

5 (7) In addition to any other penalties imposed under this section
6 and not subject to the limitation of subsection (1) of this section,
7 a person found to have committed a traffic infraction shall be
8 assessed:

9 (a) A fee of \$5 per infraction. Under no circumstances shall this
10 fee be reduced or waived. Revenue from this fee shall be forwarded to
11 the state treasurer for deposit in the emergency medical services and
12 trauma care system trust account under RCW 70.168.040;

13 (b) A fee of \$10 per infraction. Under no circumstances shall
14 this fee be reduced or waived. Revenue from this fee shall be
15 forwarded to the state treasurer for deposit in the general fund; and

16 (c) A fee of \$5 per infraction. Under no circumstances shall this
17 fee be reduced or waived. Revenue from this fee shall be forwarded to
18 the state treasurer for deposit in the traumatic brain injury account
19 established in RCW 74.31.060.

20 (8)(a) In addition to any other penalties imposed under this
21 section and not subject to the limitation of subsection (1) of this
22 section, a person found to have committed a traffic infraction other
23 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
24 penalty of \$24. The court may not reduce, waive, or suspend the
25 additional penalty unless the court finds the offender to be
26 indigent. If a court authorized community restitution program for
27 offenders is available in the jurisdiction, the court shall allow
28 offenders to offset all or a part of the penalty due under this
29 subsection (8) by participation in the court authorized community
30 restitution program.

31 (b) \$12.50 of the additional penalty under (a) of this subsection
32 shall be remitted to the state treasurer. The remaining revenue from
33 the additional penalty must be remitted under chapters 2.08, 3.46,
34 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this
35 subsection to the state treasurer must be deposited as follows: \$8.50
36 in the state general fund and \$4 in the driver licensing technology
37 support account created under RCW 46.68.067. The moneys deposited
38 into the driver licensing technology support account must be used to
39 support information technology systems used by the department to
40 communicate with the judicial information system, manage driving

1 records, and implement court orders. The balance of the revenue
2 received by the county or city treasurer under this subsection must
3 be deposited into the county or city current expense fund. Moneys
4 retained by the city or county under this subsection shall constitute
5 reimbursement for any liabilities under RCW 43.135.060.

6 (9) If a legal proceeding, such as garnishment, has commenced to
7 collect any delinquent amount owed by the person for any penalty
8 imposed by the court under this section, the person may request a
9 payment plan pursuant to RCW 46.63.190.

10 (10) The monetary penalty for violating RCW 46.37.395 is: (a)
11 \$250 for the first violation; (b) \$500 for the second violation; and
12 (c) \$750 for each violation thereafter.

13 (11) The additional monetary penalty for a violation of RCW
14 46.20.500 is not subject to assessments or fees provided under this
15 section.

16 (12) The additional monetary fine for a violation of RCW
17 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
18 is not subject to assessments or fees provided under this section.

19 (13) The additional monetary penalties for a violation of RCW
20 46.61.165 are not subject to assessments or fees provided under this
21 section.

22 (14) The monetary penalty for a violation of RCW 46.63.200 is not
23 subject to assessments or fees provided under this section.

24 **Sec. 4.** RCW 46.63.200 and 2023 c 17 s 3 are each amended to read
25 as follows:

26 (1) This section applies to the use of speed safety camera
27 systems in state highway work zones.

28 (2) Nothing in this section prohibits a law enforcement officer
29 from issuing a notice of infraction to a person in control of a
30 vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
31 (b), or (c).

32 (3)(a) The department of transportation is responsible for all
33 actions related to the operation and administration of speed safety
34 camera systems in state highway work zones including, but not limited
35 to, the procurement and administration of contracts necessary for the
36 implementation of speed safety camera systems (~~and~~), the mailing of
37 notices of infraction, and the development and maintenance of a
38 public-facing website for the purpose of educating the traveling
39 public about the use of speed safety camera systems in state highway

1 work zones. ((By July 1, 2024)) Prior to the use of a speed safety
2 camera system to capture a violation established in this section for
3 enforcement purposes, the department of transportation, in
4 consultation with the Washington state patrol, department of
5 licensing, office of administrative hearings, Washington traffic
6 safety commission, and other organizations committed to protecting
7 civil rights, must adopt rules addressing such actions and take all
8 necessary steps to implement this section.

9 (b) The Washington state patrol is responsible for all actions
10 related to the enforcement and adjudication of speed violations under
11 this section including, but not limited to, notice of infraction
12 verification and issuance authorization, and determining which types
13 of emergency vehicles are exempt from being issued notices of
14 infraction under this section. ((By July 1, 2024)) Prior to the use
15 of a speed safety camera system to capture a violation established in
16 this section for enforcement purposes, the Washington state patrol,
17 in consultation with the department of transportation, department of
18 licensing, office of administrative hearings, Washington traffic
19 safety commission, and other organizations committed to protecting
20 civil rights, must adopt rules addressing such actions and take all
21 necessary steps to implement this section.

22 (c) When establishing rules under this subsection (3), the
23 department of transportation and the Washington state patrol may also
24 consult with other public and private agencies that have an interest
25 in the use of speed safety camera systems in state highway work
26 zones.

27 (4) ((Beginning July 1, 2024:))

28 (a) ((A notice of infraction may only be issued under this
29 section if a speed safety camera system captures a speed violation in
30 a state highway work zone when workers are present.)) No person may
31 drive a vehicle in a state highway work zone at a speed greater than
32 that allowed by traffic control devices.

33 (b) A notice of infraction may only be issued under this section
34 if a speed safety camera system captures a speed violation in a state
35 highway work zone when workers are present.

36 (5) The penalty for a speed safety camera system violation is:
37 (a) \$0 for the first violation; and (b) \$248 for the second
38 violation, and for each violation thereafter.

39 (6) During the 30-day period after the first speed safety camera
40 system is put in place, the department is required to conduct a

1 public awareness campaign to inform the public of the use of speed
2 safety camera systems in state highway work zones.

3 (7)(a) A notice of infraction issued under this section may be
4 mailed to the registered owner of the vehicle within 30 days of the
5 violation, or to the renter of a vehicle within 30 days of
6 establishing the renter's name and address. The law enforcement
7 officer issuing the notice of infraction shall include with it a
8 certificate or facsimile thereof, based upon inspection of
9 photographs, microphotographs, or electronic images produced by a
10 speed safety camera stating the facts supporting the notice of
11 infraction. This certificate or facsimile is prima facie evidence of
12 the facts contained in it and is admissible in a proceeding charging
13 a violation under this section. The photographs, microphotographs, or
14 electronic images evidencing the violation must be available for
15 inspection and admission into evidence in a proceeding to adjudicate
16 the liability for the violation. ~~((A person receiving a notice of~~
17 ~~infraction based on evidence detected by a speed safety camera system~~
18 ~~may, within 30 days of receiving the notice of infraction, remit~~
19 ~~payment in the amount of the penalty assessed for the violation. If a~~
20 ~~person receiving a notice of infraction fails to remit payment in the~~
21 ~~amount of the penalty assessed within 30 days of receiving the notice~~
22 ~~of infraction, or if such person wishes to dispute the violation, it~~
23 ~~must be adjudicated in accordance with (b) of this subsection.~~

24 ~~(b)~~ A notice of infraction that has not been timely paid or a
25 disputed notice of infraction shall be referred to the office of
26 administrative hearings for adjudication consistent with chapter
27 34.05 RCW.

28 ~~(e))~~ (b) A notice of infraction represents a determination that
29 an infraction has been committed, and the determination will be final
30 unless contested as provided under this section.

31 (c) A person receiving a notice of infraction based on evidence
32 detected by a speed safety camera system must, within 30 days of
33 receiving the notice of infraction: (i) Except for a first violation
34 under subsection (5)(a) of this section, remit payment in the amount
35 of the penalty assessed for the violation; (ii) contest the
36 determination that the infraction occurred by following the
37 instructions on the notice of infraction; or (iii) admit to the
38 infraction but request a hearing to explain mitigating circumstances
39 surrounding the infraction.

1 (d) If a person fails to respond to a notice of infraction, a
2 final order shall be entered finding that the person committed the
3 infraction and assessing monetary penalties required under subsection
4 (5)(b) of this section.

5 (e) If a person contests the determination that the infraction
6 occurred or requests a mitigation hearing, the notice of infraction
7 shall be referred to the office of administrative hearings for
8 adjudication consistent with chapter 34.05 RCW.

9 (f) At a hearing to contest an infraction, the agency issuing the
10 infraction has the burden of proving, by a preponderance of the
11 evidence, that the infraction was committed.

12 (g) A person may request a payment plan at any time for the
13 payment of any penalty or other monetary obligation associated with
14 an infraction under this section. The agency issuing the infraction
15 shall provide information about how to submit evidence of inability
16 to pay, how to obtain a payment plan, and that failure to pay or
17 enter into a payment plan may result in collection action or
18 nonrenewal of the vehicle registration. The office of administrative
19 hearings may authorize a payment plan if it determines that a person
20 is not able to pay the monetary obligation, and it may modify a
21 payment plan at any time.

22 (8)(a) Speed safety camera systems may only take photographs,
23 microphotographs, or electronic images of the vehicle and vehicle
24 license plate and only while a speed violation is occurring. The
25 photograph, microphotograph, or electronic image must not reveal the
26 face of the driver or any passengers in the vehicle. The department
27 of transportation shall consider installing speed safety camera
28 systems in a manner that minimizes the impact of camera flash on
29 drivers.

30 ~~((d))~~ (b) The registered owner of a vehicle is responsible for
31 a traffic infraction under RCW 46.63.030 unless the registered owner
32 overcomes the presumption in RCW 46.63.075 or, in the case of a
33 rental car business, satisfies the conditions under ~~((h))~~ (f) of
34 this subsection. If appropriate under the circumstances, a renter
35 identified under ~~((h))~~ (f)(i) of this subsection is responsible for
36 the traffic infraction.

37 ~~((e))~~ (c) Notwithstanding any other provision of law, all
38 photographs, microphotographs, or electronic images, or any other
39 personally identifying data prepared under this section are for the
40 exclusive use of the Washington state patrol and department of

1 transportation in the discharge of duties under this section and are
2 not open to the public and may not be used in court in a pending
3 action or proceeding unless the action or proceeding relates to a
4 speed violation under this section. This data may be used in
5 administrative appeal proceedings relative to a violation under this
6 section.

7 ~~((f))~~ (d) All locations where speed safety camera systems are
8 used must be clearly marked before activation of the camera system by
9 placing signs in locations that clearly indicate to a driver that
10 they are entering a state highway work zone where posted speed limits
11 are monitored by a speed safety camera system. Additionally, where
12 feasible and constructive, radar speed feedback signs will be placed
13 in advance of the speed safety camera system to assist drivers in
14 complying with posted speed limits. Signs placed in these locations
15 must follow the specifications and guidelines under the manual of
16 uniform traffic control devices for streets and highways as adopted
17 by the department of transportation under chapter 47.36 RCW.

18 ~~((g) Speed violations)~~ (e) Imposition of a penalty for a speed
19 violation detected through the use of speed safety camera systems
20 ~~((are not))~~ shall not be deemed a conviction as defined in RCW
21 46.25.010, and shall not be part of the registered owner's driving
22 record under RCW 46.52.101 and 46.52.120. Additionally, infractions
23 generated by the use of speed safety camera systems under this
24 section shall be processed in the same manner as parking infractions,
25 including for the purposes of RCW 46.16A.120 and 46.20.270(2).

26 ~~((h))~~ (f) If the registered owner of the vehicle is a rental
27 car business, the department of transportation shall, before a notice
28 of infraction may be issued under this section, provide a written
29 notice to the rental car business that a notice of infraction may be
30 issued to the rental car business if the rental car business does
31 not, within 30 days of receiving the written notice, provide to the
32 issuing agency by return mail:

33 (i) (A) A statement under oath stating the name and known mailing
34 address of the individual driving or renting the vehicle when the
35 speed violation occurred;

36 (B) A statement under oath that the business is unable to
37 determine who was driving or renting the vehicle at the time the
38 speed violation occurred because the vehicle was stolen at the time
39 of the violation. A statement provided under this subsection

1 (~~(4)(h)~~) (8)(f)(i)(B) must be accompanied by a copy of a filed
2 police report regarding the vehicle theft; or

3 (C) In lieu of identifying the vehicle operator, payment of the
4 applicable penalty.

5 (ii) Timely mailing of a statement to the department of
6 transportation relieves a rental car business of any liability under
7 this chapter for the notice of infraction.

8 (~~(5)~~) (9) Revenue generated from the deployment of speed safety
9 camera systems must be deposited into the highway safety fund and
10 first used exclusively for the operating and administrative costs
11 under this section. The operation of speed safety camera systems is
12 intended to increase safety in state highway work zones by changing
13 driver behavior. Consequently, any revenue generated that exceeds the
14 operating and administrative costs under this section must be
15 distributed for the purpose of traffic safety including, but not
16 limited to, driver training education and local DUI emphasis patrols.

17 (~~(6)~~) (10) The Washington state patrol and department of
18 transportation, in collaboration with the Washington traffic safety
19 commission, must report to the transportation committees of the
20 legislature by July 1, 2025, and biennially thereafter, on the data
21 and efficacy of speed safety camera system use in state highway work
22 zones. The final report due on July 1, 2029, must include a
23 recommendation on whether or not to continue such speed safety camera
24 system use beyond June 30, 2030.

25 (~~(7)~~) (11) For the purposes of this section:

26 (a) "Speed safety camera system" means employing the use of speed
27 measuring devices and cameras synchronized to automatically record
28 one or more sequenced photographs, microphotographs, or other
29 electronic images of a motor vehicle that exceeds a posted state
30 highway work zone speed limit as detected by the speed measuring
31 devices.

32 (b) "State highway work zone" means an area of any highway with
33 construction, maintenance, utility work, or incident response
34 activities authorized by the department of transportation. A state
35 highway work zone is identified by the placement of temporary traffic
36 control devices that may include signs, channelizing devices,
37 barriers, pavement markings, and/or work vehicles with warning
38 lights. It extends from the first warning sign or high intensity
39 rotating, flashing, oscillating, or strobe lights on a vehicle to the

1 end road work sign or the last temporary traffic control device or
2 vehicle.

3 (~~(8)~~) (12) This section expires June 30, 2030."

4 Correct the title.

--- **END** ---