

ESHB 2384 - S AMD
By Senator Lillas

ADOPTED AND ENGROSSED 02/29/2024

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63
4 RCW to read as follows:

5 The definitions in this section apply throughout this section and
6 sections 2 through 6 of this act unless the context clearly requires
7 otherwise.

8 (1) "Automated traffic safety camera" means a device that uses a
9 vehicle sensor installed to work in conjunction with an intersection
10 traffic control system, a railroad grade crossing control system, or
11 a speed measuring device, and a camera synchronized to automatically
12 record one or more sequenced photographs, microphotographs, or
13 electronic images of the front or rear of a motor vehicle at the time
14 the vehicle fails to stop when facing a steady red traffic control
15 signal or an activated railroad grade crossing control signal, or
16 exceeds a speed limit as detected by a speed measuring device.
17 "Automated traffic safety camera" also includes a device used to
18 detect stopping at intersection or crosswalk violations; stopping
19 when traffic obstructed violations; public transportation only lane
20 violations; stopping or traveling in restricted lane violations; and
21 public transportation bus stop zone violations detected by a public
22 transportation vehicle-mounted system.

23 (2) "Hospital speed zone" means the marked area within hospital
24 property and extending 300 feet from the border of the hospital
25 property (a) consistent with hospital use; and (b) where signs are
26 posted to indicate the location is within a hospital speed zone,
27 where "hospital" has the same meaning as in RCW 70.41.020.

28 (3) "Public park speed zone" means the marked area within public
29 park property and extending 300 feet from the border of the public
30 park property (a) consistent with active park use; and (b) where
31 signs are posted to indicate the location is within a public park
32 speed zone.

1 (4) "Public transportation vehicle" means any motor vehicle,
2 streetcar, train, trolley vehicle, ferry boat, or any other device,
3 vessel, or vehicle that is owned or operated by a transit authority
4 or an entity providing service on behalf of a transit authority that
5 is used for the purpose of carrying passengers and that operates on
6 established routes. "Transit authority" has the same meaning as
7 provided in RCW 9.91.025.

8 (5) "Roadway work zone" means an area of any city roadway,
9 including state highways that are also classified as city streets
10 under chapter 47.24 RCW, or county road as defined in RCW 46.04.150,
11 with construction, maintenance, or utility work with a duration of 30
12 calendar days or more. A roadway work zone is identified by the
13 placement of temporary traffic control devices that may include
14 signs, channelizing devices, barriers, pavement markings, and/or work
15 vehicles with warning lights. A roadway work zone extends from the
16 first warning sign or high intensity rotating, flashing, oscillating,
17 or strobe lights on a vehicle to the end road work sign or the last
18 temporary traffic control device or vehicle.

19 (6) "School speed zone" has the same meaning as described in RCW
20 46.61.440 (1) and (2).

21 (7) "School walk zone" means a roadway identified under RCW
22 28A.160.160 or roadways within a one-mile radius of a school that
23 students use to travel to school by foot, bicycle, or other means of
24 active transportation.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63
26 RCW to read as follows:

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

31 (2) Any city or county may authorize the use of automated traffic
32 safety cameras and must adopt an ordinance authorizing such use
33 through its local legislative authority.

34 (3) The local legislative authority must prepare an analysis of
35 the locations within the jurisdiction where automated traffic safety
36 cameras are proposed to be located before adding traffic safety
37 cameras to a new location or relocating any existing camera to a new
38 location within the jurisdiction. The analysis must include equity
39 considerations including the impact of the camera placement on

1 livability, accessibility, economics, education, and environmental
2 health when identifying where to locate an automated traffic safety
3 camera. The analysis must also show a demonstrated need for traffic
4 cameras based on one or more of the following in the vicinity of the
5 proposed camera location: Travel by vulnerable road users, evidence
6 of vehicles speeding, rates of collision, reports showing near
7 collisions, and anticipated or actual ineffectiveness or
8 infeasibility of other mitigation measures.

9 (4) Automated traffic safety cameras may not be used on an on-
10 ramp to a limited access facility as defined in RCW 47.52.010.

11 (5) A city may use automated traffic safety cameras to enforce
12 traffic ordinances in this section on state highways that are also
13 classified as city streets under chapter 47.24 RCW. A city government
14 must notify the department of transportation when it installs an
15 automated traffic safety camera to enforce traffic ordinances as
16 authorized in this subsection.

17 (6) (a) At a minimum, a local ordinance adopted pursuant to this
18 section must contain the restrictions described in this section and
19 provisions for public notice and signage. Cities and counties must
20 also post such restrictions and other automated traffic safety camera
21 policies on the city's or county's website. Cities and counties using
22 automated traffic safety cameras before July 24, 2005, are subject to
23 the restrictions described in this section, but are not required to
24 adopt an authorizing ordinance.

25 (b) (i) Cities and counties using automated traffic safety cameras
26 must post an annual report on the city's or county's website of the
27 number of traffic crashes that occurred at each location where an
28 automated traffic safety camera is located, as well as the number of
29 notices of infraction issued for each camera. Beginning January 1,
30 2026, the annual report must include the percentage of revenues
31 received from fines issued from automated traffic safety camera
32 infractions that were used to pay for the costs of the automated
33 traffic safety camera program and must describe the uses of revenues
34 that exceeded the costs of operation and administration of the
35 automated traffic safety camera program by the city or county.

36 (ii) The Washington traffic safety commission must provide an
37 annual report to the transportation committees of the legislature,
38 and post the report to its website for public access, beginning July
39 1, 2026, that includes aggregated information on the use of automated
40 traffic safety cameras in the state that includes an assessment of

1 the impact of their use, information required in city and county
2 annual reports under (b)(i) of this subsection, and information on
3 the number of automated traffic safety cameras in use by type and
4 location, with an analysis of camera placement in the context of area
5 demographics and household incomes. To the extent practicable, the
6 commission must also provide in its annual report the number of
7 traffic accidents, speeding violations, single vehicle accidents,
8 pedestrian accidents, and driving under the influence violations that
9 occurred at each location where an automated traffic safety camera is
10 located in the five years before each camera's authorization and
11 after each camera's authorization. Cities and counties using
12 automated traffic safety cameras must provide the commission with the
13 data it requests for the report required under this subsection in a
14 form and manner specified by the commission.

15 (7) All locations where an automated traffic safety camera is
16 used on roadways or intersections must be clearly marked by placing
17 signs at least 30 days prior to activation of the camera in locations
18 that clearly indicate to a driver either that: (a) The driver is
19 within an area where automated traffic safety cameras are authorized;
20 or (b) the driver is entering an area where violations are enforced
21 by an automated traffic safety camera. The signs must be readily
22 visible to a driver approaching an automated traffic safety camera.
23 Signs placed in automated traffic safety camera locations after June
24 7, 2012, must follow the specifications and guidelines under the
25 manual of uniform traffic control devices for streets and highways as
26 adopted by the department of transportation under chapter 47.36 RCW.
27 All public transportation vehicles utilizing a vehicle-mounted system
28 must post a sign on the rear of the vehicle indicating to drivers
29 that the vehicle is equipped with an automated traffic safety camera
30 to enforce bus stop zone violations.

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

39 (9) A notice of infraction must be mailed to the registered owner
40 of the vehicle within 14 days of the violation, or to the renter of a

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

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

22 (11) Notwithstanding any other provision of law, all photographs,
23 microphotographs, or electronic images, or any other personally
24 identifying data prepared under this section are for the exclusive
25 use of authorized city or county employees, as specified in RCW
26 46.63.030(1)(d), in the discharge of duties under this section and
27 are not open to the public and may not be used in a court in a
28 pending action or proceeding unless the action or proceeding relates
29 to a violation under this section. No photograph, microphotograph, or
30 electronic image, or any other personally identifying data may be
31 used for any purpose other than enforcement of violations under this
32 section nor retained longer than necessary to enforce this section.
33 Transit authorities must provide to the appropriate local
34 jurisdiction that has authorized traffic safety camera use under
35 section 6(2) of this act any images or evidence collected
36 establishing that a violation of stopping, standing, or parking in a
37 bus stop zone has occurred for infraction processing purposes
38 consistent with this section.

39 (12) If a county or city has established an automated traffic
40 safety camera program as authorized under this section, the

1 compensation paid to the manufacturer or vendor of the equipment used
2 must be based only upon the value of the equipment and services
3 provided or rendered in support of the system and may not be based
4 upon a portion of the fine or civil penalty imposed or the revenue
5 generated by the equipment. If the contract between the city or
6 county and manufacturer or vendor of the equipment does not provide
7 for performance or quality control measures regarding camera images,
8 the city or county must perform a performance audit of the
9 manufacturer or vendor of the equipment every three years to review
10 and ensure that images produced from automated traffic safety cameras
11 are sufficient for evidentiary purposes as described in subsection
12 (9) of this section.

13 (13)(a) Except as provided in (d) of this subsection, a county or
14 a city may only use revenue generated by an automated traffic safety
15 camera program as authorized under this section for:

16 (i) Traffic safety activities related to construction and
17 preservation projects and maintenance and operations purposes
18 including, but not limited to, projects designed to implement the
19 complete streets approach as defined in RCW 47.04.010, changes in
20 physical infrastructure to reduce speeds through road design, and
21 changes to improve safety for active transportation users, including
22 improvements to access and safety for road users with mobility,
23 sight, or other disabilities; and

24 (ii) The cost to administer, install, operate, and maintain the
25 automated traffic safety cameras, including the cost of processing
26 infractions.

27 (b) Except as provided in (d) of this subsection:

28 (i) The automated traffic safety camera program revenue used by a
29 county or city with a population of 10,000 or more for purposes
30 described in (a)(i) of this subsection must include the use of
31 revenue in census tracts of the city or county that have household
32 incomes in the lowest quartile determined by the most currently
33 available census data and areas that experience rates of injury
34 crashes that are above average for the city or county. Funding
35 contributed from traffic safety program revenue must be, at a
36 minimum, proportionate to the share of the population of the county
37 or city who are residents of these low-income communities and
38 communities experiencing high injury crash rates. This share must be
39 directed to investments that provide direct and meaningful traffic
40 safety benefits to these communities. Revenue used to administer,

1 install, operate, and maintain automated traffic safety cameras,
2 including the cost of processing infractions, are excluded from
3 determination of the proportionate share of revenues under this
4 subsection (13) (b); and

5 (ii) The automated traffic safety camera program revenue used by
6 a city or county with a population under 10,000 for traffic safety
7 activities under (a) (i) of this subsection must be informed by the
8 department of health's environmental health disparities map.

9 (c) Except as provided in (d) of this subsection, beginning four
10 years after an automated traffic safety camera authorized under this
11 section is initially placed and in use after the effective date of
12 this section, 25 percent of the noninterest money received for
13 infractions issued by such cameras in excess of the cost to
14 administer, install, operate, and maintain the cameras, including the
15 cost of processing infractions, must be deposited into the Cooper
16 Jones active transportation safety account created in RCW 46.68.480.

17 (d) (i) (A) Jurisdictions with an automated traffic safety camera
18 program in effect before January 1, 2024, may continue to allocate
19 revenue generated from automated traffic safety cameras authorized
20 under sections 3 and 5(2) (c) of this act as determined by the
21 jurisdiction, as well as for the purposes established in (a) through
22 (c) of this subsection, by:

23 (I) Up to a 10 percent increase in the number of traffic safety
24 camera locations authorized to detect violations for automated
25 traffic safety cameras authorized under section 3 of this act; and

26 (II) Up to a 10 percent increase in the number of traffic safety
27 camera locations authorized to detect violations for automated
28 traffic safety cameras authorized under section 5(2) (c) of this act.

29 (B) (I) Any automated traffic safety camera program in effect
30 before January 1, 2024, with fewer than 10 traffic safety camera
31 locations for automated traffic safety cameras authorized under
32 section 3 of this act, which adds automated traffic safety cameras to
33 one additional location for the use of cameras authorized under
34 section 3 of this act, may continue to allocate revenue generated
35 from automated traffic safety cameras authorized under section 3 of
36 this act as determined by the jurisdiction, as well as for the
37 purposes established in (a) through (c) of this subsection.

38 (II) Any automated traffic safety camera program in effect before
39 January 1, 2024, with fewer than 10 traffic safety camera locations
40 for automated traffic safety cameras authorized under section 5(2) (c)

1 of this act as of January 1, 2024, which adds automated traffic
2 safety cameras to one additional location for the use of cameras
3 authorized under section 5(2)(c) of this act, may continue to
4 allocate revenue generated from automated traffic safety cameras
5 authorized under section 5(2)(c) of this act as determined by the
6 jurisdiction, as well as for the purposes established in (a) through
7 (c) of this subsection.

8 (C) For the purposes of this subsection (13)(d)(i), a location
9 is:

10 (I) An intersection for automated traffic safety cameras
11 authorized under section 3 of this act where cameras authorized under
12 section 3 of this act are in use; and

13 (II) A school speed zone for automated traffic safety cameras
14 authorized under section 5(2)(c) of this act where cameras authorized
15 under section 5(2)(c) of this act are in use.

16 (ii) The revenue distribution requirements under (a) through
17 (d)(i) of this subsection do not apply to automated traffic safety
18 camera programs in effect before January 1, 2024, for which an
19 ordinance in effect as of January 1, 2024, directs the manner in
20 which revenue generated from automated traffic safety cameras
21 authorized under section 3 or 5(2)(c) of this act must be used.

22 (14) A county or city may adopt the use of an online ability-to-
23 pay calculator to process and grant requests for reduced fines or
24 reduced civil penalties for automated traffic safety camera
25 violations.

26 (15) Except as provided in this subsection, registered owners of
27 vehicles who receive notices of infraction for automated traffic
28 safety camera-enforced infractions and are recipients of public
29 assistance under Title 74 RCW or participants in the Washington
30 women, infants, and children program, and who request reduced
31 penalties for infractions detected through the use of automated
32 traffic safety camera violations, must be granted reduced penalty
33 amounts of 50 percent of what would otherwise be assessed for a first
34 automated traffic safety camera violation and for subsequent
35 automated traffic safety camera violations issued within 21 days of
36 issuance of the first automated traffic safety camera violation.
37 Eligibility for medicaid under RCW 74.09.510 is not a qualifying
38 criterion under this subsection. Registered owners of vehicles who
39 receive notices of infraction must be provided with information on

1 their eligibility and the opportunity to apply for a reduction in
2 penalty amounts through the mail or internet.

3 (16) Infractions detected through the use of automated traffic
4 safety cameras are not part of the registered owner's driving record
5 under RCW 46.52.101 and 46.52.120. Additionally, infractions
6 generated by the use of automated traffic safety cameras under this
7 section must be processed in the same manner as parking infractions,
8 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
9 and 46.20.270(2). The amount of the fine issued for an infraction
10 generated through the use of an automated traffic safety camera may
11 not exceed \$145, as adjusted for inflation by the office of financial
12 management every five years, beginning January 1, 2029, based upon
13 changes in the consumer price index during that time period, but may
14 be doubled for a school speed zone infraction generated through the
15 use of an automated traffic safety camera.

16 (17) If the registered owner of the vehicle is a rental car
17 business, the issuing agency must, before a notice of infraction
18 being issued under this section, provide a written notice to the
19 rental car business that a notice of infraction may be issued to the
20 rental car business if the rental car business does not, within 18
21 days of receiving the written notice, provide to the issuing agency
22 by return mail:

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

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

32 (c) In lieu of identifying the vehicle operator, the rental car
33 business may pay the applicable penalty. Timely mailing of this
34 statement to the issuing agency relieves a rental car business of any
35 liability under this chapter for the notice of infraction.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63
37 RCW to read as follows:

38 (1) Automated traffic safety cameras may be used to detect
39 stoplight violations, subject to section 2 of this act.

1 (2) Automated traffic safety cameras used to detect stoplight
2 violations are restricted to intersections of two or more arterials
3 with traffic control signals that have yellow change interval
4 durations in accordance with RCW 47.36.022, which interval durations
5 may not be reduced after placement of the camera.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63
7 RCW to read as follows:

8 (1) Automated traffic safety cameras may be used to detect
9 railroad grade crossing violations, subject to section 2 of this act.

10 (2) Automated traffic safety cameras at railroad grade crossings
11 may be used only to detect instances when a vehicle fails to stop
12 when facing an activated railroad grade crossing control signal.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.63
14 RCW to read as follows:

15 (1) Automated traffic safety cameras may be used to detect speed
16 violations, subject to section 2 of this act.

17 (2) Automated traffic safety cameras may be used to detect speed
18 violations within the following locations:

19 (a) Hospital speed zones;

20 (b) Public park speed zones;

21 (c) School speed zones;

22 (d) School walk zones;

23 (e) Roadway work zones, except that a notice of infraction may
24 only be issued if an automated traffic safety camera captures a speed
25 violation when workers are present; and

26 (f) State highways within city limits that are classified as city
27 streets under chapter 47.24 RCW.

28 (3) In addition to the automated traffic safety cameras that may
29 be authorized for specified zones or roads in subsection (2) of this
30 section, the local legislative authority may authorize the use of one
31 additional automated traffic safety camera per 10,000 population to
32 detect speed violations in locations deemed by the local legislative
33 authority to experience higher crash risks due to excessive vehicle
34 speeds. For automated traffic safety cameras authorized to detect
35 speed violations as part of a pilot program prior to the effective
36 date of this section, the location must be deemed by a local
37 legislative authority to have experienced higher crash risks due to

1 excessive vehicle speeds prior to installation of the automated
2 traffic safety camera.

3 (4) Notices of infraction for automated traffic safety camera-
4 detected speed violations may not be issued to the registered vehicle
5 owner of:

6 (a) A marked fire engine equipped with emergency lights and
7 siren; or

8 (b) An ambulance licensed by the department of health and
9 equipped with emergency lights and siren.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.63
11 RCW to read as follows:

12 (1)(a) Subject to section 2 of this act and as limited in this
13 subsection, automated traffic safety cameras may be used in cities
14 with populations of more than 500,000 residents to detect one or more
15 of the following violations:

- 16 (i) Stopping when traffic obstructed violations;
- 17 (ii) Stopping at intersection or crosswalk violations;
- 18 (iii) Public transportation only lane violations; or
- 19 (iv) Stopping or traveling in restricted lane violations.

20 (b) Use of automated traffic safety cameras as authorized in this
21 subsection (1) is restricted to the following locations only:
22 Intersections as described in section 3(2) of this act; railroad
23 grade crossings; school speed zones; school walk zones; public park
24 speed zones; hospital speed zones; and midblock on arterials. The use
25 of such automated traffic safety cameras is further limited to the
26 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

1 subsection that are designated by the Washington state department of
2 transportation as arterial roadways for up to one mile from the
3 intersection of the arterial roadway and the noninterstate freeway.

4 (2) Subject to section 2 of this act, automated traffic safety
5 cameras may also be used in cities with a bus rapid transit corridor
6 or routes to detect public transportation only lane violations.

7 (3) Subject to section 2 of this act, automated traffic safety
8 cameras that are part of a public transportation vehicle-mounted
9 system may be used by a transit authority within a county with a
10 population of more than 1,500,000 residents to detect stopping,
11 standing, or parking in bus stop zone violations if authorized by the
12 local legislative authority with jurisdiction over the transit
13 authority.

14 (4) Subject to section 2 of this act, and in consultation with
15 the department of transportation, automated traffic safety cameras
16 may be used to detect ferry queue violations under RCW 46.61.735.

17 (5) A transit authority may not take disciplinary action
18 regarding a warning or infraction issued pursuant to subsections (1)
19 through (3) of this section against an employee who was operating a
20 public transportation vehicle at the time the violation that was the
21 basis of the warning or infraction was detected.

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

24 (1) Each court and government agency located in this state having
25 jurisdiction over standing, stopping, and parking violations, the use
26 of a photo toll system under RCW 46.63.160, the use of automated
27 traffic safety cameras under (~~RCW 46.63.170~~) sections 2 through 6
28 of this act, and the use of automated school bus safety cameras under
29 RCW 46.63.180 may forward to the department any outstanding:

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

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

33 (c) Automated traffic safety camera infractions issued under RCW
34 46.63.030(1)(d); and

35 (d) Automated school bus safety camera infractions issued under
36 RCW 46.63.030(1)(e).

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

1 (3) The department shall:

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

4 (b) Send notice approximately (~~one hundred twenty~~) 120 days in
5 advance of the current vehicle registration expiration date to the
6 registered owner listing the dates and jurisdictions in which the
7 violations, civil penalties, and infractions occurred, the amounts of
8 unpaid fines and penalties, and the surcharge to be collected. Only
9 those violations, civil penalties, and infractions received by the
10 department (~~one hundred twenty~~) 120 days or more before the current
11 vehicle registration expiration date will be included in the notice.
12 Violations, civil penalties, and infractions received by the
13 department later than (~~one hundred twenty~~) 120 days before the
14 current vehicle registration expiration date that are not satisfied
15 will be delayed until the next vehicle registration expiration date.

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

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

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

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

28 (5) The department shall:

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

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

34 **Sec. 8.** RCW 46.63.030 and 2023 c 17 s 1 are each amended to read
35 as follows:

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

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

1 (b) When the officer is acting upon the request of a law
2 enforcement officer in whose presence the traffic infraction was
3 committed;

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

7 (d) When the infraction is detected through the use of an
8 automated traffic safety camera under (~~RCW 46.63.170~~) sections 2
9 through 6 of this act. A trained and authorized civilian employee of
10 a general authority Washington law enforcement agency, as defined in
11 RCW 10.93.020, or an employee of a local public works or
12 transportation department performing under the supervision of a
13 qualified traffic engineer and as designated by a city or county, has
14 the authority to review infractions detected through the use of an
15 automated traffic safety camera under sections 2 through 6 of this
16 act and to issue notices of infraction consistent with section 2(9)
17 of this act. These employees must be sufficiently trained and
18 certified in reviewing infractions and issuing notices of infraction
19 by qualified peace officers or by traffic engineers employed in the
20 jurisdiction's public works or transportation department. Nothing in
21 this subsection impairs decision and effects collective bargaining
22 rights under chapter 41.56 RCW;

23 (e) When the infraction is detected through the use of an
24 automated school bus safety camera under RCW 46.63.180. A trained and
25 authorized civilian employee of a general authority Washington law
26 enforcement agency, as defined in RCW 10.93.020, or an employee of a
27 local public works or transportation department performing under the
28 supervision of a qualified traffic engineer and as designated by a
29 city or county, has the authority to review infractions detected
30 through the use of an automated school bus safety camera under RCW
31 46.63.180 and to issue notices of infraction consistent with RCW
32 46.63.180(1)(b). These employees must be sufficiently trained and
33 certified in reviewing infractions and issuing notices of infraction
34 by qualified peace officers or by traffic engineers employed in the
35 jurisdiction's public works or transportation department. Nothing in
36 this subsection impairs decision and effects collective bargaining
37 rights under chapter 41.56 RCW; or

38 (f) When the infraction is detected through the use of a speed
39 safety camera system under RCW 46.63.200.

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

4 (3) If any motor vehicle without a driver is found parked,
5 standing, or stopped in violation of this title or an equivalent
6 administrative regulation or local law, ordinance, regulation, or
7 resolution, the officer finding the vehicle shall take its
8 registration number and may take any other information displayed on
9 the vehicle which may identify its user, and shall conspicuously
10 affix to the vehicle a notice of traffic infraction.

11 (4) In the case of failure to redeem an abandoned vehicle under
12 RCW 46.55.120, upon receiving a complaint by a registered tow truck
13 operator that has incurred costs in removing, storing, and disposing
14 of an abandoned vehicle, an officer of the law enforcement agency
15 responsible for directing the removal of the vehicle shall send a
16 notice of infraction by certified mail to the last known address of
17 the person responsible under RCW 46.55.105. The notice must be
18 entitled "~~Littering—~~Abandoned Vehicle" and give notice of the
19 monetary penalty. The officer shall append to the notice of
20 infraction, on a form prescribed by the department of licensing, a
21 notice indicating the amount of costs incurred as a result of
22 removing, storing, and disposing of the abandoned vehicle, less any
23 amount realized at auction, and a statement that monetary penalties
24 for the infraction will not be considered as having been paid until
25 the monetary penalty payable under this chapter has been paid and the
26 court is satisfied that the person has made restitution in the amount
27 of the deficiency remaining after disposal of the vehicle.

28 **Sec. 9.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
29 read as follows:

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

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

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

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

29 (d) Notwithstanding any other provision of law, all photographs,
30 microphotographs, or electronic images prepared under this section
31 are for the exclusive use of (~~law enforcement~~) authorized city or
32 county employees, as specified in RCW 46.63.030(1)(e), in the
33 discharge of duties under this section and are not open to the public
34 and may not be used in a court in a pending action or proceeding
35 unless the action or proceeding relates to a violation under this
36 section. No photograph, microphotograph, or electronic image may be
37 used for any purpose other than enforcement of violations under this
38 section nor retained longer than necessary to enforce this section.

39 (e) If a school district installs and operates an automated
40 school bus safety camera under this section, the compensation paid to

1 the manufacturer or vendor of the equipment used must be based only
2 upon the value of the equipment and services provided or rendered in
3 support of the system, and may not be based upon a portion of the
4 fine or civil penalty imposed or the revenue generated by the
5 equipment. Further, any repair, replacement, or administrative work
6 costs related to installing or repairing automated school bus safety
7 cameras must be solely paid for by the manufacturer or vendor of the
8 cameras. Before entering into a contract with the manufacturer or
9 vendor of the equipment used under this subsection (1)(e), the school
10 district must follow the competitive bid process as outlined in RCW
11 28A.335.190(1).

12 (f) Any revenue collected from infractions detected through the
13 use of automated school bus safety cameras, less the administration
14 and operating costs of the cameras, must be remitted to school
15 districts for school zone safety projects as determined by the school
16 district using the automated school bus safety cameras. The
17 administration and operating costs of the cameras includes infraction
18 enforcement and processing costs that are incurred by local law
19 enforcement or local courts. During the 2013-2015 fiscal biennium,
20 the infraction revenue may also be used for school bus safety
21 projects by those school districts eligible to apply for funding from
22 the school zone safety account appropriation in section 201, chapter
23 306, Laws of 2013.

24 (2)(a) If the registered owner of the vehicle is a rental car
25 business, the (~~law enforcement~~) issuing agency shall, before a
26 notice of infraction is issued under this section, provide a written
27 notice to the rental car business that a notice of infraction may be
28 issued to the rental car business if the rental car business does
29 not, within (~~eighteen~~) 18 days of receiving the written notice,
30 provide to the issuing agency by return mail:

31 (i) 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;

34 (ii) 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 (2)(a)(ii)
38 must be accompanied by a copy of a filed police report regarding the
39 vehicle theft; or

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

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

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

12 **Sec. 10.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to
13 read as follows:

14 (1) In a traffic infraction case involving an infraction detected
15 through the use of an automated traffic safety camera under (~~RCW~~
16 ~~46.63.170~~) sections 2 through 6 of this act, detected through the
17 use of a speed safety camera system under RCW 46.63.200, or detected
18 through the use of an automated school bus safety camera under RCW
19 46.63.180, proof that the particular vehicle described in the notice
20 of traffic infraction was in violation of any such provision of
21 sections 2 through 6 of this act or RCW (~~46.63.170~~) 46.63.200(~~(7)~~)
22 and 46.63.180, together with proof that the person named in the
23 notice of traffic infraction was at the time of the violation the
24 registered owner of the vehicle, constitutes in evidence a prima
25 facie presumption that the registered owner of the vehicle was the
26 person in control of the vehicle at the point where, and for the time
27 during which, the violation occurred.

28 (2) This presumption may be overcome only if the registered owner
29 states, under oath, in a written statement to the court or in
30 testimony before the court that the vehicle involved was, at the
31 time, stolen or in the care, custody, or control of some person other
32 than the registered owner.

33 **Sec. 11.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to
34 read as follows:

35 The Cooper Jones active transportation safety account is created
36 in the state treasury. All receipts from penalties collected under
37 (~~RCW 46.63.170~~) section 2(13)(c) of this act and funds designated
38 by the legislature shall be deposited into the account. Expenditures

1 from the account may be used only to fund grant projects or programs
2 for bicycle, pedestrian, and nonmotorist safety improvement
3 administered by the Washington traffic safety commission. By December
4 1, 2024, and every two years thereafter, the commission shall report
5 to the transportation committees of the legislature regarding the
6 activities funded from the account. The account is subject to
7 allotment procedures under chapter 43.88 RCW. Moneys in the account
8 may be spent only after appropriation.

9 NEW SECTION. **Sec. 12.** RCW 46.63.170 (Automated traffic safety
10 cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c
11 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013
12 c 306 s 711 are each repealed."

ESHB 2384 - S AMD
By Senator Llias

ADOPTED 02/29/2024

13 On page 1, line 1 of the title, after "cameras;" strike the
14 remainder of the title and insert "amending RCW 46.16A.120,
15 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new sections
16 to chapter 46.63 RCW; and repealing RCW 46.63.170."

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