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ENGROSSED SUBSTITUTE HOUSE BILL 2356

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State of Washington

68th Legislature

2024 Regular Session

By House Transportation (originally sponsored by Representatives Fey, Nance, and Pollet)

READ FIRST TIME 02/02/24.

1 AN ACT Relating to speed safety camera systems; amending RCW  
2 46.16A.120, 46.20.270, 46.63.110, and 46.63.200; and prescribing  
3 penalties.

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

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

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

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

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

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

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

1        (e) Speed safety camera system infractions issued under RCW  
2 46.63.030(1)(f).

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

6        (3) The department shall:

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

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

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

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

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

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

33        (5) The department shall:

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

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

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

3       (1) Every court having jurisdiction over offenses committed under  
4 this chapter, or any other act of this state or municipal ordinance  
5 adopted by a local authority regulating the operation of motor  
6 vehicles on highways, or any federal authority having jurisdiction  
7 over offenses substantially the same as those set forth in this title  
8 which occur on federal installations within this state, shall  
9 immediately forward to the department a forfeiture of bail or  
10 collateral deposited to secure the defendant's appearance in court, a  
11 payment of a fine, penalty, or court cost, a plea of guilty or nolo  
12 contendere or a finding of guilt, or a finding that any person has  
13 committed a traffic infraction an abstract of the court record in the  
14 form prescribed by rule of the supreme court, showing the conviction  
15 of any person or the finding that any person has committed a traffic  
16 infraction in said court for a violation of any said laws other than  
17 regulations governing standing, stopping, parking, and pedestrian  
18 offenses.

19       (2) Every state agency or municipality having jurisdiction over  
20 offenses committed under this chapter, or under any other act of this  
21 state or municipal ordinance adopted by a state or local authority  
22 regulating the operation of motor vehicles on highways, may forward  
23 to the department within (~~ten~~) 10 days of failure to respond,  
24 failure to pay a penalty, failure to appear at a hearing to contest  
25 the determination that a violation of any statute, ordinance, or  
26 regulation relating to standing, stopping, parking, or civil  
27 penalties issued under RCW 46.63.160 or 46.63.200 has been committed,  
28 or failure to appear at a hearing to explain mitigating  
29 circumstances, an abstract of the citation record in the form  
30 prescribed by rule of the department, showing the finding by such  
31 municipality that two or more violations of laws governing standing,  
32 stopping, and parking or one or more civil penalties issued under RCW  
33 46.63.160 or 46.63.200 have been committed and indicating the nature  
34 of the defendant's failure to act. Such violations or infractions may  
35 not have occurred while the vehicle is stolen from the registered  
36 owner. The department may enter into agreements of reciprocity with  
37 the duly authorized representatives of the states for reporting to  
38 each other violations of laws governing standing, stopping, and  
39 parking.

1 (3) For the purposes of this title and except as defined in RCW  
2 46.25.010, "conviction" means a final conviction in a state or  
3 municipal court or by any federal authority having jurisdiction over  
4 offenses substantially the same as those set forth in this title  
5 which occur on federal installations in this state, an unvacated  
6 forfeiture of bail or collateral deposited to secure a defendant's  
7 appearance in court, the payment of a fine or court cost, a plea of  
8 guilty or nolo contendere, or a finding of guilt on a traffic law  
9 violation charge, regardless of whether the imposition of sentence or  
10 sanctions are deferred or the penalty is suspended, but not including  
11 entry into a deferred prosecution agreement under chapter 10.05 RCW.

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

14 (5) For the purposes of this title, "finding that a traffic  
15 infraction has been committed" means a failure to respond to a notice  
16 of infraction or a determination made by a court pursuant to this  
17 chapter. Payment of a monetary penalty made pursuant to RCW  
18 46.63.070(2) is deemed equivalent to such a finding.

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

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

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

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

32 (3) The supreme court shall prescribe by rule a schedule of  
33 monetary penalties for designated traffic infractions. This rule  
34 shall also specify the conditions under which local courts may  
35 exercise discretion in assessing fines and penalties for traffic  
36 infractions. The legislature respectfully requests the supreme court  
37 to adjust this schedule every two years for inflation.

38 (4) There shall be a penalty of \$25 for failure to respond to a  
39 notice of traffic infraction except where the infraction relates to

1 parking as defined by local law, ordinance, regulation, or resolution  
2 or failure to pay a monetary penalty imposed pursuant to this  
3 chapter. A local legislative body may set a monetary penalty not to  
4 exceed \$25 for failure to respond to a notice of traffic infraction  
5 relating to parking as defined by local law, ordinance, regulation,  
6 or resolution. The local court, whether a municipal, police, or  
7 district court, shall impose the monetary penalty set by the local  
8 legislative body.

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

14 (6) Whenever a monetary penalty, fee, cost, assessment, or other  
15 monetary obligation is imposed by a court under this chapter, it is  
16 immediately payable and is enforceable as a civil judgment under  
17 Title 6 RCW. If the court determines that a person is not able to pay  
18 a monetary obligation in full, the court shall enter into a payment  
19 plan with the person in accordance with RCW 46.63.190 and standards  
20 that may be set out in court rule.

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

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

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

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

36 (8)(a) In addition to any other penalties imposed under this  
37 section and not subject to the limitation of subsection (1) of this  
38 section, a person found to have committed a traffic infraction other  
39 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
40 penalty of \$24. The court may not reduce, waive, or suspend the

1 additional penalty unless the court finds the offender to be  
2 indigent. If a court authorized community restitution program for  
3 offenders is available in the jurisdiction, the court shall allow  
4 offenders to offset all or a part of the penalty due under this  
5 subsection (8) by participation in the court authorized community  
6 restitution program.

7 (b) \$12.50 of the additional penalty under (a) of this subsection  
8 shall be remitted to the state treasurer. The remaining revenue from  
9 the additional penalty must be remitted under chapters 2.08, 3.46,  
10 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this  
11 subsection to the state treasurer must be deposited as follows: \$8.50  
12 in the state general fund and \$4 in the driver licensing technology  
13 support account created under RCW 46.68.067. The moneys deposited  
14 into the driver licensing technology support account must be used to  
15 support information technology systems used by the department to  
16 communicate with the judicial information system, manage driving  
17 records, and implement court orders. The balance of the revenue  
18 received by the county or city treasurer under this subsection must  
19 be deposited into the county or city current expense fund. Moneys  
20 retained by the city or county under this subsection shall constitute  
21 reimbursement for any liabilities under RCW 43.135.060.

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

26 (10) The monetary penalty for violating RCW 46.37.395 is: (a)  
27 \$250 for the first violation; (b) \$500 for the second violation; and  
28 (c) \$750 for each violation thereafter.

29 (11) The additional monetary penalty for a violation of RCW  
30 46.20.500 is not subject to assessments or fees provided under this  
31 section.

32 (12) The additional monetary fine for a violation of RCW  
33 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205  
34 is not subject to assessments or fees provided under this section.

35 (13) The additional monetary penalties for a violation of RCW  
36 46.61.165 are not subject to assessments or fees provided under this  
37 section.

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

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

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

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

9       (3)(a) The department of transportation is responsible for all  
10 actions related to the operation and administration of speed safety  
11 camera systems in state highway work zones including, but not limited  
12 to, the procurement and administration of contracts necessary for the  
13 implementation of speed safety camera systems (~~and~~), the mailing of  
14 notices of infraction, and the development and maintenance of a  
15 public-facing website for the purpose of educating the traveling  
16 public about the use of speed safety camera systems in state highway  
17 work zones. By July 1, 2024, the department of transportation, in  
18 consultation with the Washington state patrol, department of  
19 licensing, office of administrative hearings, Washington traffic  
20 safety commission, and other organizations committed to protecting  
21 civil rights must adopt rules addressing such actions and take all  
22 necessary steps to implement this section.

23       (b) The Washington state patrol is responsible for all actions  
24 related to the enforcement and adjudication of speed violations under  
25 this section including, but not limited to, notice of infraction  
26 verification and issuance authorization, and determining which types  
27 of emergency vehicles are exempt from being issued notices of  
28 infraction under this section. By July 1, 2024, the Washington state  
29 patrol, in consultation with the department of transportation,  
30 department of licensing, office of administrative hearings,  
31 Washington traffic safety commission, and other organizations  
32 committed to protecting civil rights must adopt rules addressing such  
33 actions and take all necessary steps to implement this section.

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

39       (4) Beginning July 1, 2024:

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

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

9       **(5)(a)** Except as otherwise provided in (b) of this subsection,  
10 the penalty for a speed safety camera system violation is: (i) \$124  
11 for the first violation; and (ii) \$248 for the second violation, and  
12 for each violation thereafter.

13       **(b)** Only a written warning may be issued for a violation of this  
14 section during the 30-day period after the first speed safety camera  
15 system is placed. During this statewide 30-day warning period, the  
16 department of transportation is required to conduct a public  
17 awareness campaign to inform the public of the use of speed safety  
18 camera systems in state highway work zones.

19       **(6)(a)** A notice of infraction issued under this section may be  
20 mailed to the registered owner of the vehicle within 30 days of the  
21 violation, or to the renter of a vehicle within 30 days of  
22 establishing the renter's name and address. The law enforcement  
23 officer issuing the notice of infraction shall include with it a  
24 certificate or facsimile thereof, based upon inspection of  
25 photographs, microphotographs, or electronic images produced by a  
26 speed safety camera stating the facts supporting the notice of  
27 infraction. This certificate or facsimile is prima facie evidence of  
28 the facts contained in it and is admissible in a proceeding charging  
29 a violation under this section. The photographs, microphotographs, or  
30 electronic images evidencing the violation must be available for  
31 inspection and admission into evidence in a proceeding to adjudicate  
32 the liability for the violation. ~~((A person receiving a notice of~~  
33 ~~infraction based on evidence detected by a speed safety camera system~~  
34 ~~may, within 30 days of receiving the notice of infraction, remit~~  
35 ~~payment in the amount of the penalty assessed for the violation. If a~~  
36 ~~person receiving a notice of infraction fails to remit payment in the~~  
37 ~~amount of the penalty assessed within 30 days of receiving the notice~~  
38 ~~of infraction, or if such person wishes to dispute the violation, it~~  
39 ~~must be adjudicated in accordance with (b) of this subsection.~~



1 ~~(b) A notice of infraction that has not been timely paid or a~~  
2 ~~disputed notice of infraction shall be referred to the office of~~  
3 ~~administrative hearings for adjudication consistent with chapter~~  
4 ~~34.05 RCW.~~

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

8 (c) A person receiving a notice of infraction based on evidence  
9 detected by a speed safety camera system must, within 30 days of  
10 receiving the notice of infraction: (i) Remit payment in the amount  
11 of the penalty assessed for the violation; (ii) contest the  
12 determination that the infraction occurred by following the  
13 instructions on the notice of infraction; or (iii) admit to the  
14 infraction but request a hearing to explain mitigating circumstances  
15 surrounding the infraction.

16 (d) If a person fails to respond to a notice of infraction, a  
17 final order shall be entered finding that the person committed the  
18 infraction and assessing monetary penalties required by this section.

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

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

26 (g) A person may request a payment plan at any time for the  
27 payment of any penalty or other monetary obligation associated with  
28 an infraction under this section. The agency issuing the infraction  
29 shall provide information about how to submit evidence of inability  
30 to pay, how to obtain a payment plan, and that failure to pay or  
31 enter into a payment plan may result in collection action or  
32 nonrenewal of the vehicle registration. The office of administrative  
33 hearings may authorize a payment plan if it determines that a person  
34 is not able to pay the monetary obligation, and it may modify a  
35 payment plan at any time.

36 (7)(a) Speed safety camera systems may only take photographs,  
37 microphotographs, or electronic images of the vehicle and vehicle  
38 license plate and only while a speed violation is occurring. The  
39 photograph, microphotograph, or electronic image must not reveal the  
40 face of the driver or any passengers in the vehicle. The department

1 of transportation shall consider installing speed safety camera  
2 systems in a manner that minimizes the impact of camera flash on  
3 drivers.

4 ~~((d))~~ (b) The registered owner of a vehicle is responsible for  
5 a traffic infraction under RCW 46.63.030 unless the registered owner  
6 overcomes the presumption in RCW 46.63.075 or, in the case of a  
7 rental car business, satisfies the conditions under ~~((h))~~ (f) of  
8 this subsection. If appropriate under the circumstances, a renter  
9 identified under ~~((h))~~ (f)(i) of this subsection is responsible for  
10 the traffic infraction.

11 ~~((e))~~ (c) Notwithstanding any other provision of law, all  
12 photographs, microphotographs, or electronic images, or any other  
13 personally identifying data prepared under this section are for the  
14 exclusive use of the Washington state patrol and department of  
15 transportation in the discharge of duties under this section and are  
16 not open to the public and may not be used in court in a pending  
17 action or proceeding unless the action or proceeding relates to a  
18 speed violation under this section. This data may be used in  
19 administrative appeal proceedings relative to a violation under this  
20 section.

21 ~~((f))~~ (d) All locations where speed safety camera systems are  
22 used must be clearly marked before activation of the camera system by  
23 placing signs in locations that clearly indicate to a driver that  
24 they are entering a state highway work zone where posted speed limits  
25 are monitored by a speed safety camera system. Additionally, where  
26 feasible and constructive, radar speed feedback signs will be placed  
27 in advance of the speed safety camera system to assist drivers in  
28 complying with posted speed limits. Signs placed in these locations  
29 must follow the specifications and guidelines under the manual of  
30 uniform traffic control devices for streets and highways as adopted  
31 by the department of transportation under chapter 47.36 RCW.

32 ~~((g) Speed violations))~~ (e) Imposition of a penalty for a speed  
33 violation detected through the use of speed safety camera systems  
34 ~~((are not))~~ shall not be deemed a conviction as defined in RCW  
35 46.25.010, and shall not be part of the registered owner's driving  
36 record under RCW 46.52.101 and 46.52.120. Additionally, infractions  
37 generated by the use of speed safety camera systems under this  
38 section shall be processed in the same manner as parking infractions,  
39 including for the purposes of RCW 46.16A.120 and 46.20.270(2).

1       (~~(h)~~) (f) If the registered owner of the vehicle is a rental  
2 car business, the department of transportation shall, before a notice  
3 of infraction may be issued under this section, provide a written  
4 notice to the rental car business that a notice of infraction may be  
5 issued to the rental car business if the rental car business does  
6 not, within 30 days of receiving the written notice, provide to the  
7 issuing agency by return mail:

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

11       (B) A statement under oath that the business is unable to  
12 determine who was driving or renting the vehicle at the time the  
13 speed violation occurred because the vehicle was stolen at the time  
14 of the violation. A statement provided under this subsection  
15 (~~(4)(h)~~) (7)(f) (i) (B) must be accompanied by a copy of a filed  
16 police report regarding the vehicle theft; or

17       (C) In lieu of identifying the vehicle operator, payment of the  
18 applicable penalty.

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

22       (~~(5)~~) (8) Revenue generated from the deployment of speed safety  
23 camera systems must be deposited into the highway safety fund and  
24 first used exclusively for the operating and administrative costs  
25 under this section. The operation of speed safety camera systems is  
26 intended to increase safety in state highway work zones by changing  
27 driver behavior. Consequently, any revenue generated that exceeds the  
28 operating and administrative costs under this section must be  
29 distributed for the purpose of traffic safety including, but not  
30 limited to, driver training education and local DUI emphasis patrols.

31       (~~(6)~~) (9) The Washington state patrol and department of  
32 transportation, in collaboration with the Washington traffic safety  
33 commission, must report to the transportation committees of the  
34 legislature by July 1, 2025, and biennially thereafter, on the data  
35 and efficacy of speed safety camera system use in state highway work  
36 zones. The final report due on July 1, 2029, must include a  
37 recommendation on whether or not to continue such speed safety camera  
38 system use beyond June 30, 2030.

39       (~~(7)~~) (10) For the purposes of this section:

1 (a) "Speed safety camera system" means employing the use of speed  
2 measuring devices and cameras synchronized to automatically record  
3 one or more sequenced photographs, microphotographs, or other  
4 electronic images of a motor vehicle that exceeds a posted state  
5 highway work zone speed limit as detected by the speed measuring  
6 devices.

7 (b) "State highway work zone" means an area of any highway with  
8 construction, maintenance, utility work, or incident response  
9 activities authorized by the department of transportation. A state  
10 highway work zone is identified by the placement of temporary traffic  
11 control devices that may include signs, channelizing devices,  
12 barriers, pavement markings, and/or work vehicles with warning  
13 lights. It extends from the first warning sign or high intensity  
14 rotating, flashing, oscillating, or strobe lights on a vehicle to the  
15 end road work sign or the last temporary traffic control device or  
16 vehicle.

17 ((~~8~~)) (11) This section expires June 30, 2030.

--- END ---