
SENATE BILL 5272

State of Washington

68th Legislature

2023 Regular Session

By Senators Liias, King, Kuderer, Nguyen, Nobles, Saldaña, and C. Wilson; by request of Department of Transportation

Read first time 01/11/23. Referred to Committee on Transportation.

1 AN ACT Relating to speed safety camera systems on state highways;
2 amending RCW 46.63.030 and 46.63.075; and adding a new section to
3 chapter 46.63 RCW.

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

5 **Sec. 1.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each
6 amended to read as follows:

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

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

11 (b) When the officer is acting upon the request of a law
12 enforcement officer in whose presence the traffic infraction was
13 committed;

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

17 (d) When the infraction is detected through the use of an
18 automated traffic safety camera under RCW 46.63.170; (~~(e)~~)

19 (e) When the infraction is detected through the use of an
20 automated school bus safety camera under RCW 46.63.180; or

1 (f) When the infraction is detected through the use of a speed
2 safety camera system under section 3 of this act.

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

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

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

30 **Sec. 2.** RCW 46.63.075 and 2012 c 83 s 6 are each amended to read
31 as follows:

32 (1) In a traffic infraction case involving an infraction detected
33 through the use of an automated traffic safety camera under RCW
34 46.63.170 ~~((or))~~, detected through the use of a speed safety camera
35 system under section 3 of this act, or detected through the use of an
36 automated school bus safety camera under RCW 46.63.180, proof that
37 the particular vehicle described in the notice of traffic infraction
38 was in violation of any such provision of RCW 46.63.170, section 3 of
39 this act, and 46.63.180, together with proof that the person named in

1 the notice of traffic infraction was at the time of the violation the
2 registered owner of the vehicle, constitutes in evidence a prima
3 facie presumption that the registered owner of the vehicle was the
4 person in control of the vehicle at the point where, and for the time
5 during which, the violation occurred.

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

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

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

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

19 (3) The department of transportation, in consultation with the
20 Washington state patrol, department of licensing, office of
21 administrative hearings, Washington traffic safety commission, and
22 other organizations committed to protecting civil rights, shall adopt
23 regulations for the use of speed safety camera systems in highway
24 work zones. When establishing these rules, the department of
25 transportation may also consult with other public and private
26 agencies that have an interest in the use of speed safety camera
27 systems in highway work zones. The Washington state patrol will be
28 the primary law enforcement agency to verify and issue the notice of
29 infraction as outlined in subsection (4) of this section.

30 (4) A notice of infraction under this section must be mailed to
31 the registered owner of the vehicle within 14 days of the violation,
32 or to the renter of a vehicle within 14 days of establishing the
33 renter's name and address. The law enforcement officer issuing the
34 notice of infraction shall include with it a certificate or facsimile
35 thereof, based upon inspection of photographs, microphotographs, or
36 electronic images produced by a speed safety camera stating the facts
37 supporting the notice of infraction. This certificate or facsimile is
38 prima facie evidence of the facts contained in it and is admissible
39 in a proceeding charging a violation under this chapter. The

1 photographs, microphotographs, or electronic images evidencing the
2 violation must be available for inspection and admission into
3 evidence in a proceeding to adjudicate the liability for the
4 infraction. A person receiving a notice of infraction based on
5 evidence detected by a speed safety camera may respond to the notice
6 by mail.

7 (5) (a) The notice of infraction shall be referred to the office
8 of administrative hearings for adjudication by an administrative law
9 judge and issuance of a final order, in accordance with chapter 34.05
10 RCW.

11 (b) During the adjudication process, the registered owner must
12 have an opportunity to present evidence to contest or mitigate the
13 traffic infraction. In response to these circumstances, the
14 administrative law judge may reduce or dismiss the infraction, civil
15 penalty, and associated administrative fees.

16 (6) Speed safety camera systems may only take pictures of the
17 vehicle and vehicle license plate and only while a traffic infraction
18 is occurring. The picture must not reveal the face of the driver or
19 of passengers in the vehicle. The purpose of camera placement is to
20 take pictures of the vehicle and vehicle license plate when a state
21 highway work zone traffic infraction is occurring. The department of
22 transportation shall consider installing cameras in a manner that
23 minimizes the impact of camera flash on drivers.

24 (7) The registered owner of a vehicle is responsible for a
25 traffic infraction under RCW 46.63.030 unless the registered owner
26 overcomes the presumption in RCW 46.63.075 or, in the case of a
27 rental car business, satisfies the conditions under subsection (11)
28 of this section. If appropriate under the circumstances, a renter
29 identified under subsection (11)(a) of this section is responsible
30 for an infraction.

31 (8) Notwithstanding any other provision of law, all photographs,
32 microphotographs, or electronic images, or any other personally
33 identifying data prepared under this section are for the exclusive
34 use of the department of transportation in the discharge of duties
35 under this section and are not open to the public and may not be used
36 in court in a pending action or proceeding unless the action or
37 proceeding relates to a violation under this section. This data may
38 be used in administrative appeal proceedings relative to a violation
39 under this section.

1 (9) All locations where speed safety camera systems are used must
2 be clearly marked before activation of the camera by placing signs in
3 locations that clearly indicate to a driver that they are entering a
4 state highway work zone where posted speed limits are monitored by a
5 speed safety camera system. Signs placed in these locations must
6 follow the specifications and guidelines under the manual of uniform
7 traffic control devices for streets and highways as adopted by the
8 department of transportation under chapter 47.36 RCW.

9 (10) Infractions detected through the use of speed safety camera
10 systems are not part of the registered owner's driving record under
11 RCW 46.52.101 and 46.52.120.

12 (11) If the registered owner of the vehicle is a rental car
13 business, the department of transportation shall, before a notice of
14 infraction being issued under this section, provide a written notice
15 to the rental car business that a notice of traffic infraction may be
16 issued to the rental car business if the rental car business does
17 not, within 18 days of receiving the written notice, provide to the
18 issuing agency by return mail:

19 (a) (i) A statement under oath stating the name and known mailing
20 address of the individual driving or renting the vehicle when the
21 traffic infraction occurred;

22 (ii) A statement under oath that the business is unable to
23 determine who was driving or renting the vehicle at the time the
24 traffic infraction occurred because the vehicle was stolen at the
25 time of the infraction. A statement provided under this subsection
26 (11) (a) (ii) must be accompanied by a copy of a filed police report
27 regarding the vehicle theft; or

28 (iii) In lieu of identifying the vehicle operator, pay the
29 applicable penalty.

30 (b) Timely mailing of a statement to the department of
31 transportation relieves a rental car business of any liability under
32 this chapter for the notice of infraction.

33 (12) Revenue generated from the deployment of speed safety camera
34 systems shall be deposited into the motor vehicle fund and first used
35 exclusively for the operating and administrative costs under this
36 section. The operation of speed safety camera systems is intended to
37 increase safety in state highway work zones by changing driver
38 behavior. Consequently, any revenue generated that exceeds the
39 operating and administrative costs under this section will be
40 distributed for the purpose of traffic safety education.

1 (13) For the purposes of this section:

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

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

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