
SUBSTITUTE SENATE BILL 5722

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators Kuderer, King, Dhingra, Fortunato, and C. Wilson)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to photographs, microphotographs, and electronic
2 images from traffic safety cameras and toll systems; amending RCW
3 46.63.170, 46.63.170, and 46.63.160; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 46.63.170 and 2022 c 182 s 423 are each amended to
7 read as follows:

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

10 (a) Except for proposed locations used solely for the pilot
11 program purposes permitted under subsection (6) of this section, the
12 appropriate local legislative authority must prepare an analysis of
13 the locations within the jurisdiction where automated traffic safety
14 cameras are proposed to be located: (i) Before enacting an ordinance
15 allowing for the initial use of automated traffic safety cameras; and
16 (ii) before adding additional cameras or relocating any existing
17 camera to a new location within the jurisdiction. Automated traffic
18 safety cameras may be used to detect one or more of the following:
19 Stoplight, railroad crossing, school speed zone violations, speed
20 violations on any roadway identified in a school walk area as defined
21 in RCW 28A.160.160, speed violations in public park speed zones,

1 hospital speed zones, speed violations subject to (c) or (d) of this
2 subsection, or violations included in subsection (6) of this section
3 for the duration of the pilot program authorized under subsection (6)
4 of this section. At a minimum, the local ordinance must contain the
5 restrictions described in this section and provisions for public
6 notice and signage. Cities and counties using automated traffic
7 safety cameras before July 24, 2005, are subject to the restrictions
8 described in this section, but are not required to enact an
9 authorizing ordinance. Beginning one year after June 7, 2012, cities
10 and counties using automated traffic safety cameras must post an
11 annual report of the number of traffic accidents that occurred at
12 each location where an automated traffic safety camera is located as
13 well as the number of notices of infraction issued for each camera
14 and any other relevant information about the automated traffic safety
15 cameras that the city or county deems appropriate on the city's or
16 county's website.

17 (b) (i) Except as provided in (c) and (d) of this subsection and
18 subsection (6) of this section, use of automated traffic safety
19 cameras is restricted to the following locations only: (A)
20 Intersections of two or more arterials with traffic control signals
21 that have yellow change interval durations in accordance with RCW
22 47.36.022, which interval durations may not be reduced after
23 placement of the camera; (B) railroad crossings; (C) school speed
24 zones; (D) roadways identified in a school walk area as defined in
25 RCW 28A.160.160; (E) public park speed zones, as defined in (b) (ii)
26 of this subsection; and (F) hospital speed zones, as defined in
27 (b) (ii) of this subsection.

28 (ii) For the purposes of this section:

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

34 (B) "Hospital speed zone" means the marked area within hospital
35 property and extending 300 feet from the border of hospital property
36 (I) consistent with hospital use; and (II) where signs are posted to
37 indicate the location is within a hospital speed zone, where
38 "hospital" has the same meaning as in RCW 70.41.020.

39 (c) In addition to the automated traffic safety cameras
40 authorized under (d) of this subsection, any city west of the Cascade

1 mountains with a population of more than 195,000 located in a county
2 with a population of fewer than 1,500,000 may operate an automated
3 traffic safety camera to detect speed violations subject to the
4 following limitations:

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

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

10 (d)(i) Cities may operate at least one automated traffic safety
11 camera under this subsection to detect speed violations, subject to
12 the requirements of (d)(ii) of this subsection. Cities may operate
13 one additional automated traffic safety camera to detect speed
14 violations for every 10,000 residents included in the city's
15 population. Cameras must be placed in locations that comply with one
16 of the following:

17 (A) The location has been identified as a priority location in a
18 local road safety plan that a city has submitted to the Washington
19 state department of transportation and where other speed reduction
20 measures are not feasible or have not been sufficiently effective at
21 reducing travel speed;

22 (B) The location has a significantly higher rate of collisions
23 than the city average in a period of at least three years prior to
24 installation and other speed reduction measures are not feasible or
25 have not been sufficiently effective at reducing travel speed; or

26 (C) The location is in an area within the city limits designated
27 by local ordinance as a zone subject to specified restrictions and
28 penalties on racing and race attendance.

29 (ii) A city locating an automated traffic safety camera under
30 this subsection (1)(d) must complete an equity analysis that
31 evaluates livability, accessibility, economics, education, and
32 environmental health, and shall consider the outcome of that analysis
33 when identifying where to locate an automated traffic safety camera.

34 (e) All locations where an automated traffic safety camera is
35 used to detect speed violations on roadways identified in a school
36 walk area, speed violations in public park speed zones, speed
37 violations in hospital speed zones, or speed violations under (d) of
38 this subsection must be clearly marked by placing signs in locations
39 that clearly indicate to a driver either: (i) That the driver is
40 within a school walk area, public park speed zone, or hospital speed

1 zone; or (ii) that the driver is entering an area where speed
2 violations are enforced by an automated traffic safety camera. Signs
3 placed in automated traffic safety camera locations after June 7,
4 2012, must follow the specifications and guidelines under the manual
5 of uniform traffic control devices for streets and highways as
6 adopted by the department of transportation under chapter 47.36 RCW.

7 (f) Automated traffic safety cameras may only take pictures of
8 the vehicle and vehicle license plate and only while an infraction is
9 occurring. The picture must not reveal the face of the driver or of
10 passengers in the vehicle. The primary purpose of camera placement is
11 to take pictures of the vehicle and vehicle license plate when an
12 infraction is occurring. Cities and counties shall consider
13 installing cameras in a manner that minimizes the impact of camera
14 flash on drivers.

15 (g) A notice of infraction must be mailed to the registered owner
16 of the vehicle within 14 days of the violation, or to the renter of a
17 vehicle within 14 days of establishing the renter's name and address
18 under subsection (3)(a) of this section. The law enforcement officer
19 issuing the notice of infraction shall include with it a certificate
20 or facsimile thereof, based upon inspection of photographs,
21 microphotographs, or electronic images produced by an automated
22 traffic safety camera, stating the facts supporting the notice of
23 infraction. This certificate or facsimile is prima facie evidence of
24 the facts contained in it and is admissible in a proceeding charging
25 a violation under this chapter. The photographs, microphotographs, or
26 electronic images evidencing the violation must be available for
27 inspection and admission into evidence in a proceeding to adjudicate
28 the liability for the infraction. A person receiving a notice of
29 infraction based on evidence detected by an automated traffic safety
30 camera may respond to the notice by mail.

31 (h) The registered owner of a vehicle is responsible for an
32 infraction under RCW 46.63.030(1)(d) unless the registered owner
33 overcomes the presumption in RCW 46.63.075, or, in the case of a
34 rental car business, satisfies the conditions under subsection (3) of
35 this section. If appropriate under the circumstances, a renter
36 identified under subsection (3)(a) of this section is responsible for
37 an infraction.

38 (i) Notwithstanding any other provision of law, all photographs,
39 microphotographs, or electronic images, or any other personally
40 identifying data prepared under this section are for the exclusive

1 use of law enforcement in the discharge of duties under this section
2 and are not open to the public and may not be used in a court in a
3 pending action or proceeding unless the action or proceeding relates
4 to a violation under this section. No photograph, microphotograph, or
5 electronic image, or any other personally identifying data may be
6 used for any purpose other than enforcement of violations under this
7 section nor retained longer than necessary to enforce this section.

8 (j) Pursuant to a lawfully issued search warrant, any records,
9 photographs, microphotographs, and electronic images prepared under
10 this section shall be made available to law enforcement and all
11 restrictions on their use, as set forth in (i) of this subsection,
12 shall not apply.

13 (k) Pursuant to a subpoena for producing evidence or permitting
14 inspection in a criminal case in which the court has made a finding
15 of materiality, any records, photographs, microphotographs, and
16 electronic images prepared under this section shall be made available
17 to prosecuting attorneys and defense lawyers and all restrictions on
18 their use, as set forth in (i) of this subsection, shall not apply.

19 (l) All locations where an automated traffic safety camera is
20 used must be clearly marked at least 30 days prior to activation of
21 the camera by placing signs in locations that clearly indicate to a
22 driver that he or she is entering a zone where traffic laws are
23 enforced by an automated traffic safety camera. Signs placed in
24 automated traffic safety camera locations after June 7, 2012, must
25 follow the specifications and guidelines under the manual of uniform
26 traffic control devices for streets and highways as adopted by the
27 department of transportation under chapter 47.36 RCW.

28 ~~((k))~~ (m) If a county or city has established an authorized
29 automated traffic safety camera program under this section, the
30 compensation paid to the manufacturer or vendor of the equipment used
31 must be based only upon the value of the equipment and services
32 provided or rendered in support of the system, and may not be based
33 upon a portion of the fine or civil penalty imposed or the revenue
34 generated by the equipment.

35 ~~((l))~~ (n) If a city is operating an automated traffic safety
36 camera to detect speed violations on roadways identified in a school
37 walk area, speed violations in public park speed zones, speed
38 violations in hospital speed zones, or speed violations under (d) of
39 this subsection, the city shall remit monthly to the state 50 percent
40 of the noninterest money received for infractions issued by those

1 cameras excess of the cost to administer, install, operate, and
2 maintain the automated traffic safety cameras, including the cost of
3 processing infractions. Money remitted under this subsection to the
4 state treasurer shall be deposited in the Cooper Jones active
5 transportation safety account created in RCW 46.68.480. This
6 subsection (1) (~~(1)~~) (n) does not apply to automated traffic safety
7 cameras authorized for stoplight, railroad crossing, or school speed
8 zone violations.

9 (2) Infractions detected through the use of automated traffic
10 safety cameras are not part of the registered owner's driving record
11 under RCW 46.52.101 and 46.52.120. Additionally, infractions
12 generated by the use of automated traffic safety cameras under this
13 section shall be processed in the same manner as parking infractions,
14 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
15 and 46.20.270(2). Except as provided otherwise in subsection (6) of
16 this section, the amount of the fine issued for an infraction
17 generated through the use of an automated traffic safety camera shall
18 not exceed the amount of a fine issued for other parking infractions
19 within the jurisdiction. However, the amount of the fine issued for a
20 traffic control signal violation detected through the use of an
21 automated traffic safety camera shall not exceed the monetary penalty
22 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
23 including all applicable statutory assessments.

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

31 (a) 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; or

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

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

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

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

10 (5)(a) For the purposes of this section, "automated traffic
11 safety camera" means a device that uses a vehicle sensor installed to
12 work in conjunction with an intersection traffic control system, a
13 railroad grade crossing control system, or a speed measuring device,
14 and a camera synchronized to automatically record one or more
15 sequenced photographs, microphotographs, or electronic images of the
16 rear of a motor vehicle at the time the vehicle fails to stop when
17 facing a steady red traffic control signal or an activated railroad
18 grade crossing control signal, or exceeds a speed limit as detected
19 by a speed measuring device.

20 (b) For the purposes of the pilot program authorized under
21 subsection (6) of this section, "automated traffic safety camera"
22 also includes a device used to detect stopping at intersection or
23 crosswalk violations; stopping when traffic obstructed violations;
24 public transportation only lane violations; and stopping or traveling
25 in restricted lane violations. The device, including all technology
26 defined under "automated traffic safety camera," must not reveal the
27 face of the driver or the passengers in vehicles, and must not use
28 any facial recognition technology in real time or after capturing any
29 information. If the face of any individual in a crosswalk or
30 otherwise within the frame is incidentally captured, it may not be
31 made available to the public nor used for any purpose including, but
32 not limited to, any law enforcement action, except in a pending
33 action or proceeding related to a violation under this section.

34 (6)(a)(i) A city with a population greater than 500,000 may adopt
35 an ordinance creating a pilot program authorizing automated traffic
36 safety cameras to be used to detect one or more of the following
37 violations: Stopping when traffic obstructed violations; stopping at
38 intersection or crosswalk violations; public transportation only lane
39 violations; and stopping or traveling in restricted lane violations.
40 Under the pilot program, stopping at intersection or crosswalk

1 violations may only be enforced at the 20 intersections where the
2 city would most like to address safety concerns related to stopping
3 at intersection or crosswalk violations. At a minimum, the local
4 ordinance must contain the restrictions described in this section and
5 provisions for public notice and signage.

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

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

17 (b) Use of automated traffic safety cameras as authorized in this
18 subsection (6) is restricted to the following locations only:
19 Locations authorized in subsection (1)(b) of this section; and
20 midblock on arterials. Additionally, the use of automated traffic
21 safety cameras as authorized in this subsection (6) is further
22 limited to the following:

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

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

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

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

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

1 (d) From June 11, 2020, through December 31, 2020, a warning
2 notice with no penalty must be issued to the registered owner of the
3 vehicle for a violation generated through the use of an automated
4 traffic safety camera authorized in this subsection (6). Beginning
5 January 1, 2021, a notice of infraction must be issued, in a manner
6 consistent with subsections (1) (g) and (3) of this section, for a
7 violation generated through the use of an automated traffic safety
8 camera authorized in this subsection (6). However, the penalty for
9 the violation may not exceed \$75.

10 (e) For infractions issued as authorized in this subsection (6),
11 a city with a pilot program shall remit monthly to the state 50
12 percent of the noninterest money received under this subsection (6)
13 in excess of the cost to install, operate, and maintain the automated
14 traffic safety cameras for use in the pilot program. Money remitted
15 under this subsection to the state treasurer shall be deposited in
16 the Cooper Jones active transportation safety account created in RCW
17 46.68.480. The remaining 50 percent retained by the city must be used
18 only for improvements to transportation that support equitable access
19 and mobility for persons with disabilities.

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

25 (g) A city that implements a pilot program under this subsection
26 (6) must provide a preliminary report to the transportation
27 committees of the legislature by June 30, 2024, and a final report by
28 January 1, 2025, on the pilot program that includes the locations
29 chosen for the automated traffic safety cameras used in the pilot
30 program, the number of warnings and traffic infractions issued under
31 the pilot program, the number of traffic infractions issued with
32 respect to vehicles registered outside of the county in which the
33 city is located, the infrastructure improvements made using the
34 penalty moneys as required under (e) of this subsection, an equity
35 analysis that includes any disproportionate impacts, safety, and on-
36 time performance statistics related to the impact on driver behavior
37 of the use of automated traffic safety cameras in the pilot program,
38 and any recommendations on the use of automated traffic safety
39 cameras to enforce the violations that these cameras were authorized
40 to detect under the pilot program.

1 **Sec. 2.** RCW 46.63.170 and 2022 c 182 s 424 are each amended to
2 read as follows:

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

5 (a) The appropriate local legislative authority must prepare an
6 analysis of the locations within the jurisdiction where automated
7 traffic safety cameras are proposed to be located: (i) Before
8 enacting an ordinance allowing for the initial use of automated
9 traffic safety cameras; and (ii) before adding additional cameras or
10 relocating any existing camera to a new location within the
11 jurisdiction. Automated traffic safety cameras may be used to detect
12 one or more of the following: Stoplight, railroad crossing, school
13 speed zone violations, speed violations on any roadway identified in
14 a school walk area as defined in RCW 28A.160.160, speed violations in
15 public park speed zones, hospital speed zones, or speed violations
16 subject to (c) or (d) of this subsection. At a minimum, the local
17 ordinance must contain the restrictions described in this section and
18 provisions for public notice and signage. Cities and counties using
19 automated traffic safety cameras before July 24, 2005, are subject to
20 the restrictions described in this section, but are not required to
21 enact an authorizing ordinance. Beginning one year after June 7,
22 2012, cities and counties using automated traffic safety cameras must
23 post an annual report of the number of traffic accidents that
24 occurred at each location where an automated traffic safety camera is
25 located as well as the number of notices of infraction issued for
26 each camera and any other relevant information about the automated
27 traffic safety cameras that the city or county deems appropriate on
28 the city's or county's website.

29 (b) (i) Except as provided in (c) and (d) of this subsection, use
30 of automated traffic safety cameras is restricted to the following
31 locations only: (A) Intersections of two arterials with traffic
32 control signals that have yellow change interval durations in
33 accordance with RCW 47.36.022, which interval durations may not be
34 reduced after placement of the camera; (B) railroad crossings; (C)
35 school speed zones; (D) roadways identified in a school walk area as
36 defined in RCW 28A.160.160; (E) public park speed zones, as defined
37 in (b) (ii) of this subsection; and (F) hospital speed zones, as
38 defined in (b) (ii) of this subsection.

39 (ii) For the purposes of this section:

1 (A) "Public park speed zone" means the marked area within public
2 park property and extending 300 feet from the border of public park
3 property (I) consistent with active park use; and (II) where signs
4 are posted to indicate the location is within a public park speed
5 zone.

6 (B) "Hospital speed zone" means the marked area within hospital
7 property and extending 300 feet from the border of hospital property
8 (I) consistent with hospital use; and (II) where signs are posted to
9 indicate the location is within a hospital speed zone, where
10 "hospital" has the same meaning as in RCW 70.41.020.

11 (c) In addition to the automated traffic safety cameras
12 authorized under (d) of this subsection, any city west of the Cascade
13 mountains with a population of more than 195,000 located in a county
14 with a population of fewer than 1,500,000 may operate an automated
15 traffic safety camera to detect speed violations subject to the
16 following limitations:

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

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

22 (d)(i) Cities may operate at least one automated traffic safety
23 camera under this subsection to detect speed violations, subject to
24 the requirements of (d)(ii) of this subsection. Cities may operate
25 one additional automated traffic safety camera to detect speed
26 violations for every 10,000 residents included in the city's
27 population. Cameras must be placed in locations that comply with one
28 of the following:

29 (A) The location has been identified as a priority location in a
30 local road safety plan that a city has submitted to the Washington
31 state department of transportation and where other speed reduction
32 measures are not feasible or have not been sufficiently effective at
33 reducing travel speed;

34 (B) The location has a significantly higher rate of collisions
35 than the city average in a period of at least three years prior to
36 installation and other speed reduction measures are not feasible or
37 have not been sufficiently effective at reducing travel speed; or

38 (C) The location is in an area within the city limits designated
39 by local ordinance as a zone subject to specified restrictions and
40 penalties on racing and race attendance.

1 (ii) A city locating an automated traffic safety camera under
2 this subsection (1)(d) must complete an equity analysis that
3 evaluates livability, accessibility, economics, education, and
4 environmental health, and shall consider the outcome of that analysis
5 when identifying where to locate an automated traffic safety camera.

6 (e) All locations where an automated traffic safety camera is
7 used to detect speed violations on roadways identified in a school
8 walk area, speed violations in public park speed zones, speed
9 violations in hospital speed zones, or speed violations under (d) of
10 this subsection must be clearly marked by placing signs in locations
11 that clearly indicate to a driver either: (i) That the driver is
12 within a school walk area, public park speed zone, or hospital speed
13 zone; or (ii) that the driver is entering an area where speed
14 violations are enforced by an automated traffic safety camera. Signs
15 placed in automated traffic safety camera locations after June 7,
16 2012, must follow the specifications and guidelines under the manual
17 of uniform traffic control devices for streets and highways as
18 adopted by the department of transportation under chapter 47.36 RCW.

19 (f) Automated traffic safety cameras may only take pictures of
20 the vehicle and vehicle license plate and only while an infraction is
21 occurring. The picture must not reveal the face of the driver or of
22 passengers in the vehicle. The primary purpose of camera placement is
23 to take pictures of the vehicle and vehicle license plate when an
24 infraction is occurring. Cities and counties shall consider
25 installing cameras in a manner that minimizes the impact of camera
26 flash on drivers.

27 (g) A notice of infraction must be mailed to the registered owner
28 of the vehicle within 14 days of the violation, or to the renter of a
29 vehicle within 14 days of establishing the renter's name and address
30 under subsection (3)(a) of this section. The law enforcement officer
31 issuing the notice of infraction shall include with it a certificate
32 or facsimile thereof, based upon inspection of photographs,
33 microphotographs, or electronic images produced by an automated
34 traffic safety camera, stating the facts supporting the notice of
35 infraction. This certificate or facsimile is prima facie evidence of
36 the facts contained in it and is admissible in a proceeding charging
37 a violation under this chapter. The photographs, microphotographs, or
38 electronic images evidencing the violation must be available for
39 inspection and admission into evidence in a proceeding to adjudicate
40 the liability for the infraction. A person receiving a notice of

1 infraction based on evidence detected by an automated traffic safety
2 camera may respond to the notice by mail.

3 (h) The registered owner of a vehicle is responsible for an
4 infraction under RCW 46.63.030(1)(d) unless the registered owner
5 overcomes the presumption in RCW 46.63.075, or, in the case of a
6 rental car business, satisfies the conditions under subsection (3) of
7 this section. If appropriate under the circumstances, a renter
8 identified under subsection (3)(a) of this section is responsible for
9 an infraction.

10 (i) Notwithstanding any other provision of law, all photographs,
11 microphotographs, or electronic images prepared under this section
12 are for the exclusive use of law enforcement in the discharge of
13 duties under this section and are not open to the public and may not
14 be used in a court in a pending action or proceeding unless the
15 action or proceeding relates to a violation under this section. No
16 photograph, microphotograph, or electronic image may be used for any
17 purpose other than enforcement of violations under this section nor
18 retained longer than necessary to enforce this section.

19 (j) Pursuant to a lawfully issued search warrant, any records,
20 photographs, microphotographs, and electronic images prepared under
21 this section shall be made available to law enforcement and all
22 restrictions on their use, as set forth in (i) of this subsection,
23 shall not apply.

24 (k) Pursuant to a subpoena for producing evidence or permitting
25 inspection in a criminal case in which the court has made a finding
26 of materiality, any records, photographs, microphotographs, and
27 electronic images prepared under this section shall be made available
28 to prosecuting attorneys and defense lawyers and all restrictions on
29 their use, as set forth in (i) of this subsection, shall not apply.

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

39 ~~((k))~~ (m) If a county or city has established an authorized
40 automated traffic safety camera program 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.

6 ~~((1))~~ (n) If a city is operating an automated traffic safety
7 camera to detect speed violations on roadways identified in a school
8 walk area, speed violations in public park speed zones, speed
9 violations in hospital speed zones, or speed violations under (d) of
10 this subsection, the city shall remit monthly to the state 50 percent
11 of the noninterest money received for infractions issued by those
12 cameras excess of the cost to administer, install, operate, and
13 maintain the automated traffic safety cameras, including the cost of
14 processing infractions. Money remitted under this subsection to the
15 state treasurer shall be deposited in the Cooper Jones active
16 transportation safety account created in RCW 46.68.480. This
17 subsection ~~(1)~~ ~~((1))~~ (n) does not apply to automated traffic safety
18 cameras authorized for stoplight, railroad crossing, or school speed
19 zone violations.

20 (2) Infractions detected through the use of automated traffic
21 safety cameras are not part of the registered owner's driving record
22 under RCW 46.52.101 and 46.52.120. Additionally, infractions
23 generated by the use of automated traffic safety cameras under this
24 section shall be processed in the same manner as parking infractions,
25 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
26 and 46.20.270(2). The amount of the fine issued for an infraction
27 generated through the use of an automated traffic safety camera shall
28 not exceed the amount of a fine issued for other parking infractions
29 within the jurisdiction. However, the amount of the fine issued for a
30 traffic control signal violation detected through the use of an
31 automated traffic safety camera shall not exceed the monetary penalty
32 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
33 including all applicable statutory assessments.

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

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

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

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

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

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

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

29 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
30 section does not apply to automated traffic safety cameras for the
31 purposes of section 216(5), chapter 367, Laws of 2011 and section
32 216(6), chapter 306, Laws of 2013.

33 **Sec. 3.** RCW 46.63.160 and 2015 c 292 s 1 are each amended to
34 read as follows:

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

37 (2) Nothing in this section prohibits a law enforcement officer
38 from issuing a notice of traffic infraction to a person in control of

1 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
2 (b), or (c).

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

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

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

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

38 (ii) During the adjudication process, the alleged violator must
39 have an opportunity to explain mitigating circumstances as to why the
40 toll bill was not timely paid. Hospitalization, a divorce decree or

1 legal separation agreement resulting in a transfer of the vehicle, an
2 active duty member of the military or national guard covered by the
3 federal service members civil relief act, 50 U.S.C. Sec. 501 et seq.,
4 or state service members' civil relief act, chapter 38.42 RCW,
5 eviction, homelessness, the death of the alleged violator or of an
6 immediate family member, being switched to a different method of toll
7 payment, if the alleged violator did not receive a toll charge bill
8 or notice of civil penalty, or other mitigating circumstances as
9 determined by the adjudicator are deemed valid mitigating
10 circumstances. All of the reasons that constitute mitigating
11 circumstances must have occurred within a reasonable time of the
12 alleged toll violation. In response to these circumstances, the
13 adjudicator may reduce or dismiss the civil penalty and associated
14 administrative fees.

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

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

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

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

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

1 (B) Call the phone numbers provided in the account to provide
2 notice of unpaid pay-by-mail toll bills at least ten days prior to a
3 notice of civil penalty being issued for the associated pay-by-mail
4 toll.

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

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

23 (e) Pursuant to a lawfully issued search warrant, any records,
24 photographs, microphotographs, and electronic images prepared under
25 this section shall be made available to law enforcement and all
26 restrictions on their use, as set forth in (d) of this subsection,
27 shall not apply.

28 (f) Pursuant to a subpoena for producing evidence or permitting
29 inspection in a criminal case in which the court has made a finding
30 of materiality, any records, photographs, microphotographs, and
31 electronic images prepared under this section shall be made available
32 to prosecuting attorneys and defense lawyers and all restrictions on
33 their use, as set forth in (d) of this subsection, shall not apply.

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

38 ((~~f~~)) (h) Within existing resources, the department of
39 transportation shall conduct education and outreach efforts at least
40 six months prior to activating an all-electronic photo toll system.

1 Methods of outreach shall include a department presence at community
2 meetings in the vicinity of a toll facility, signage, and information
3 published in local media. Information provided shall include notice
4 of when all electronic photo tolling shall begin and methods of
5 payment. Additionally, the department shall provide quarterly
6 reporting on education and outreach efforts and other data related to
7 the issuance of civil penalties.

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

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

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

19 (9) Except as provided otherwise in this subsection, all civil
20 penalties, including the photo toll and associated fees, collected
21 under this section must be deposited into the toll facility account
22 of the facility on which the toll was assessed. However, through June
23 30, 2013, civil penalties deposited into the Tacoma Narrows toll
24 bridge account created under RCW 47.56.165 that are in excess of
25 amounts necessary to support the toll adjudication process applicable
26 to toll collection on the Tacoma Narrows bridge must first be
27 allocated toward repayment of operating loans and reserve payments
28 provided to the account from the motor vehicle account under section
29 1005(15), chapter 518, Laws of 2007. Additionally, all civil
30 penalties, resulting from nonpayment of tolls on the state route
31 number 520 corridor, shall be deposited into the state route number
32 520 civil penalties account created under section 4, chapter 248,
33 Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June
34 30, 2010.

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

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

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

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

12 Timely mailing of this statement to the issuing agency relieves a
13 rental car business of any liability under this section for the
14 payment of the toll.

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

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

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

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

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

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

7 (b) Document when any toll is assessed for a vehicle listed in a
8 prepaid electronic toll account in the monthly statement that is made
9 available to the electronic toll account holder regardless of whether
10 the method of payment for the toll is via pay-by-mail or prepaid
11 electronic toll account.

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

14 (15) For the purposes of this section:

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

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

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

25 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30,
26 2025.

27 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June
28 30, 2025.

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