
SENATE BILL 5722

State of Washington **68th Legislature** **2023 Regular Session**

By Senators Kuderer, King, Dhingra, Fortunato, and C. Wilson

Read first time 02/07/23. Referred to Committee on Law & Justice.

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

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

29 ~~((l))~~ (m) If a city is operating an automated traffic safety
30 camera to detect speed violations on roadways identified in a school
31 walk area, speed violations in public park speed zones, speed
32 violations in hospital speed zones, or speed violations under (d) of
33 this subsection, the city shall remit monthly to the state 50 percent
34 of the noninterest money received for infractions issued by those
35 cameras excess of the cost to administer, install, operate, and
36 maintain the automated traffic safety cameras, including the cost of
37 processing infractions. Money remitted under this subsection to the
38 state treasurer shall be deposited in the Cooper Jones active
39 transportation safety account created in RCW 46.68.480. This
40 subsection (1) ~~((l))~~ (m) does not apply to automated traffic safety

1 cameras authorized for stoplight, railroad crossing, or school speed
2 zone violations.

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

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

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

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

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

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

39 (4) Nothing in this section prohibits a law enforcement officer
40 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 (5)(a) For the purposes of this section, "automated traffic
4 safety camera" means a device that uses a vehicle sensor installed to
5 work in conjunction with an intersection traffic control system, a
6 railroad grade crossing control system, or a speed measuring device,
7 and a camera synchronized to automatically record one or more
8 sequenced photographs, microphotographs, or electronic images of the
9 rear of a motor vehicle at the time the vehicle fails to stop when
10 facing a steady red traffic control signal or an activated railroad
11 grade crossing control signal, or exceeds a speed limit as detected
12 by a speed measuring device.

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

27 (6)(a)(i) A city with a population greater than 500,000 may adopt
28 an ordinance creating a pilot program authorizing automated traffic
29 safety cameras to be used to detect one or more of the following
30 violations: Stopping when traffic obstructed violations; stopping at
31 intersection or crosswalk violations; public transportation only lane
32 violations; and stopping or traveling in restricted lane violations.
33 Under the pilot program, stopping at intersection or crosswalk
34 violations may only be enforced at the 20 intersections where the
35 city would most like to address safety concerns related to stopping
36 at intersection or crosswalk violations. At a minimum, the local
37 ordinance must contain the restrictions described in this section and
38 provisions for public notice and signage.

39 (ii) Except where specifically exempted, all of the rules and
40 restrictions applicable to the use of automated traffic safety

1 cameras in this section apply to the use of automated traffic safety
2 cameras in the pilot program established in this subsection (6).

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

10 (b) Use of automated traffic safety cameras as authorized in this
11 subsection (6) is restricted to the following locations only:
12 Locations authorized in subsection (1)(b) of this section; and
13 midblock on arterials. Additionally, the use of automated traffic
14 safety cameras as authorized in this subsection (6) is further
15 limited to the following:

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

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

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

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

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

34 (d) From June 11, 2020, through December 31, 2020, a warning
35 notice with no penalty must be issued to the registered owner of the
36 vehicle for a violation generated through the use of an automated
37 traffic safety camera authorized in this subsection (6). Beginning
38 January 1, 2021, a notice of infraction must be issued, in a manner
39 consistent with subsections (1) (g) and (3) of this section, for a
40 violation generated through the use of an automated traffic safety

1 camera authorized in this subsection (6). However, the penalty for
2 the violation may not exceed \$75.

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

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

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

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

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

38 (a) The appropriate local legislative authority must prepare an
39 analysis of the locations within the jurisdiction where automated

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

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

33 (ii) For the purposes of this section:

34 (A) "Public park speed zone" means the marked area within public
35 park property and extending 300 feet from the border of public park
36 property (I) consistent with active park use; and (II) where signs
37 are posted to indicate the location is within a public park speed
38 zone.

39 (B) "Hospital speed zone" means the marked area within hospital
40 property and extending 300 feet from the border of hospital property

1 (I) consistent with hospital use; and (II) where signs are posted to
2 indicate the location is within a hospital speed zone, where
3 "hospital" has the same meaning as in RCW 70.41.020.

4 (c) In addition to the automated traffic safety cameras
5 authorized under (d) of this subsection, any city west of the Cascade
6 mountains with a population of more than 195,000 located in a county
7 with a population of fewer than 1,500,000 may operate an automated
8 traffic safety camera to detect speed violations subject to the
9 following limitations:

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

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

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

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

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

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

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

39 (e) All locations where an automated traffic safety camera is
40 used to detect speed violations on roadways identified in a school

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

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

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

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

1 identified under subsection (3)(a) of this section is responsible for
2 an infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
19 section does not apply to automated traffic safety cameras for the
20 purposes of section 216(5), chapter 367, Laws of 2011 and section
21 216(6), chapter 306, Laws of 2013.

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

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

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

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

35 (4) Any registered owner or renter of a vehicle traveling upon a
36 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
37 a civil penalty governed by the administrative procedures set forth
38 in this section when the vehicle incurs a toll charge and the toll is
39 not paid by the toll payment due date, which is (~~eighty~~) 80 days

1 from the date the vehicle uses the toll facility and incurs the toll
2 charge.

3 (5) (a) The department shall develop rules to allow an individual
4 who has been issued a notice of civil penalty to present evidence of
5 mitigating circumstances as to why a toll bill was not timely paid.
6 If an individual is able to present verifiable evidence to the
7 department that a civil penalty was incurred due to hospitalization,
8 military deployment, eviction, homelessness, death of the alleged
9 violator or of an alleged violator's immediate family member, failure
10 to receive the toll bill due to an incorrect address that has since
11 been corrected, a prepaid electronic toll account error that has
12 since been corrected, an error made by the department or an agent of
13 the department, or other mitigating circumstances as determined by
14 the department, the department may dismiss or reduce the civil
15 penalty and associated fees.

16 (b) (i) Consistent with chapter 34.05 RCW, the department of
17 transportation shall develop an administrative adjudication process
18 to review appeals of civil penalties issued by the department of
19 transportation for toll nonpayment detected through the use of a
20 photo toll system under this section. The department of
21 transportation shall submit to the transportation committees of the
22 legislature an annual report on the number of times adjudicators
23 reduce or dismiss the civil penalty as provided in (b) (ii) of this
24 subsection and the total amount of the civil penalties dismissed. The
25 report must be submitted by December 1st of each year.

26 (ii) During the adjudication process, the alleged violator must
27 have an opportunity to explain mitigating circumstances as to why the
28 toll bill was not timely paid. Hospitalization, a divorce decree or
29 legal separation agreement resulting in a transfer of the vehicle, an
30 active duty member of the military or national guard covered by the
31 federal service members civil relief act, 50 U.S.C. Sec. 501 et seq.,
32 or state service members' civil relief act, chapter 38.42 RCW,
33 eviction, homelessness, the death of the alleged violator or of an
34 immediate family member, being switched to a different method of toll
35 payment, if the alleged violator did not receive a toll charge bill
36 or notice of civil penalty, or other mitigating circumstances as
37 determined by the adjudicator are deemed valid mitigating
38 circumstances. All of the reasons that constitute mitigating
39 circumstances must have occurred within a reasonable time of the
40 alleged toll violation. In response to these circumstances, the

1 adjudicator may reduce or dismiss the civil penalty and associated
2 administrative fees.

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

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

8 (b) A notice of civil penalty must include with it a certificate
9 or facsimile thereof, based upon inspection of photographs,
10 microphotographs, videotape, or other recorded images produced by a
11 photo toll system, stating the facts supporting the notice of civil
12 penalty. This certificate or facsimile is prima facie evidence of the
13 facts contained in it and is admissible in a proceeding established
14 under subsection (5) of this section. The photographs, digital
15 photographs, microphotographs, videotape, or other recorded images
16 evidencing the toll nonpayment civil penalty must be available for
17 inspection and admission into evidence in a proceeding to adjudicate
18 the liability for the civil penalty.

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

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

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

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

35 (d) Notwithstanding any other provision of law, all photographs,
36 digital photographs, microphotographs, videotape, other recorded
37 images, or other records identifying a specific instance of travel
38 prepared under this section are for the exclusive use of the tolling
39 agency for toll collection and enforcement purposes and are not open
40 to the public and may not be used in a court in a pending action or

1 proceeding unless the action or proceeding relates to a civil penalty
2 under this section. No photograph, digital photograph,
3 microphotograph, videotape, other recorded image, or other record
4 identifying a specific instance of travel may be used for any purpose
5 other than toll collection or enforcement of civil penalties under
6 this section. Records identifying a specific instance of travel by a
7 specific person or vehicle must be retained only as required to
8 ensure payment and enforcement of tolls and to comply with state
9 records retention policies.

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

15 (f) All locations where a photo toll system is used must be
16 clearly marked by placing signs in locations that clearly indicate to
17 a driver that he or she is entering a zone where tolls are assessed
18 and enforced by a photo toll system.

19 ~~((f))~~ (g) Within existing resources, the department of
20 transportation shall conduct education and outreach efforts at least
21 six months prior to activating an all-electronic photo toll system.
22 Methods of outreach shall include a department presence at community
23 meetings in the vicinity of a toll facility, signage, and information
24 published in local media. Information provided shall include notice
25 of when all electronic photo tolling shall begin and methods of
26 payment. Additionally, the department shall provide quarterly
27 reporting on education and outreach efforts and other data related to
28 the issuance of civil penalties.

29 ~~((g))~~ (h) The envelope containing a toll charge bill or related
30 notice issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of
31 civil penalty issued under this section, must prominently indicate
32 that the contents are time sensitive and related to a toll violation.

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

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

1 (9) Except as provided otherwise in this subsection, all civil
2 penalties, including the photo toll and associated fees, collected
3 under this section must be deposited into the toll facility account
4 of the facility on which the toll was assessed. However, through June
5 30, 2013, civil penalties deposited into the Tacoma Narrows toll
6 bridge account created under RCW 47.56.165 that are in excess of
7 amounts necessary to support the toll adjudication process applicable
8 to toll collection on the Tacoma Narrows bridge must first be
9 allocated toward repayment of operating loans and reserve payments
10 provided to the account from the motor vehicle account under section
11 1005(15), chapter 518, Laws of 2007. Additionally, all civil
12 penalties, resulting from nonpayment of tolls on the state route
13 number 520 corridor, shall be deposited into the state route number
14 520 civil penalties account created under section 4, chapter 248,
15 Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June
16 30, 2010.

17 (10) If the registered owner of the vehicle is a rental car
18 business, the department of transportation shall, before a toll bill
19 is issued, provide a written notice to the rental car business that a
20 toll bill may be issued to the rental car business if the rental car
21 business does not, within (~~thirty~~) 30 days of the mailing of the
22 written notice, provide to the issuing agency by return mail:

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

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

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

34 Timely mailing of this statement to the issuing agency relieves a
35 rental car business of any liability under this section for the
36 payment of the toll.

37 (11) It is the intent of the legislature that the department
38 provide an educational opportunity when vehicle owners incur fees and
39 penalties associated with late payment of tolls for the first time.
40 As part of this educational opportunity, the department may waive

1 penalties and fees if the issue that resulted in the toll not being
2 timely paid has been resolved and the vehicle owner establishes an
3 electronic toll account, if practicable. To aid in collecting tolls
4 in a timely manner, the department may waive or reduce the
5 outstanding amounts of fees and penalties assessed when tolls are not
6 timely paid.

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

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

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

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

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

28 (b) Document when any toll is assessed for a vehicle listed in a
29 prepaid electronic toll account in the monthly statement that is made
30 available to the electronic toll account holder regardless of whether
31 the method of payment for the toll is via pay-by-mail or prepaid
32 electronic toll account.

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

35 (15) For the purposes of this section:

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

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

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

6 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30,
7 2025.

8 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June
9 30, 2025.

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