

---

**SUBSTITUTE SENATE BILL 5188**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Becker, Haugen, Swecker, Stevens, King, Fain, Delvin, Holmquist Newbry, Honeyford, and Hewitt)

READ FIRST TIME 02/21/11.

1       AN ACT Relating to harmonizing certain traffic control signal  
2 provisions relative to yellow change intervals, certain fine amount  
3 limitations, and certain signage and reporting requirements; amending  
4 RCW 46.63.170; adding a new section to chapter 47.36 RCW; and creating  
5 a new section.

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

7       NEW SECTION.   **Sec. 1.** The legislature finds that it is in the  
8 interests of the driving public to continue to provide for a uniform  
9 system of traffic control signals, including provisions relative to  
10 yellow light durations, fine amounts for certain traffic control signal  
11 violations, and signage and reporting requirements at certain traffic  
12 control signal locations. The legislature further finds that a uniform  
13 system of traffic control signals greatly enhances the public's  
14 confidence in a safe and equitable highway network. Therefore, it is  
15 the intent of the legislature to harmonize and make uniform certain  
16 legal provisions relating to traffic control signals.

17       NEW SECTION.   **Sec. 2.** A new section is added to chapter 47.36 RCW  
18 to read as follows:

1 The duration of a yellow change interval at any traffic control  
2 signal must be at least as long as the minimum yellow change interval  
3 identified in the manual of uniform traffic control devices for streets  
4 and highways as adopted by the department under this chapter.

5 **Sec. 3.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to  
6 read as follows:

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

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

30 (b) Use of automated traffic safety cameras is restricted to ~~((two-~~  
31 ~~arterial))~~ the following locations only: (i) Intersections~~(( $\tau$ )) of two~~  
32 or more arterials with traffic control signals that have yellow change  
33 interval durations in accordance with section 2 of this act, which  
34 interval durations may not be reduced after placement of the camera;  
35 (ii) railroad crossings~~(( $\tau$ ))~~; and (iii) school speed zones ~~((only))~~.

36 (c) During the 2009-2011 fiscal biennium, automated traffic safety  
37 cameras may be used to detect speed violations for the purposes of

1 section 201(2), chapter 470, Laws of 2009 if the local legislative  
2 authority first enacts an ordinance authorizing the use of cameras to  
3 detect speed violations.

4 (d) Automated traffic safety cameras may only take pictures of the  
5 vehicle and vehicle license plate and only while an infraction is  
6 occurring. The picture must not reveal the face of the driver or of  
7 passengers in the vehicle.

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

24 (f) The registered owner of a vehicle is responsible for an  
25 infraction under RCW 46.63.030(1)(e) unless the registered owner  
26 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
27 car business, satisfies the conditions under subsection (3) of this  
28 section. If appropriate under the circumstances, a renter identified  
29 under subsection (3)(a) of this section is responsible for an  
30 infraction.

31 (g) Notwithstanding any other provision of law, all photographs,  
32 microphotographs, or electronic images prepared under this section are  
33 for the exclusive use of law enforcement in the discharge of duties  
34 under this section and are not open to the public and may not be used  
35 in a court in a pending action or proceeding unless the action or  
36 proceeding relates to a violation under this section. No photograph,  
37 microphotograph, or electronic image may be used for any purpose other

1 than enforcement of violations under this section nor retained longer  
2 than necessary to enforce this section.

3 (h) All locations where an automated traffic safety camera is used  
4 must be clearly marked at least thirty days prior to activation of the  
5 camera by placing signs in locations that clearly indicate to a driver  
6 that he or she is entering a zone where traffic laws are enforced by an  
7 automated traffic safety camera. Signs placed in automated traffic  
8 safety camera locations after the effective date of this section must  
9 follow the specifications and guidelines under the federal manual on  
10 traffic devices.

11 (i) If a county or city has established an authorized automated  
12 traffic safety camera program under this section, the compensation paid  
13 to the manufacturer or vendor of the equipment used must be based only  
14 upon the value of the equipment and services provided or rendered in  
15 support of the system, and may not be based upon a portion of the fine  
16 or civil penalty imposed or the revenue generated by the equipment.

17 (2) Infractions detected through the use of automated traffic  
18 safety cameras are not part of the registered owner's driving record  
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
20 by the use of automated traffic safety cameras under this section shall  
21 be processed in the same manner as parking infractions, including for  
22 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).  
23 (~~However,~~) The amount of the fine issued for an infraction generated  
24 through the use of an automated traffic safety camera shall not exceed  
25 the amount of a fine issued for other parking infractions within the  
26 jurisdiction. However, the amount of the fine issued for a traffic  
27 control signal violation detected through the use of an automated  
28 traffic safety camera shall not exceed the monetary penalty for a  
29 violation of RCW 46.61.050 as provided under RCW 46.63.110.

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

37 (a) A statement under oath stating the name and known mailing

1 address of the individual driving or renting the vehicle when the  
2 infraction occurred; or

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

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

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

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

17 (5) For the purposes of this section, "automated traffic safety  
18 camera" means a device that uses a vehicle sensor installed to work in  
19 conjunction with an intersection traffic control system, a railroad  
20 grade crossing control system, or a speed measuring device, and a  
21 camera synchronized to automatically record one or more sequenced  
22 photographs, microphotographs, or electronic images of the rear of a  
23 motor vehicle at the time the vehicle fails to stop when facing a  
24 steady red traffic control signal or an activated railroad grade  
25 crossing control signal, or exceeds a speed limit in a school speed  
26 zone as detected by a speed measuring device. During the 2009-2011  
27 fiscal biennium, an automated traffic safety camera includes a camera  
28 used to detect speed violations for the purposes of section 201(2),  
29 chapter 470, Laws of 2009.

30 (6) During the 2009-2011 fiscal biennium, this section does not  
31 apply to automated traffic safety cameras for the purposes of section  
32 218(2), chapter 470, Laws of 2009.

--- END ---