
HOUSE BILL 1915

State of Washington

67th Legislature

2022 Regular Session

By Representatives Riccelli, Ormsby, and Macri

Read first time 01/11/22. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing the use of automated traffic
2 safety cameras in hospital and city park speed zones; amending RCW
3 46.63.170 and 46.63.170; providing an effective date; and providing
4 an expiration date.

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

6 **Sec. 1.** RCW 46.63.170 and 2020 c 224 s 1 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, or school speed zone violations; speed
20 violations in city park speed zones and hospital speed zones; speed
21 violations subject to (c) of this subsection; or violations included

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

15 (b) (i) Except as provided in (c) of this subsection and
16 subsection (6) of this section, use of automated traffic safety
17 cameras is restricted to the following locations only: ~~((+i))~~ (A)
18 Intersections of two or more arterials with traffic control signals
19 that have yellow change interval durations in accordance with RCW
20 47.36.022, which interval durations may not be reduced after
21 placement of the camera; ~~((+ii))~~ (B) railroad crossings; ~~((and~~
22 ~~-iii))~~ (C) school speed zones; (D) city park speed zones, as defined
23 in (b)(ii) of this subsection; and (E) hospital speed zones, as
24 defined in (b)(ii) of this subsection.

25 (ii) For the purposes of this section, the following definitions
26 apply:

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

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

36 (c) Any city west of the Cascade mountains with a population of
37 more than one hundred ninety-five thousand located in a county with a
38 population of fewer than one million five hundred thousand may
39 operate an automated traffic safety camera to detect speed violations
40 subject to the following limitations:

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

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

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

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

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

37 (g) Notwithstanding any other provision of law, all photographs,
38 microphotographs, or electronic images, or any other personally
39 identifying data prepared under this section are for the exclusive
40 use of law enforcement in the discharge of duties under this section

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

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

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

23 (2) Infractions detected through the use of automated traffic
24 safety cameras are not part of the registered owner's driving record
25 under RCW 46.52.101 and 46.52.120. Additionally, infractions
26 generated by the use of automated traffic safety cameras under this
27 section shall be processed in the same manner as parking infractions,
28 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
29 and 46.20.270(2). Except as provided otherwise in subsection (6) of
30 this section, the amount of the fine issued for an infraction
31 generated through the use of an automated traffic safety camera shall
32 not exceed the amount of a fine issued for other parking infractions
33 within the jurisdiction. However, the amount of the fine issued for a
34 traffic control signal violation detected through the use of an
35 automated traffic safety camera shall not exceed the monetary penalty
36 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
37 including all applicable statutory assessments.

38 (3) If the registered owner of the vehicle is a rental car
39 business, the law enforcement agency shall, before a notice of
40 infraction being issued under this section, provide a written notice

1 to the rental car business that a notice of infraction may be issued
2 to the rental car business if the rental car business does not,
3 within eighteen days of receiving the written notice, provide to the
4 issuing agency by return mail:

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

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

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

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

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

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

33 (b) For the purposes of the pilot program authorized under
34 subsection (6) of this section, "automated traffic safety camera"
35 also includes a device used to detect stopping at intersection or
36 crosswalk violations; stopping when traffic obstructed violations;
37 public transportation only lane violations; and stopping or traveling
38 in restricted lane violations. The device, including all technology
39 defined under "automated traffic safety camera," must not reveal the
40 face of the driver or the passengers in vehicles, and must not use

1 any facial recognition technology in real time or after capturing any
2 information. If the face of any individual in a crosswalk or
3 otherwise within the frame is incidentally captured, it may not be
4 made available to the public nor used for any purpose including, but
5 not limited to, any law enforcement action, except in a pending
6 action or proceeding related to a violation under this section.

7 (6) (a) (i) A city with a population greater than five hundred
8 thousand may adopt an ordinance creating a pilot program authorizing
9 automated traffic safety cameras to be used to detect one or more of
10 the following violations: Stopping when traffic obstructed
11 violations; stopping at intersection or crosswalk violations; public
12 transportation only lane violations; and stopping or traveling in
13 restricted lane violations. Under the pilot program, stopping at
14 intersection or crosswalk violations may only be enforced at the
15 twenty intersections where the city would most like to address safety
16 concerns related to stopping at intersection or crosswalk violations.
17 At a minimum, the local ordinance must contain the restrictions
18 described in this section and provisions for public notice and
19 signage.

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

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

31 (b) Use of automated traffic safety cameras as authorized in this
32 subsection (6) is restricted to the following locations only:
33 Locations authorized in subsection (1)(b) of this section; and
34 midblock on arterials. Additionally, the use of automated traffic
35 safety cameras as authorized in this subsection (6) is further
36 limited to the following:

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

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

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

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

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

15 (d) From June 11, 2020, through December 31, 2020, a warning
16 notice with no penalty must be issued to the registered owner of the
17 vehicle for a violation generated through the use of an automated
18 traffic safety camera authorized in this subsection (6). Beginning
19 January 1, 2021, a notice of infraction must be issued, in a manner
20 consistent with subsections (1)(e) and (3) of this section, for a
21 violation generated through the use of an automated traffic safety
22 camera authorized in this subsection (6). However, the penalty for
23 the violation may not exceed seventy-five dollars.

24 (e) For infractions issued as authorized in this subsection (6),
25 a city with a pilot program shall remit monthly to the state fifty
26 percent of the noninterest money received under this subsection (6)
27 in excess of the cost to install, operate, and maintain the automated
28 traffic safety cameras for use in the pilot program. Money remitted
29 under this subsection to the state treasurer shall be deposited in
30 the Cooper Jones active transportation safety account created in RCW
31 46.68.480. The remaining fifty percent retained by the city must be
32 used only for improvements to transportation that support equitable
33 access and mobility for persons with disabilities.

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

39 (g) A city that implements a pilot program under this subsection
40 (6) must provide a preliminary report to the transportation

1 committees of the legislature by June 30, 2022, and a final report by
2 January 1, 2023, on the pilot program that includes the locations
3 chosen for the automated traffic safety cameras used in the pilot
4 program, the number of warnings and traffic infractions issued under
5 the pilot program, the number of traffic infractions issued with
6 respect to vehicles registered outside of the county in which the
7 city is located, the infrastructure improvements made using the
8 penalty moneys as required under (e) of this subsection, an equity
9 analysis that includes any disproportionate impacts, safety, and on-
10 time performance statistics related to the impact on driver behavior
11 of the use of automated traffic safety cameras in the pilot program,
12 and any recommendations on the use of automated traffic safety
13 cameras to enforce the violations that these cameras were authorized
14 to detect under the pilot program.

15 **Sec. 2.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each
16 amended to read as follows:

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

19 (a) The appropriate local legislative authority must prepare an
20 analysis of the locations within the jurisdiction where automated
21 traffic safety cameras are proposed to be located: (i) Before
22 enacting an ordinance allowing for the initial use of automated
23 traffic safety cameras; and (ii) before adding additional cameras or
24 relocating any existing camera to a new location within the
25 jurisdiction. Automated traffic safety cameras may be used to detect
26 one or more of the following: Stoplight, railroad crossing, or school
27 speed zone violations; speed violations in city park speed zones and
28 hospital speed zones; or speed violations subject to (c) of this
29 subsection. At a minimum, the local ordinance must contain the
30 restrictions described in this section and provisions for public
31 notice and signage. Cities and counties using automated traffic
32 safety cameras before July 24, 2005, are subject to the restrictions
33 described in this section, but are not required to enact an
34 authorizing ordinance. Beginning one year after June 7, 2012, cities
35 and counties using automated traffic safety cameras must post an
36 annual report of the number of traffic accidents that occurred at
37 each location where an automated traffic safety camera is located as
38 well as the number of notices of infraction issued for each camera
39 and any other relevant information about the automated traffic safety

1 cameras that the city or county deems appropriate on the city's or
2 county's website.

3 (b) (i) Except as provided in (c) of this subsection, use of
4 automated traffic safety cameras is restricted to the following
5 locations only: ~~((+i))~~ (A) Intersections of two arterials with
6 traffic control signals that have yellow change interval durations in
7 accordance with RCW 47.36.022, which interval durations may not be
8 reduced after placement of the camera; ~~((+ii))~~ (B) railroad
9 crossings; ~~((and +iii))~~ (C) school speed zones; (D) city park speed
10 zones, as defined in (b) (ii) of this subsection; and (E) hospital
11 speed zones, as defined in (b) (ii) of this subsection.

12 (ii) For the purposes of this section, the following definitions
13 apply:

14 (A) "City park speed zone" means the marked area within city park
15 property and extending 300 feet from the border of city park property
16 (I) consistent with active park use; and (II) where signs are posted
17 to indicate the location is within a city park speed zone.

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

23 (c) Any city west of the Cascade mountains with a population of
24 more than one hundred ninety-five thousand located in a county with a
25 population of fewer than one million five hundred thousand may
26 operate an automated traffic safety camera to detect speed violations
27 subject to the following limitations:

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

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

33 (d) Automated traffic safety cameras may only take pictures of
34 the vehicle and vehicle license plate and only while an infraction is
35 occurring. The picture must not reveal the face of the driver or of
36 passengers in the vehicle. The primary purpose of camera placement is
37 to take pictures of the vehicle and vehicle license plate when an
38 infraction is occurring. Cities and counties shall consider
39 installing cameras in a manner that minimizes the impact of camera
40 flash on drivers.

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

17 (f) The registered owner of a vehicle is responsible for an
18 infraction under RCW 46.63.030(1)(d) unless the registered owner
19 overcomes the presumption in RCW 46.63.075, or, in the case of a
20 rental car business, satisfies the conditions under subsection (3) of
21 this section. If appropriate under the circumstances, a renter
22 identified under subsection (3)(a) of this section is responsible for
23 an infraction.

24 (g) Notwithstanding any other provision of law, all photographs,
25 microphotographs, or electronic images prepared under this section
26 are for the exclusive use of law enforcement in the discharge of
27 duties under this section and are not open to the public and may not
28 be used in a court in a pending action or proceeding unless the
29 action or proceeding relates to a violation under this section. No
30 photograph, microphotograph, or electronic image may be used for any
31 purpose other than enforcement of violations under this section nor
32 retained longer than necessary to enforce this section.

33 (h) All locations where an automated traffic safety camera is
34 used must be clearly marked at least thirty days prior to activation
35 of the camera by placing signs in locations that clearly indicate to
36 a driver that he or she is entering a zone where traffic laws are
37 enforced by an automated traffic safety camera. Signs placed in
38 automated traffic safety camera locations after June 7, 2012, must
39 follow the specifications and guidelines under the manual of uniform

1 traffic control devices for streets and highways as adopted by the
2 department of transportation under chapter 47.36 RCW.

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

10 (2) Infractions detected through the use of automated traffic
11 safety cameras are not part of the registered owner's driving record
12 under RCW 46.52.101 and 46.52.120. Additionally, infractions
13 generated by the use of automated traffic safety cameras under this
14 section shall be processed in the same manner as parking infractions,
15 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
16 and 46.20.270(2). 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 eighteen 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) For the purposes of this section, "automated traffic safety
11 camera" means a device that uses a vehicle sensor installed to work
12 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 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
21 section does not apply to automated traffic safety cameras for the
22 purposes of section 216(5), chapter 367, Laws of 2011 and section
23 216(6), chapter 306, Laws of 2013.

24 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,
25 2023.

26 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June
27 30, 2023.

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