
HOUSE BILL 1386

State of Washington

54th Legislature

1995 Regular Session

By Representative R. Fisher

Read first time 01/24/95. Referred to Committee on Transportation.

1 AN ACT Relating to automated traffic enforcement; amending RCW
2 46.63.030 and 46.63.070; and adding a new section to chapter 46.04 RCW.

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

4 **Sec. 1.** RCW 46.63.030 and 1994 c 176 s 3 are each amended to read
5 as follows:

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

8 (a) When the infraction is committed in the officer's presence;

9 (b) When the officer is acting upon the request of a law
10 enforcement officer in whose presence the traffic infraction was
11 committed; (~~or~~)

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

15 (d) To the registered owner of a motor vehicle when the traffic
16 infraction was recorded by an automated traffic enforcement system.
17 City and county law enforcement agencies may only utilize automated
18 traffic enforcement systems when their local legislative bodies first
19 adopt ordinances allowing for their use and setting restrictions.

1 State agencies that use automated traffic enforcement systems must
2 first adopt rules allowing for their use and setting restrictions.
3 However, state agencies' use of automated traffic enforcement systems
4 are limited to high-occupancy vehicle lane violations.

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

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

15 (4) In the case of failure to redeem an abandoned vehicle under RCW
16 46.55.120 an officer shall send a notice of infraction by certified
17 mail to the last known address of the registered owner of the vehicle.

18 **Sec. 2.** RCW 46.63.070 and 1993 c 501 s 10 are each amended to read
19 as follows:

20 (1) Any person who receives a notice of traffic infraction shall
21 respond to such notice as provided in this section within fifteen days
22 of the date of the notice.

23 (2) If the person determined to have committed the infraction does
24 not contest the determination the person shall respond by completing
25 the appropriate portion of the notice of infraction and submitting it,
26 either by mail or in person, to the court specified on the notice. A
27 check or money order in the amount of the penalty prescribed for the
28 infraction must be submitted with the response. When a response which
29 does not contest the determination is received, an appropriate order
30 shall be entered in the court's records, and a record of the response
31 and order shall be furnished to the department in accordance with RCW
32 46.20.270.

33 (3)(a) If the person determined to have committed the infraction
34 wishes to contest the determination the person shall respond by
35 completing the portion of the notice of infraction requesting a hearing
36 and submitting it, either by mail or in person, to the court specified
37 on the notice. The court shall notify the person in writing of the

1 time, place, and date of the hearing, and that date shall not be sooner
2 than seven days from the date of the notice, except by agreement.

3 (b) If the person issued a notice of infraction resulting from the
4 use of an automated traffic enforcement system chooses to contest the
5 issuance of the traffic infraction by refuting that he or she was the
6 person operating the vehicle at the time the infraction was committed,
7 he or she may within fifteen days of receipt of the notice of
8 infraction provide to the court, either by certified mail or in person,
9 a copy of his or her driver's license and a statement. The court shall
10 examine all evidence submitted by the parties to determine whether the
11 state has proven by a preponderance of the evidence that the person
12 named in the notice of infraction has committed the infraction. The
13 examination must be conducted under the infraction rules for courts of
14 limited jurisdiction.

15 (4) If the person determined to have committed the infraction does
16 not contest the determination but wishes to explain mitigating
17 circumstances surrounding the infraction the person shall respond by
18 completing the portion of the notice of infraction requesting a hearing
19 for that purpose and submitting it, either by mail or in person, to the
20 court specified on the notice. The court shall notify the person in
21 writing of the time, place, and date of the hearing.

22 (5) If any person issued a notice of traffic infraction:

23 (a) Fails to respond to the notice of traffic infraction as
24 provided in subsection (2) of this section; or

25 (b) Fails to appear at a hearing requested pursuant to subsection
26 (3) or (4) of this section;

27 the court shall enter an appropriate order assessing the monetary
28 penalty prescribed for the traffic infraction and any other penalty
29 authorized by this chapter and shall notify the department in
30 accordance with RCW 46.20.270, of the failure to respond to the notice
31 of infraction or to appear at a requested hearing.

32 NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW
33 to read as follows:

34 "Automated traffic enforcement system" means photographic equipment
35 linked to a violation detection system that synchronizes the taking of
36 a photograph with the occurrence of a traffic violation.

--- END ---