
SENATE BILL 5530

State of Washington 54th Legislature 1995 Regular Session

By Senators Smith, Roach, Rasmussen and Winsley

Read first time 01/26/95. Referred to Committee on Law & Justice.

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

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

11 (4) In the case of failure to redeem an abandoned vehicle under RCW
12 46.55.120 an officer shall send a notice of infraction by certified
13 mail to the last known address of the registered owner of the vehicle.

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

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

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

29 (3)(a) If the person determined to have committed the infraction
30 wishes to contest the determination the person shall respond by
31 completing the portion of the notice of infraction requesting a hearing
32 and submitting it, either by mail or in person, to the court specified
33 on the notice. The court shall notify the person in writing of the
34 time, place, and date of the hearing, and that date shall not be sooner
35 than seven days from the date of the notice, except by agreement.

36 (b) If the person issued a notice of infraction resulting from the
37 use of an automated traffic enforcement system chooses to contest the
38 issuance of the traffic infraction by refuting that he or she was the

1 person operating the vehicle at the time the infraction was committed,
2 he or she may within fifteen days of receipt of the notice of
3 infraction provide to the court, either by certified mail or in person,
4 a copy of his or her driver's license and a statement. The court shall
5 examine all evidence submitted by the parties to determine whether the
6 state has proven by a preponderance of the evidence that the person
7 named in the notice of infraction has committed the infraction. The
8 examination must be conducted under the infraction rules for courts of
9 limited jurisdiction.

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

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

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

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

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

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

29 "Automated traffic enforcement system" means photographic equipment
30 linked to a violation detection system that synchronizes the taking of
31 a photograph with the occurrence of a traffic violation.

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