

1 1181 AMS FAIR S5093.1

2 HB 1181 - S AMD - 789

3 By Senators Fairley and Roach

4 NOT ADOPTED 2/27/98

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that the national
8 highway and traffic safety administration has established minimum
9 performance specifications for speed measuring devices. The
10 international association of chiefs of police, in cooperation with the
11 national highway and traffic safety administration, has tested various
12 radar and lidar speed measuring devices using the testing standards in
13 the minimum performance specifications. Radar and lidar devices that
14 are designed and constructed to provide accurate measurements of the
15 speed of moving vehicles when properly calibrated and operated are
16 approved for use as police traffic radar and lidar speed measuring
17 devices. The international association of chiefs of police publishes
18 a consumer products list of those radar and lidar devices. The
19 legislature finds that those devices are sufficiently reliable when
20 properly calibrated and operated that a court may take judicial notice
21 of their reliability.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW
23 to read as follows:

24 In a hearing held to contest the determination that a traffic
25 infraction has been committed, the court may take judicial notice of
26 the reliability of the design, construction, and function of a radar
27 and lidar speed measuring device if the state patrol has adopted a rule
28 setting forth the design, construction, and function standards for
29 radar and lidar speed measuring devices and provides a procedure for
30 determining and declaring whether a device has met those standards.

31 This section does not abrogate the rules of evidence that govern
32 other foundational requirements to admit radar and lidar test results
33 such as the proper calibration and operation of the particular radar
34 and lidar device."

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5 On page 1, line 1 of the title, after "evidence;" strike the
6 remainder of the title and insert "adding a new section to chapter
46.63 RCW; and creating a new section."

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