

HOUSE BILL REPORT

HB 1385

As Reported By House Committee On:
Transportation

Title: An act relating to restricting the use of automated traffic enforcement systems.

Brief Description: Regulating automated traffic enforcement systems.

Sponsors: Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin.

Brief History:

Committee Activity:

Transportation: 1/26/00, 2/1/00, 2/3/00 [DP2S].

Brief Summary of Second Substitute Bill

- Local governments are granted the authority to use traffic safety cameras in specific situations and through use of certain procedures.
- The Traffic Safety Commission may adopt rules governing use of these systems, may oversee five pilot projects, and must report to the House and Senate Transportation Committees regarding use of traffic safety cameras at regular, specified intervals.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; G. Chandler; Haigh; Hatfield; Hurst; Lovick; Murray; Ogden; Pflug; Romero; Schual-Berke; Scott; Skinner; Wood and Woods.

Minority Report: Without recommendation. Signed by 6 members: Representatives Ericksen, Republican Vice Chair; Buck; DeBolt; Fortunato; McDonald and Schindler.

Staff: Penny Nerup (786-7335).

Background:

Currently, there is no state law authorizing cities and counties to use traffic safety cameras. There is also no state law prohibiting cities and counties from using these devices. Until recently, Clark County was the only jurisdiction in Washington using traffic safety cameras.

Summary of Second Substitute Bill:

Authority is granted to local governments to use traffic safety cameras in certain situations on city and county roads. The system may be used for speeding violations in school and construction zones, stop light violations, railroad crossing violations, and toll enforcement violations, when those violations occur on projects initiated under public/private agreements.

Other restrictions apply to use of these cameras. The systems cannot be used unless a local government enacts an ordinance allowing for their use. Photographs may only be taken of vehicles and license plates. Law enforcement must place signs in areas where the systems are used, and citizens must be provided notice by mail that cameras will be used in their city or county. Officers need not be present when the infraction occurs.

Infraction notices are mailed to the registered owner of the vehicle within 14 days of the infraction. Registered owners are responsible for the infraction. However, if the registered owner did not commit the infraction, an affidavit to that effect may be returned to the issuing agency or the owner may testify in court that the vehicle was stolen or that the vehicle was in control of another. In that case, the owner is relieved of liability for the infraction. Infractions detected by use of traffic safety cameras are not part of the owner's driving record.

If the registered owner is a rental business, it will be relieved of responsibility for the infraction if, within 14 days, it provides the name and mailing address of the person driving or renting the vehicle. If it does not know who drove the vehicle when the infraction occurred, it may sign an affidavit to that effect and be relieved of liability for the infraction.

The Traffic Safety Commission (TSC) has the authority to adopt rules, educate the public, and develop standards for use of traffic safety cameras. The TSC can oversee up to five pilot projects. The TSC must report to the House and Senate Transportation Committees regularly about use of these cameras.

Second Substitute Bill Compared to Bill: Use of traffic safety cameras by cities and counties is limited. Photographs taken by the cameras can only be of the vehicle and

license plate. Notice to citizens of use of the cameras is expanded. Owner of the vehicle is provided with procedures to be relieved of responsibility for the infraction. Only rental car businesses can be relieved of responsibility for drivers' infractions. The TSC is given a role in use and oversight of the cameras.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Citizens support use of these systems in their neighborhoods.

Testimony Against: None.

Testified: Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Jim Parsons, Clark County; Janet Thiessen, Vancouver Police Department; and Mike Rowswell, Washington Utilities and Transportation Commission.