

2 SSB 5610 - S AMD 167

3 By Senators Haugen, Hargrove and Oke

4 ADOPTED 03/14/01

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63 RCW
8 to read as follows:

9 (1) The use of traffic safety cameras is subject to the following
10 regulations:

11 (a) The appropriate legislative authority must enact an ordinance
12 allowing for their use to detect one or more of the following:
13 Stoplight or railroad crossing violations. At a minimum, the local
14 ordinance must contain the restrictions described in sections 1 through
15 4 of this act. Cities and counties using traffic safety cameras before
16 the effective date of this act are subject to the restrictions
17 described in sections 1 through 4 of this act, but are not required to
18 enact an authorizing ordinance.

19 (b) Traffic safety cameras may take pictures of the vehicle and the
20 vehicle license plate only.

21 (c) The jurisdiction must develop a public notification program for
22 areas in which traffic safety cameras will be used. Under their
23 respective jurisdictions, the law enforcement agency shall plainly mark
24 the locations where the traffic safety cameras are used by placing
25 signs on street locations that clearly indicate to a driver that he or
26 she is entering a zone where traffic laws are enforced by traffic
27 safety cameras.

28 (d) A notice of traffic infraction must be mailed to the registered
29 owner of the vehicle within fourteen days of the infraction occurring.
30 The jurisdiction must not issue an additional infraction to the
31 registered owner of the vehicle during the fourteen-day notification
32 period.

33 (e) A person receiving a notice of traffic infraction based on
34 evidence detected by a traffic safety camera may respond to the notice
35 by mail.

1 (2) Infractions detected through the use of traffic safety cameras
2 will be recorded as are stopping, standing, or parking violations under
3 RCW 46.61.560, but are not part of the registered owner's driving
4 record under RCW 46.52.101 and 46.52.120.

5 (3) The traffic safety commission may adopt rules regarding:

6 (a) Mechanical and operational standards for traffic safety camera
7 equipment;

8 (b) The placement of signs to notify drivers that they are entering
9 a jurisdiction or area that uses traffic safety cameras;

10 (c) Recommendations on how cities and counties will educate the
11 public about traffic safety cameras.

12 (4) Jurisdictions using traffic safety cameras must comply with any
13 standards adopted under subsection (3) of this section.

14 **Sec. 2.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
15 as follows:

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

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

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

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

25 (d) When a notice of traffic infraction may be mailed to the
26 registered owner of or the person renting a vehicle as authorized under
27 subsection (2) of this section.

28 (2) When a traffic safety camera is used in compliance with section
29 1 of this act, a law enforcement officer, whether present or not during
30 the commission of the infraction, or other issuing agency may issue a
31 notice of traffic infraction by mail to the registered owner of the
32 vehicle or the person renting the vehicle. The registered owner of the
33 vehicle or the person renting the vehicle is responsible for the
34 infraction.

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

1 (~~(3)~~) (4) If any motor vehicle without a driver is found parked,
2 standing, or stopped in violation of this title or an equivalent
3 administrative regulation or local law, ordinance, regulation, or
4 resolution, the officer finding the vehicle shall take its registration
5 number and may take any other information displayed on the vehicle
6 which may identify its user, and shall conspicuously affix to the
7 vehicle a notice of traffic infraction.

8 (~~(4)~~) (5) In the case of failure to redeem an abandoned vehicle
9 under RCW 46.55.120, upon receiving a complaint by a registered tow
10 truck operator that has incurred costs in removing, storing, and
11 disposing of an abandoned vehicle, an officer of the law enforcement
12 agency responsible for directing the removal of the vehicle shall send
13 a notice of infraction by certified mail to the last known address of
14 the registered owner of the vehicle. The officer shall append to the
15 notice of infraction, on a form prescribed by the department of
16 licensing, a notice indicating the amount of costs incurred as a result
17 of removing, storing, and disposing of the abandoned vehicle, less any
18 amount realized at auction, and a statement that monetary penalties for
19 the infraction will not be considered as having been paid until the
20 monetary penalty payable under this chapter has been paid and the court
21 is satisfied that the person has made restitution in the amount of the
22 deficiency remaining after disposal of the vehicle.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW
24 to read as follows:

25 The registered owner of a vehicle is responsible for an infraction
26 under RCW 46.63.030(2) unless within fifteen days after notification of
27 the infraction the registered owner furnishes the officials or agents
28 of the municipality that issued the notice of infraction with:

29 (1) An affidavit made under oath, stating that the vehicle involved
30 was, at the time, stolen or in the care, custody, or control of some
31 person other than the registered owner; or

32 (2) Testimony in open court under oath that the person was not the
33 operator of the vehicle at the time of the alleged infraction.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW
35 to read as follows:

36 If a notice of traffic infraction is sent to the registered owner
37 under RCW 46.63.030(2) and the registered owner is a rental car

1 business, the infraction will be dismissed against the business if it
2 mails to the issuing agency, within fourteen days of receiving the
3 notice, the name and known mailing address of the individual driving or
4 renting the vehicle when the infraction occurred. If the business is
5 unable to determine who was driving or renting the vehicle at the time
6 the infraction occurred, the business must sign an affidavit making
7 this declaration. The affidavit must be mailed to the issuing agency
8 within fourteen days of receiving the notice of infraction. An
9 affidavit form suitable for this purpose must be included with each
10 infraction issued, along with instructions for its completion and use.

11 **Sec. 5.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
12 as follows:

13 (1) In any traffic infraction case involving a violation of this
14 title or equivalent administrative regulation or local law, ordinance,
15 regulation, or resolution relating to the stopping, standing, or
16 parking of a vehicle, proof that the particular vehicle described in
17 the notice of traffic infraction was stopping, standing, or parking in
18 violation of any such provision of this title or an equivalent
19 administrative regulation or local law, ordinance, regulation, or
20 resolution, together with proof that the person named in the notice of
21 traffic infraction was at the time of the violation the registered
22 owner of the vehicle, (~~shall~~) constitute in evidence a prima facie
23 presumption that the registered owner of the vehicle was the person who
24 parked or placed the vehicle at the point where, and for the time
25 during which, the violation occurred.

26 (2) The foregoing stated presumption (~~shall apply~~) applies only
27 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (4) has been
28 followed.

29 NEW SECTION. **Sec. 6.** The legislature respectfully requests the
30 Washington state supreme court to amend the Infraction Rules for Courts
31 of Limited Jurisdiction to conform to this act. Furthermore, the
32 legislature respectfully asks the court to create a notice of traffic
33 infraction that is consistent with this act."

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4 In line 1 of the title, after "cameras;" strike the remainder of
5 the title and insert "amending RCW 46.63.030 and 46.63.140; adding new
6 sections to chapter 46.63 RCW; and creating a new section."

EFFECT: Eliminates authority for the Department of Transportation to use traffic safety cameras. Eliminates authority to use automated traffic enforcement systems to issue traffic infractions for speeding. A jurisdiction may not issue an additional traffic infraction to a driver within the fourteen-day notification period required by the legislation.

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