

HOUSE BILL REPORT

ESSB 5610

As Reported by House Committee On:
Transportation

Title: An act relating to traffic safety cameras.

Brief Description: Regulating traffic safety cameras.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Haugen, Carlson, Gardner and Winsley).

Brief History:

Committee Activity:

Transportation: 3/19/01, 3/29/01 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Rules are developed for use of traffic safety cameras by law enforcement.
- Registered owners of the vehicles are responsible for the infraction unless they submit an affidavit or testify in court that the vehicle was stolen or that another was driving at the time of the infraction.
- The infraction does not go against the registered owners driving record.
- Exceptions are provided for rental car businesses that follow certain rules.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 19 members: Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern, Anderson, Edmonds, Haigh, Hurst, Jackley, Jarrett, Marine, Murray, Ogden, Rockefeller, Romero, Simpson and Woods.

Minority Report: Without recommendation. Signed by 9 members: Representatives Ericksen, Republican Vice Chair; Armstrong, G. Chandler, Hatfield, Mielke, Morell, Schindler, Skinner and Sump.

Staff: Penny Nerup (786-7335).

Background:

There is no law that authorizes law enforcement to use automated traffic enforcement systems, like traffic safety cameras, at railroad crossings, at red lights, or to detect speeding. There is no law that prevents law enforcement from using these systems; however, most law enforcement is concerned about using these devices without guidance from the Legislature.

Currently, the Traffic Safety Commission is monitoring a pilot project that uses traffic safety cameras at stoplights in Lakewood, Washington.

Summary of Amended Bill:

Local governments are authorized to use traffic safety cameras subject to the following conditions: 1) an ordinance must first be enacted by the jurisdiction; 2) cameras may only be used to detect stoplight, railroad crossing, or speeding in a construction zone violations; 3) pictures may only be taken of the vehicle and vehicle license plate; 4) the jurisdiction must develop a public notification program for areas where the cameras will be used; and 5) zones where the cameras are used must be plainly marked with signs.

Notice of traffic infractions captured by the camera must be mailed to the registered owner of the vehicle within 14 days of the date of the infraction. The jurisdiction may not issue an additional infraction to the registered owner during the 14-day notification period.

The registered owner is responsible for the infraction (like stopping, standing, or parking violations) but the infraction does not become part of the owner's driving record. If the registered owner submits an affidavit stating that the vehicle was stolen or in the custody of another person or provides testimony to that effect in court, the owner will not be responsible for the infraction.

If the notice of traffic infraction is sent to a rental car business, the infraction will be dismissed if the rental car business, within 14 days of receiving the notice, provides the name and mailing address of the person renting the vehicle when the infraction occurred. If the business is unable to determine who was renting the vehicle when the infraction occurred, the business must sign an affidavit making this declaration within 14 days.

The Traffic Safety Commission may adopt rules about standards for the traffic safety camera equipment, placement of signs that indicate a zone where the cameras are used, and may make recommendations on educating the public about the use of traffic safety cameras.

For two years, \$10 of every paid infraction detected by use of the cameras will be paid to the courts to off-set the court's computer programming costs.

Amended Bill Compared to Engrossed Substitute Bill:

The original bill did not allow use of the cameras to detect speeding in a construction zone. The provision providing reimbursement to the courts to off-set their computer programming costs was added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Most people agree that running a red light can have a serious consequences. But speeding in a work zone can have serious consequences for Department of Transportation workers too. They should also be protected by the cameras. There was a 60 percent reduction in the number of accidents at intersections where red light cameras were used. Use of these cameras is not required by this bill; local jurisdictions can use them if they want. These infractions should appear on the driver's record.

Testimony Against: None.

Testified: (Supports) Toby Rickman, Department of Transportation; Rick Jensen, Lockheed Martin IMS; Tim Schellberg, Washington Association of Sheriffs & Police Chiefs; Steve Lind, Washington Traffic Safety Commission; and Mel Sorensen, National Association of Independent Insurers.