

HOUSE BILL REPORT

HB 1118

As Reported by House Committee On:
Transportation

Title: An act relating to regulating the use of traffic safety cameras.

Brief Description: Regulating traffic safety cameras.

Sponsors: Representatives Lovick, Delvin, O'Brien, Armstrong, Ogden, Edmonds, Cooper, Fisher, Boldt, Mitchell, Simpson and Fromhold.

Brief History:

Committee Activity:

Transportation: 1/28/02, 1/30/02 [DP2S].

Brief Summary of Second Substitute Bill

- Local law enforcement may use traffic safety cameras to detect speeding, stoplight or railroad crossing violations.
- Cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring.
- Registered owners of the vehicles are responsible for the infraction unless they submit an affidavit or testify in court that the vehicle was stolen, sold, or that another person was driving at the time of the infraction.
- The infraction does not go against the registered owner's driving record.
- Exceptions are provided for rental car businesses.
- The Traffic Safety Commission (TSC) may develop rules for use of the cameras and must report on their use to the House and Senate Transportation Committees.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 21 members: Representatives Fisher, Chair; Cooper, Vice Chair; Lovick, Vice Chair; Mitchell, Ranking Minority Member; Anderson, Edwards, Ericksen, Haigh, Hankins, Hatfield, Jackley, Jarrett, Murray, Ogden, Reardon,

Rockefeller, Romero, Simpson, Skinner, Sullivan and Wood.

Minority Report: Do not pass. Signed by 4 members: Representatives Holmquist, Mielke, Morell and Woods.

Staff: Penny Nerup (786-7335).

Background:

Currently, law enforcement is not specifically authorized to use automated traffic enforcement systems, like traffic safety cameras, at railroad crossings, at red lights, or to detect speeding. Law enforcement is not legally prevented from using these systems; however, most law enforcement is concerned about using these devices without guidance from the Legislature.

Currently, the TSC is monitoring five pilot projects that use traffic safety cameras in Lakewood, Seattle, Spokane and Vancouver, Washington. A fifth project is a joint construction zone project with the city of Vancouver and the Department of Transportation (DOT). These pilot projects were authorized in the 2001-2003 biennial budget.

Summary of Second Substitute 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 speeding, stoplight or railroad crossing violations; 3) pictures may only be taken of the vehicle and vehicle license plate, and only while an infraction is occurring; 4) zones where the cameras are used must be plainly marked with signs; and 5) the DOT must establish camera zones for their use.

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 registered owner is responsible for the infraction, but the infraction does not become part of the registered owner's driving record. If the registered owner submits an affidavit stating that the vehicle was stolen, sold or in the custody of another person, or provides testimony to that effect in court, he or she will not be responsible for the infraction. Infractions captured by traffic safety cameras are treated like stopping, standing or parking violations.

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, or if the business submits an affidavit stating it is unable to determine the name of the driver or renter.

The TSC 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. The commission must also report on the use, outcomes and other relevant issues to the House and Senate Transportation Committees by January 1, 2003, and for four years thereafter.

Second Substitute Bill Compared to Original Bill:

The original bill does not include the DOT. Technical corrections clarify that pictures can only be taken of vehicles while an infraction is occurring and that infractions captured by traffic safety cameras are treated like stopping, standing or parking violations.

A technical amendment changes the reporting date for the TSC from January 1, 2002, to January 1, 2003.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Running red lights and speeding are serious causes of accidents. Using traffic cameras is an option that local governments can use to regulate safety. Use also provides a way for local governments to use their resources more efficiently.

Testimony Against: None.

Testified: Representative Lovick, prime sponsor; John Moffat, Traffic Safety Commission; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; and Rick Jensen, Affiliated Computer Services.