

Transportation Committee

ESSB 5610

Brief Description: *Regulating traffic safety cameras.*

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

Brief Summary of Engrossed Substitute Bill

- *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.*

Hearing Date: *3/19/01*

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 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 or railroad crossing 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.

Appropriation: None.

Fiscal Note: Available.

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