
SECOND SUBSTITUTE HOUSE BILL 1118

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Lovick, Delvin, O'Brien, Armstrong, Ogden, Edmonds, Cooper, Fisher, Boldt, Mitchell, Simpson and Fromhold)

Read first time 01/31/2002. Referred to Committee on .

1 AN ACT Relating to regulating the use of traffic safety cameras;
2 amending RCW 46.63.030 and 46.63.140; adding a new section to chapter
3 46.63 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63 RCW
6 to read as follows:

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

9 (a) The appropriate local legislative authority must first enact an
10 ordinance, or the department of transportation must first establish
11 traffic safety camera zones, allowing for their use to detect one or
12 more of the following: Speeding, stoplight, or railroad crossing
13 violations. At a minimum, the local ordinance must contain the
14 restrictions described in this section. Cities and counties using
15 traffic safety cameras before the effective date of this act are
16 subject to the restrictions described in this section, but are not
17 required to enact an authorizing ordinance.

18 (b) Traffic safety cameras may take pictures of the vehicle and
19 vehicle license plate only and only while an infraction is occurring.

1 (c) Under their respective jurisdictions, the law enforcement
2 agency or the department of transportation shall plainly mark the
3 locations where the automated traffic enforcement system is used by
4 placing signs on street locations that clearly indicate to a driver
5 that he or she is entering a zone where traffic laws are enforced by an
6 automated traffic enforcement system.

7 (d) Notices of infractions must be mailed to the registered owner
8 of the vehicle within fourteen days of the infraction occurring.

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

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

15 (3) If a notice of traffic infraction is sent to the registered
16 owner under RCW 46.63.030(2) and the registered owner is a rental car
17 business, the infraction will be dismissed against the business if it
18 mails to the issuing agency, within fourteen days of receiving the
19 notice, the name and known mailing address of the individual driving or
20 renting the vehicle when the infraction occurred. If the business is
21 unable to determine who was driving or renting the vehicle at the time
22 the infraction occurred, the business must sign an affidavit making
23 this declaration. The affidavit must be mailed to the issuing agency
24 within fourteen days of receiving the notice of traffic infraction.
25 Timely mailing of this affidavit to the issuing agency relieves a
26 rental car business of any liability under this chapter for the notice
27 of infraction. An affidavit form suitable for this purpose must be
28 included with each infraction issued, along with instructions for its
29 completion and use.

30 (4) The traffic safety commission may adopt rules regarding:

31 (a) Mechanical and operational standards for traffic safety camera
32 equipment;

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

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

37 (5) Jurisdictions using traffic safety cameras must comply with any
38 standards adopted under subsection (4) of this section.

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

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

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

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

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

12 (d) When the infraction is mailed to the registered owner or the
13 person renting a vehicle as authorized under subsection (2) of this
14 section.

15 (2) When a traffic safety camera is used in compliance with section
16 1 of this act, a law enforcement officer, whether present or not during
17 the commission of the infraction, or other issuing agency may issue a
18 notice of traffic infraction by mail to the registered owner of the
19 vehicle, or to the person renting the vehicle. The registered owner of
20 the vehicle or the person renting the vehicle is responsible for the
21 infraction.

22 (3) The owner of a vehicle is responsible for a violation unless
23 within fifteen days after notification of the violation, furnishes the
24 officials or agents of the municipality that issued the citation with:

25 (a) An affidavit made under oath, stating that the vehicle involved
26 was, at the time, stolen, sold, or in the care, custody, or control of
27 some person other than the registered owner; or

28 (b) Testimony in open court under oath that the person was not the
29 operator of the vehicle at the time of the alleged violation.

30 (4) A court may issue a notice of traffic infraction upon receipt
31 of a written statement of the officer that there is reasonable cause to
32 believe that an infraction was committed.

33 ~~((+3+))~~ (5) If any motor vehicle without a driver is found parked,
34 standing, or stopped in violation of this title or an equivalent
35 administrative regulation or local law, ordinance, regulation, or
36 resolution, the officer finding the vehicle shall take its registration
37 number and may take any other information displayed on the vehicle
38 which may identify its user, and shall conspicuously affix to the
39 vehicle a notice of traffic infraction.

1 (~~(4)~~) (6) In the case of failure to redeem an abandoned vehicle
2 under RCW 46.55.120, upon receiving a complaint by a registered tow
3 truck operator that has incurred costs in removing, storing, and
4 disposing of an abandoned vehicle, an officer of the law enforcement
5 agency responsible for directing the removal of the vehicle shall send
6 a notice of infraction by certified mail to the last known address of
7 the registered owner of the vehicle. The officer shall append to the
8 notice of infraction, on a form prescribed by the department of
9 licensing, a notice indicating the amount of costs incurred as a result
10 of removing, storing, and disposing of the abandoned vehicle, less any
11 amount realized at auction, and a statement that monetary penalties for
12 the infraction will not be considered as having been paid until the
13 monetary penalty payable under this chapter has been paid and the court
14 is satisfied that the person has made restitution in the amount of the
15 deficiency remaining after disposal of the vehicle.

16 **Sec. 3.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
17 as follows:

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

31 (2) The foregoing stated presumption (~~shall apply~~) applies only
32 when the procedure prescribed in RCW 46.63.030(~~(3)~~) (5) has been
33 followed.

34 NEW SECTION. **Sec. 4.** By January 1, 2003, and for four years
35 thereafter, the Washington traffic safety commission shall provide the
36 chairs of the senate and house transportation committees a report

1 regarding the use, outcomes, and other relevant issues of traffic
2 safety cameras in this state.

3 NEW SECTION. **Sec. 5.** The legislature respectfully request the
4 Washington state supreme court to amend the Infraction Rules for Courts
5 of Limited Jurisdiction to conform to this act. Furthermore, the
6 legislature respectfully asks the court to create a notice of
7 infraction that is consistent with this act.

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