
SENATE BILL 5610

State of Washington 57th Legislature 2001 Regular Session

By Senators Haugen, Carlson, Gardner and Winsley

Read first time 01/29/2001. Referred to Committee on Transportation.

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

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

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

1 (c) The law enforcement agency shall plainly mark the locations
2 where the traffic safety cameras are used by placing signs on street
3 locations that clearly indicate to a driver that he or she is entering
4 a zone where traffic laws are enforced by traffic safety cameras.

5 (d) A notice of traffic infraction must be mailed to the registered
6 owner of the vehicle within fourteen days of the infraction occurring.

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

10 (2) Infractions detected through the use of traffic safety cameras
11 are not part of the registered owner's driving record under RCW
12 46.52.101 and 46.52.120.

13 (3) The traffic safety commission shall adopt rules regarding:

14 (a) Mechanical and operational standards for traffic safety camera
15 equipment;

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

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

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

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

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

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

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

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

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

36 (2) When a traffic safety camera is used in compliance with section
37 1 of this act, a law enforcement officer, whether present or not during
38 the commission of the infraction, or other issuing agency may issue a

1 notice of traffic infraction by mail to the registered owner of the
2 vehicle or the person renting the vehicle. The registered owner of the
3 vehicle or the person renting the vehicle is responsible for the
4 infraction.

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

8 ((+3)) (4) If any motor vehicle without a driver is found parked,
9 standing, or stopped in violation of this title or an equivalent
10 administrative regulation or local law, ordinance, regulation, or
11 resolution, the officer finding the vehicle shall take its registration
12 number and may take any other information displayed on the vehicle
13 which may identify its user, and shall conspicuously affix to the
14 vehicle a notice of traffic infraction.

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

30 NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW
31 to read as follows:

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

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

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

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

5 If a notice of traffic infraction is sent to the registered owner
6 under RCW 46.63.030(2) and the registered owner is a rental car
7 business, the infraction will be dismissed against the business if it
8 mails to the issuing agency, within fourteen days of receiving the
9 notice, the name and known mailing address of the individual driving or
10 renting the vehicle when the infraction occurred. If the business is
11 unable to determine who was driving or renting the vehicle at the time
12 the infraction occurred, the business must sign an affidavit making
13 this declaration. The affidavit must be mailed to the issuing agency
14 within fourteen days of receiving the notice of infraction. An
15 affidavit form suitable for this purpose must be included with each
16 infraction issued, along with instructions for its completion and use.

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

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

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

35 NEW SECTION. **Sec. 6.** The legislature respectfully requests the
36 Washington state supreme court to amend the Infraction Rules for Courts

1 of Limited Jurisdiction to conform to this act. Furthermore, the
2 legislature respectfully asks the court to create a notice of traffic
3 infraction that is consistent with this act.

--- END ---