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**SUBSTITUTE SENATE BILL 5083**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Murray and Keiser)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to the use of automated traffic safety cameras in  
2 state highway work zones; amending RCW 46.63.170; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read  
6 as follows:

7 (1) The use of automated traffic safety cameras for issuance of  
8 notices of infraction is subject to the following requirements:

9 (a) The appropriate local legislative authority must first enact an  
10 ordinance allowing for their use to detect one or more of the  
11 following: Stoplight, railroad crossing, or school speed zone  
12 violations. At a minimum, the local ordinance must contain the  
13 restrictions described in this section and provisions for public notice  
14 and signage. Cities and counties using automated traffic safety  
15 cameras before July 24, 2005, are subject to the restrictions described  
16 in this section, but are not required to enact an authorizing  
17 ordinance. Infractions issued in roadway construction zones on state  
18 highways are not subject to this subsection (1)(a).

1           (b) The Washington state patrol may issue infractions in roadway  
2 construction zones on state highways when workers are present.

3           (c) Use of automated traffic safety cameras is restricted to two-  
4 arterial intersections, railroad crossings, roadway construction zones  
5 on state highways, and school speed zones only.

6           ~~((+e))~~ (d) Automated traffic safety cameras may only take pictures  
7 of the vehicle and vehicle license plate and only while an infraction  
8 is occurring. The picture must not reveal the face of the driver or of  
9 passengers in the vehicle.

10           ~~((+d))~~ (e) A notice of infraction must be mailed to the registered  
11 owner of the vehicle within fourteen days of the violation, or to the  
12 renter of a vehicle within fourteen days of establishing the renter's  
13 name and address under subsection (3)(a) of this section. The law  
14 enforcement officer issuing the notice of infraction shall include with  
15 it a certificate or facsimile thereof, based upon inspection of  
16 photographs, microphotographs, or electronic images produced by an  
17 automated traffic safety camera, stating the facts supporting the  
18 notice of infraction. This certificate or facsimile is prima facie  
19 evidence of the facts contained in it and is admissible in a proceeding  
20 charging a violation under this chapter. The photographs,  
21 microphotographs, or electronic images evidencing the violation must be  
22 available for inspection and admission into evidence in a proceeding to  
23 adjudicate the liability for the infraction. A person receiving a  
24 notice of infraction based on evidence detected by an automated traffic  
25 safety camera may respond to the notice by mail.

26           ~~((+e))~~ (f) The registered owner of a vehicle is responsible for an  
27 infraction under RCW 46.63.030(1)(e) unless the registered owner  
28 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
29 car business, satisfies the conditions under subsection (3) of this  
30 section. If appropriate under the circumstances, a renter identified  
31 under subsection (3)(a) of this section is responsible for an  
32 infraction.

33           ~~((+f))~~ (g) Notwithstanding any other provision of law, all  
34 photographs, microphotographs, or electronic images prepared under this  
35 section are for the exclusive use of law enforcement in the discharge  
36 of duties under this section and are not open to the public and may not  
37 be used in a court in a pending action or proceeding unless the action  
38 or proceeding relates to a violation under this section. No

1 photograph, microphotograph, or electronic image may be used for any  
2 purpose other than enforcement of violations under this section nor  
3 retained longer than necessary to enforce this section.

4 ~~((g))~~ (h) All locations where an automated traffic safety camera  
5 is used must be clearly marked by placing signs in locations that  
6 clearly indicate to a driver that he or she is entering a zone where  
7 traffic laws are enforced by an automated traffic safety camera.

8 ~~((h))~~ (i) If a county or city has established an authorized  
9 automated traffic safety camera program under this section, the  
10 compensation paid to the manufacturer or vendor of the equipment used  
11 must be based only upon the value of the equipment and services  
12 provided or rendered in support of the system, and may not be based  
13 upon a portion of the fine or civil penalty imposed or the revenue  
14 generated by the equipment.

15 (2) Infractions detected through the use of automated traffic  
16 safety cameras are not part of the registered owner's driving record  
17 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
18 by the use of automated traffic safety cameras under this section shall  
19 be processed in the same manner as parking infractions, including for  
20 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and  
21 46.20.270(3). However, the amount of the fine issued for an infraction  
22 generated through the use of an automated traffic safety camera shall  
23 not exceed the amount of a fine issued for other parking infractions  
24 within the jurisdiction, except that the fine issued for state roadway  
25 construction zone infractions must be one hundred thirty-seven dollars.  
26 The court shall remit thirty-two dollars of the one hundred thirty-  
27 seven dollar fine to the state treasurer for deposit into the state  
28 patrol highway account.

29 (3) If the registered owner of the vehicle is a rental car  
30 business, the law enforcement agency shall, before a notice of  
31 infraction being issued under this section, provide a written notice to  
32 the rental car business that a notice of infraction may be issued to  
33 the rental car business if the rental car business does not, within  
34 eighteen days of receiving the written notice, provide to the issuing  
35 agency by return mail:

36 (a) A statement under oath stating the name and known mailing  
37 address of the individual driving or renting the vehicle when the  
38 infraction occurred; or

1 (b) A statement under oath that the business is unable to determine  
2 who was driving or renting the vehicle at the time the infraction  
3 occurred; or

4 (c) In lieu of identifying the vehicle operator, the rental car  
5 business may pay the applicable penalty.

6 Timely mailing of this statement to the issuing law enforcement  
7 agency relieves a rental car business of any liability under this  
8 chapter for the notice of infraction.

9 (4) Nothing in this section prohibits a law enforcement officer  
10 from issuing a notice of traffic infraction to a person in control of  
11 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
12 (b), or (c).

13 (5) For the purposes of this section, "automated traffic safety  
14 camera" means a device that uses a vehicle sensor installed to work in  
15 conjunction with an intersection traffic control system, a railroad  
16 grade crossing control system, or a speed measuring device, and a  
17 camera synchronized to automatically record one or more sequenced  
18 photographs, microphotographs, or electronic images of the rear of a  
19 motor vehicle at the time the vehicle fails to stop when facing a  
20 steady red traffic control signal or an activated railroad grade  
21 crossing control signal, or exceeds a speed limit in a school speed  
22 zone or state roadway construction zone safety area as detected by a  
23 speed measuring device.

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