

**SHB 1793 - H AMD 546**

By Representative Fitzgibbon

**ADOPTED AS AMENDED 04/15/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each  
4 amended to read as follows:

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

7 (a) Except for proposed locations used solely for the pilot  
8 program purposes permitted under subsection (6) of this section, the  
9 appropriate local legislative authority must prepare an analysis of  
10 the locations within the jurisdiction where automated traffic safety  
11 cameras are proposed to be located: (i) Before enacting an ordinance  
12 allowing for the initial use of automated traffic safety cameras; and  
13 (ii) before adding additional cameras or relocating any existing  
14 camera to a new location within the jurisdiction. Automated traffic  
15 safety cameras may be used to detect one or more of the following:  
16 Stoplight, railroad crossing, or school speed zone violations; ~~((e))~~  
17 speed violations subject to (c) of this subsection; or violations  
18 included in subsection (6) of this section for the duration of the  
19 pilot program authorized under subsection (6) of this section. At a  
20 minimum, the local ordinance must contain the restrictions described  
21 in this section and provisions for public notice and signage. Cities  
22 and counties using automated traffic safety cameras before July 24,  
23 2005, are subject to the restrictions described in this section, but  
24 are not required to enact an authorizing ordinance. Beginning one  
25 year after June 7, 2012, cities and counties using automated traffic  
26 safety cameras must post an annual report of the number of traffic  
27 accidents that occurred at each location where an automated traffic  
28 safety camera is located as well as the number of notices of  
29 infraction issued for each camera and any other relevant information  
30 about the automated traffic safety cameras that the city or county  
31 deems appropriate on the city's or county's web site.

1 (b) Except as provided in (c) of this subsection and subsection  
2 (6) of this section, use of automated traffic safety cameras is  
3 restricted to the following locations only: (i) Intersections of two  
4 arterials with traffic control signals that have yellow change  
5 interval durations in accordance with RCW 47.36.022, which interval  
6 durations may not be reduced after placement of the camera; (ii)  
7 railroad crossings; and (iii) school speed zones.

8 (c) Any city west of the Cascade mountains with a population of  
9 more than one hundred ninety-five thousand located in a county with a  
10 population of fewer than one million five hundred thousand may  
11 operate an automated traffic safety camera to detect speed violations  
12 subject to the following limitations:

13 (i) A city may only operate one such automated traffic safety  
14 camera within its respective jurisdiction; and

15 (ii) The use and location of the automated traffic safety camera  
16 must have first been authorized by the Washington state legislature  
17 as a pilot project for at least one full year.

18 (d) Automated traffic safety cameras may only take pictures of  
19 the vehicle and vehicle license plate and only while an infraction is  
20 occurring. The picture must not reveal the face of the driver or of  
21 passengers in the vehicle. The primary purpose of camera placement is  
22 to take pictures of the vehicle and vehicle license plate when an  
23 infraction is occurring. Cities and counties shall consider  
24 installing cameras in a manner that minimizes the impact of camera  
25 flash on drivers.

26 (e) A notice of infraction must be mailed to the registered owner  
27 of the vehicle within fourteen days of the violation, or to the  
28 renter of a vehicle within fourteen days of establishing the renter's  
29 name and address under subsection (3)(a) of this section. The law  
30 enforcement officer issuing the notice of infraction shall include  
31 with it a certificate or facsimile thereof, based upon inspection of  
32 photographs, microphotographs, or electronic images produced by an  
33 automated traffic safety camera, stating the facts supporting the  
34 notice of infraction. This certificate or facsimile is prima facie  
35 evidence of the facts contained in it and is admissible in a  
36 proceeding charging a violation under this chapter. The photographs,  
37 microphotographs, or electronic images evidencing the violation must  
38 be available for inspection and admission into evidence in a  
39 proceeding to adjudicate the liability for the infraction. A person

1 receiving a notice of infraction based on evidence detected by an  
2 automated traffic safety camera may respond to the notice by mail.

3 (f) The registered owner of a vehicle is responsible for an  
4 infraction under RCW 46.63.030(1)(d) unless the registered owner  
5 overcomes the presumption in RCW 46.63.075, or, in the case of a  
6 rental car business, satisfies the conditions under subsection (3) of  
7 this section. If appropriate under the circumstances, a renter  
8 identified under subsection (3)(a) of this section is responsible for  
9 an infraction.

10 (g) Notwithstanding any other provision of law, all photographs,  
11 microphotographs, or electronic images prepared under this section  
12 are for the exclusive use of law enforcement in the discharge of  
13 duties under this section and are not open to the public and may not  
14 be used in a court in a pending action or proceeding unless the  
15 action or proceeding relates to a violation under this section. No  
16 photograph, microphotograph, or electronic image may be used for any  
17 purpose other than enforcement of violations under this section nor  
18 retained longer than necessary to enforce this section.

19 (h) All locations where an automated traffic safety camera is  
20 used must be clearly marked at least thirty days prior to activation  
21 of the camera by placing signs in locations that clearly indicate to  
22 a driver that he or she is entering a zone where traffic laws are  
23 enforced by an automated traffic safety camera. Signs placed in  
24 automated traffic safety camera locations after June 7, 2012, must  
25 follow the specifications and guidelines under the manual of uniform  
26 traffic control devices for streets and highways as adopted by the  
27 department of transportation under chapter 47.36 RCW.

28 (i) If a county or city has established an authorized automated  
29 traffic safety camera program under this section, the compensation  
30 paid to the manufacturer or vendor of the equipment used must be  
31 based only upon the value of the equipment and services provided or  
32 rendered in support of the system, and may not be based upon a  
33 portion of the fine or civil penalty imposed or the revenue generated  
34 by the equipment.

35 (2) Infractions detected through the use of automated traffic  
36 safety cameras are not part of the registered owner's driving record  
37 under RCW 46.52.101 and 46.52.120. Additionally, infractions  
38 generated by the use of automated traffic safety cameras under this  
39 section shall be processed in the same manner as parking infractions,  
40 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,

1 and 46.20.270(2). The amount of the fine issued for an infraction  
2 generated through the use of an automated traffic safety camera shall  
3 not exceed the amount of a fine issued for other parking infractions  
4 within the jurisdiction. However, the amount of the fine issued for a  
5 traffic control signal violation detected through the use of an  
6 automated traffic safety camera shall not exceed the monetary penalty  
7 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,  
8 including all applicable statutory assessments.

9 (3) If the registered owner of the vehicle is a rental car  
10 business, the law enforcement agency shall, before a notice of  
11 infraction being issued under this section, provide a written notice  
12 to the rental car business that a notice of infraction may be issued  
13 to the rental car business if the rental car business does not,  
14 within eighteen days of receiving the written notice, provide to the  
15 issuing agency by return mail:

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

19 (b) A statement under oath that the business is unable to  
20 determine who was driving or renting the vehicle at the time the  
21 infraction occurred because the vehicle was stolen at the time of the  
22 infraction. A statement provided under this subsection must be  
23 accompanied by a copy of a filed police report regarding the vehicle  
24 theft; or

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

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

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

34 (5) (a) For the purposes of this section, "automated traffic  
35 safety camera" means a device that uses a vehicle sensor installed to  
36 work in conjunction with an intersection traffic control system, a  
37 railroad grade crossing control system, or a speed measuring device,  
38 and a camera synchronized to automatically record one or more  
39 sequenced photographs, microphotographs, or electronic images of the  
40 rear of a motor vehicle at the time the vehicle fails to stop when

1 facing a steady red traffic control signal or an activated railroad  
2 grade crossing control signal, or exceeds a speed limit as detected  
3 by a speed measuring device.

4 (b) For the purposes of the pilot program authorized under  
5 subsection (6) of this section, "automated traffic safety camera"  
6 also includes a device used to detect stopping when traffic  
7 obstructed violations; stopping at intersection or crosswalk  
8 violations; public transportation only lane violations; stopping or  
9 traveling in restricted lane violations; and stopping or parking  
10 violations at locations restricted for emergency response vehicle  
11 entry or exit or the boarding or disembarking of public  
12 transportation vehicles, including public ferries.

13 ~~(6) ((During the 2011-2013 and 2013-2015 fiscal biennia, this~~  
14 ~~section does not apply to automated traffic safety cameras for the~~  
15 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~  
16 ~~216(6), chapter 306, Laws of 2013.))~~ (a) (i) A city with a population  
17 greater than five hundred thousand may adopt an ordinance creating a  
18 pilot program authorizing automated traffic safety cameras to be used  
19 to detect one or more of the following violations: Stopping when  
20 traffic obstructed violations; stopping at intersection or crosswalk  
21 violations; public transportation only lane violations; stopping or  
22 traveling in restricted lane violations; and stopping or parking  
23 violations at locations restricted for emergency response vehicle  
24 entry or exit or the boarding or disembarking of public  
25 transportation vehicles, including public ferries. At a minimum, the  
26 local ordinance must contain the restrictions described in this  
27 section and provisions for public notice and signage.

28 (ii) Except where specifically exempted from them, all of the  
29 rules and restrictions applicable to the use of automated traffic  
30 safety cameras in this section apply to the use of automated traffic  
31 safety cameras in the pilot program established in this subsection  
32 (6).

33 (iii) As used in this subsection (6), "public transportation  
34 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,  
35 ferry boat, or any other device, vessel, or vehicle that is owned or  
36 operated by a transit authority or an entity providing service on  
37 behalf of a transit authority that is used for the purpose of  
38 carrying passengers and that operates on established routes. "Transit  
39 authority" has the meaning provided in RCW 9.91.025.

1 (b) Use of automated traffic safety cameras as authorized in this  
2 subsection (6) is restricted to the following locations only:  
3 Locations authorized in subsection (1)(b) of this section; and  
4 midblock on arterials. Additionally, the use of automated traffic  
5 safety cameras as authorized in this subsection (6) is further  
6 limited to the following:

7 (i) The portion of state and local roadways in downtown areas of  
8 the city used for office and commercial activities, as well as retail  
9 shopping and support services, and that may include mixed residential  
10 uses;

11 (ii) The portion of state and local roadways in areas in the city  
12 within one-half mile of the boundaries of the area described in  
13 (b)(i) of this subsection;

14 (iii) Portions of roadway systems in the city that travel into  
15 and out of (b)(ii) of this subsection that are designated by the  
16 Washington state department of transportation as noninterstate  
17 freeways for up to three miles; and

18 (iv) Portions of roadway systems in the city connected to the  
19 portions of the noninterstate freeways identified in (b)(iii) of this  
20 subsection that are designated by the Washington state department of  
21 transportation as arterial roadways for up to one mile from the  
22 intersection of the arterial roadway and the noninterstate freeway.

23 (c) From the effective date of this section until January 1,  
24 2020, a warning notice with no penalty must be issued to the  
25 registered owner of the vehicle for a violation generated through the  
26 use of an automated traffic safety camera authorized in this  
27 subsection (6). Beginning January 1, 2020, a notice of infraction  
28 must be issued in a manner consistent with subsections (1)(e) and (3)  
29 of this section for an infraction generated through the use of an  
30 automated traffic safety camera authorized in this subsection (6).

31 (d) For violations issued as authorized in this subsection (6), a  
32 city with a pilot program shall remit monthly to the state fifty  
33 percent of the noninterest money received under this subsection (6)  
34 in excess of the cost to install, operate, and maintain the automated  
35 traffic safety cameras for use in the pilot program. Money remitted  
36 under this subsection to the state treasurer shall be deposited in  
37 the highway safety fund created in RCW 46.68.060.

38 (e) A city that implements a pilot program under this subsection  
39 (6) must provide a report to the transportation committees of the  
40 legislature by June 30, 2021, on the pilot program that includes the

1 locations chosen for the automated traffic safety cameras used in the  
2 pilot program, the number of traffic infractions issued under the  
3 pilot program, safety and on-time performance statistics related to  
4 the impact on driver behavior of the use of automated traffic safety  
5 cameras in the pilot program, and any recommendations on the use of  
6 automated traffic safety cameras to enforce the violations that these  
7 cameras were authorized to detect under the pilot program.

8 NEW SECTION. **Sec. 2.** Section 1 of this act expires January 1,  
9 2022."

10 Correct the title.

EFFECT: Modifies the expanded authorization for the use of automated traffic safety cameras to detect the specified traffic violations in cities with populations greater than 500,000 as follows:

(1) Limits the expanded authorization to a pilot program that is authorized through the end of 2021 and to certain areas and roadways in cities that authorize this pilot program;

(2) Expands the violations for which automated traffic safety cameras may be used during this pilot program to include stopping or traveling in restricted lane violations;

(3) Mandates that notices of warning without penalty be issued to the registered owner of vehicles that automated traffic safety cameras detect committing infractions as part of the pilot program until January 1, 2020, and that notices of infraction be issued from January 1, 2020, until the end of the pilot program;

(4) Applies all rules and regulations governing the use of automated traffic safety cameras to automated traffic safety cameras used for the purposes of this pilot program, except exempts cities from the mandate that an analysis be conducted on the locations of automated traffic safety cameras used for the purposes of the pilot program;

(5) Directs one-half of the revenue collected by a city from traffic fines issued under the pilot program in excess of the cost to install, operate, and maintain the automated traffic safety cameras used in the pilot program to the Highway Safety Fund; and

(6) Expands the definition of "automated traffic safety camera" for the purposes of the pilot program to include automated traffic safety cameras used to detect the violations for which its use is authorized.

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