

**SHB 1793** - H AMD TO H AMD (H-2820.2/19) **602**  
By Representative Pollet

**ADOPTED 04/15/2019**

1 On page 2, line 3, after "two" insert "or more"

2 On page 7, after line 7, insert the following:

3 **"Sec. 2.** 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) The appropriate local legislative authority must prepare an  
8 analysis of the locations within the jurisdiction where automated  
9 traffic safety cameras are proposed to be located: (i) Before  
10 enacting an ordinance allowing for the initial use of automated  
11 traffic safety cameras; and (ii) before adding additional cameras or  
12 relocating any existing camera to a new location within the  
13 jurisdiction. Automated traffic safety cameras may be used to detect  
14 one or more of the following: Stoplight, railroad crossing, or school  
15 speed zone violations; or speed violations subject to (c) of this  
16 subsection. At a minimum, the local ordinance must contain the  
17 restrictions described in this section and provisions for public  
18 notice and signage. Cities and counties using automated traffic  
19 safety cameras before July 24, 2005, are subject to the restrictions  
20 described in this section, but are not required to enact an  
21 authorizing ordinance. Beginning one year after June 7, 2012, cities  
22 and counties using automated traffic safety cameras must post an  
23 annual report of the number of traffic accidents that occurred at  
24 each location where an automated traffic safety camera is located as  
25 well as the number of notices of infraction issued for each camera  
26 and any other relevant information about the automated traffic safety  
27 cameras that the city or county deems appropriate on the city's or  
28 county's web site.

29 (b) Except as provided in (c) of this subsection, use of  
30 automated traffic safety cameras is restricted to the following  
31 locations only: (i) Intersections of two or more arterials with  
32 traffic control signals that have yellow change interval durations in

1 accordance with RCW 47.36.022, which interval durations may not be  
2 reduced after placement of the camera; (ii) railroad crossings; and  
3 (iii) school speed zones.

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

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

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

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

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

38 (f) The registered owner of a vehicle is responsible for an  
39 infraction under RCW 46.63.030(1)(d) unless the registered owner  
40 overcomes the presumption in RCW 46.63.075, or, in the case of a

1 rental car business, satisfies the conditions under subsection (3) of  
2 this section. If appropriate under the circumstances, a renter  
3 identified under subsection (3)(a) of this section is responsible for  
4 an infraction.

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

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

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

30 (2) Infractions detected through the use of automated traffic  
31 safety cameras are not part of the registered owner's driving record  
32 under RCW 46.52.101 and 46.52.120. Additionally, infractions  
33 generated by the use of automated traffic safety cameras under this  
34 section shall be processed in the same manner as parking infractions,  
35 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,  
36 and 46.20.270(2). The amount of the fine issued for an infraction  
37 generated through the use of an automated traffic safety camera shall  
38 not exceed the amount of a fine issued for other parking infractions  
39 within the jurisdiction. However, the amount of the fine issued for a  
40 traffic control signal violation detected through the use of an

1 automated traffic safety camera shall not exceed the monetary penalty  
2 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,  
3 including all applicable statutory assessments.

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

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

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

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

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

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

29 (5) For the purposes of this section, "automated traffic safety  
30 camera" means a device that uses a vehicle sensor installed to work  
31 in conjunction with an intersection traffic control system, a  
32 railroad grade crossing control system, or a speed measuring device,  
33 and a camera synchronized to automatically record one or more  
34 sequenced photographs, microphotographs, or electronic images of the  
35 rear of a motor vehicle at the time the vehicle fails to stop when  
36 facing a steady red traffic control signal or an activated railroad  
37 grade crossing control signal, or exceeds a speed limit as detected  
38 by a speed measuring device.

39 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this  
40 section does not apply to automated traffic safety cameras for the

1 purposes of section 216(5), chapter 367, Laws of 2011 and section  
2 216(6), chapter 306, Laws of 2013."

3 Renumber the remaining section consecutively and correct any  
4 internal references accordingly.

5 On page 7, after line 9, insert the following:

6 "NEW SECTION. **Sec. 3.** Section 2 of this act takes effect  
7 January 1, 2022."

8 Correct the title.

EFFECT: Expands one of the types of locations where automated traffic safety cameras are permitted from intersections of two arterials with traffic control signals with certain specified yellow change intervals to intersections of two or more arterials with traffic control signals with certain specified yellow change intervals.

--- END ---