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SECOND SUBSTITUTE SENATE BILL 5530

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State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, Rasmussen and Winsley)

Read first time 01/26/96.

1 AN ACT Relating to automated traffic enforcement systems; amending  
2 RCW 46.63.030; and adding new sections to chapter 46.63 RCW.

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

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

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

8 (a) When the infraction is committed in the officer's presence,  
9 except as provided in section 2 of this act;

10 (b) When the officer is acting upon the request of a law  
11 enforcement officer in whose presence the traffic infraction was  
12 committed; or

13 (c) If an officer investigating at the scene of a motor vehicle  
14 accident has reasonable cause to believe that the driver of a motor  
15 vehicle involved in the accident has committed a traffic infraction.

16 (2) A court may issue a notice of traffic infraction upon receipt  
17 of a written statement of the officer that there is reasonable cause to  
18 believe that an infraction was committed.

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

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

23 (5) Any notice regarding a traffic infraction issued based on  
24 information obtained from an automated traffic enforcement system and  
25 mailed to the registered owner is effective notwithstanding the owner's  
26 failure to receive the notice.

27 NEW SECTION. Sec. 2. A new section is added to chapter 46.63 RCW  
28 to read as follows:

29 (1)(a) A pilot program for the use of automated traffic enforcement  
30 systems to enforce red light and railroad crossing violations when a  
31 law enforcement officer is not present is hereby created. The program  
32 shall be conducted in two counties and three cities.

33 (b) The pilot program shall run between July 1, 1996, and July 1,  
34 1998. Each participating law enforcement agency may not operate more  
35 than three automated traffic enforcement devices, without an officer  
36 present, at the same time.

37 (c) A law enforcement agency may only participate in the pilot  
38 program if its local legislative body first enacts an ordinance

1 allowing for the use of an automated traffic enforcement system and  
2 setting restrictions.

3 (d) The pilot program shall be conducted in the first two counties  
4 that enact enabling ordinances, and in the first three cities that  
5 enact enabling ordinances, except that one of the three cities must  
6 have a population exceeding one hundred fifty thousand.

7 (2) Renting and leasing companies, and businesses with company  
8 vehicles, are not responsible for infractions issued by automated  
9 traffic enforcement systems to lessees or employees.

10 (3) The registered owner of a vehicle is only responsible for  
11 infractions that occur when he or she was the person operating the  
12 vehicle at the time the infraction was committed. If the person issued  
13 a notice of infraction resulting from the use of an automated traffic  
14 enforcement system chooses to contest the issuance of the traffic  
15 infraction by refuting that he or she was the person operating the  
16 vehicle at the time the infraction was committed, he or she may sign an  
17 affidavit under penalty of perjury that he or she was not the person  
18 operating the vehicle at the time the infraction was committed.

19 (4) Nothing in this section affects law enforcement's current  
20 ability to use automated devices when an officer is present.

21 (5) "Automated traffic enforcement system" means photographic  
22 equipment linked to a violation detection system that synchronizes the  
23 taking of a photograph with the occurrence of a traffic violation.

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

26 No traffic infraction citation based on information obtained from  
27 an automated traffic enforcement system may be alleged at any time  
28 against a registered owner when, as a result of information obtained  
29 from an automated traffic enforcement system operated by the city or  
30 county: (1) The registered owner has previously been issued a citation  
31 by the same jurisdiction alleging an infraction of the same provision  
32 of state or local law; and (2) the registered owner has not received  
33 notice of the previous alleged infraction.

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

36 Law enforcement agencies may only use automated traffic enforcement  
37 systems to enforce speeding violations under the following conditions:

1       (1) An automated traffic enforcement system must be operated by a  
2 law enforcement agency in a law enforcement vehicle plainly marked with  
3 emergency lights and the agency shield or emblem on the exterior of the  
4 vehicle; and

5       (2) The local law enforcement agency shall plainly mark the  
6 locations where the automated traffic enforcement system is used by  
7 placing signs on street locations that clearly indicate to a driver  
8 that he or she is entering a zone enforced by an automated traffic  
9 enforcement system.

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