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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2427.1/01

ATTY/TYPIST: GR:seg

BRIEF DESCRIPTION:

2 **ESSB 5610** - H COMM AMD  
3 By Committee on Transportation

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63 RCW  
8 to read as follows:

9 (1) The use of traffic safety cameras is subject to the following  
10 regulations:

11 (a) The appropriate legislative authority must enact an ordinance  
12 allowing for their use to detect one or more of the following:  
13 Stoplight or railroad crossing or speeding in a construction zone  
14 violations. When traffic safety cameras are used to detect speeding in  
15 a construction zone, the ordinance must require the appropriate  
16 governmental transportation entity to establish the traffic safety  
17 camera zone. At a minimum, the local ordinance must contain the  
18 restrictions described in sections 1 through 4 of this act. Cities and  
19 counties using traffic safety cameras before the effective date of this  
20 act are subject to the restrictions described in sections 1 through 4  
21 of this act, but are not required to enact an authorizing ordinance.

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

24 (c) The jurisdiction must develop a public notification program for  
25 areas in which traffic safety cameras will be used. Under their  
26 respective jurisdictions, the law enforcement agency shall plainly mark  
27 the locations where the traffic safety cameras are used by placing  
28 signs on street locations that clearly indicate to a driver that he or  
29 she is entering a zone where traffic laws are enforced by traffic  
30 safety cameras.

31 (d) A notice of traffic infraction must be mailed to the registered  
32 owner of the vehicle within fourteen days of the infraction occurring.  
33 The jurisdiction must not issue an additional infraction to the  
34 registered owner of the vehicle during the fourteen-day notification  
35 period.

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

4 (2) Infractions detected through the use of traffic safety cameras  
5 will be recorded as are stopping, standing, or parking violations under  
6 RCW 46.61.560, but are not part of the registered owner's driving  
7 record under RCW 46.52.101 and 46.52.120.

8 (3) The traffic safety commission may adopt rules regarding:

9 (a) Mechanical and operational standards for traffic safety camera  
10 equipment;

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

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

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

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

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

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

22 (b) When the officer is acting upon the request of a law  
23 enforcement officer in whose presence the traffic infraction was  
24 committed; ((or))

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

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

31 (2) When a traffic safety camera is used in compliance with section  
32 1 of this act, a law enforcement officer, whether present or not during  
33 the commission of the infraction, or other issuing agency may issue a  
34 notice of traffic infraction by mail to the registered owner of the  
35 vehicle or the person renting the vehicle. The registered owner of the  
36 vehicle or the person renting the vehicle is responsible for the  
37 infraction.

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

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

11       (~~(4)~~) (5) In the case of failure to redeem an abandoned vehicle  
12 under RCW 46.55.120, upon receiving a complaint by a registered tow  
13 truck operator that has incurred costs in removing, storing, and  
14 disposing of an abandoned vehicle, an officer of the law enforcement  
15 agency responsible for directing the removal of the vehicle shall send  
16 a notice of infraction by certified mail to the last known address of  
17 the registered owner of the vehicle. The officer shall append to the  
18 notice of infraction, on a form prescribed by the department of  
19 licensing, a notice indicating the amount of costs incurred as a result  
20 of removing, storing, and disposing of the abandoned vehicle, less any  
21 amount realized at auction, and a statement that monetary penalties for  
22 the infraction will not be considered as having been paid until the  
23 monetary penalty payable under this chapter has been paid and the court  
24 is satisfied that the person has made restitution in the amount of the  
25 deficiency remaining after disposal of the vehicle.

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

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

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

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

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

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

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

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

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

33        NEW SECTION.    **Sec. 6.**    The legislature respectfully requests the  
34 Washington state supreme court to amend the Infraction Rules for Courts  
35 of Limited Jurisdiction to conform to this act. Furthermore, the  
36 legislature respectfully asks the court to create a notice of traffic  
37 infraction that is consistent with this act.

1 For two years following the effective date of this act, those local  
2 jurisdictions using traffic safety cameras shall send to the state  
3 treasurer for deposit into the judicial information systems ten dollars  
4 of the local share of the penalty of each paid infraction detected by  
5 use of the cameras to offset the court's computer programming costs  
6 associated with this act. The administrator for the courts shall  
7 notify the jurisdictions using the cameras if the court's costs have  
8 been satisfied before two years have expired. The administrator for  
9 the courts shall report to the transportation committees of the house  
10 of representatives and the senate by January 1, 2003, on the status of  
11 the repayment and the actual costs accrued for related computer  
12 programming."

EFFECT: Limited use of the cameras to detect speeding only in a  
construction zone is restored. The ordinance must require the local  
transportation entity to establish the camera zone.

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