

HB 3111 - S COMM AMD

By Committee on Transportation

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

3 "Sec. 1. RCW 46.63.073 and 2005 c 331 s 2 are each amended to read  
4 as follows:

5 (1) In the event a traffic infraction is based on a vehicle's  
6 identification, and the registered owner of the vehicle is a rental car  
7 business, the law enforcement agency shall, before a notice of  
8 infraction may be issued, provide a written notice to the rental car  
9 business that a notice of infraction may be issued to the rental car  
10 business if the rental car business does not, within thirty days of  
11 receiving the written notice, provide to the issuing agency by return  
12 mail:

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

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

21 Timely mailing of this statement to the issuing law enforcement  
22 agency relieves a rental car business of any liability under this  
23 chapter for the notice of infraction. In lieu of identifying the  
24 vehicle operator, the rental car business may pay the applicable  
25 penalty. ((+2)) For the purpose of this ((~~section~~)) subsection, a  
26 "traffic infraction based on a vehicle's identification" includes, but  
27 is not limited to, parking infractions, high-occupancy toll lane  
28 violations, and violations recorded by automated traffic safety  
29 cameras.

1       (2) In the event a parking infraction is issued by a private  
2 parking facility and is based on a vehicle's identification, and the  
3 registered owner of the vehicle is a rental car business, the parking  
4 facility shall provide a written notice of the infraction to the rental  
5 car business within thirty days of the infraction date. The rental car  
6 business receiving the written notice of the infraction shall provide  
7 to the parking facility by return mail:

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

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

16       Timely mailing of this statement to the parking facility relieves  
17 a rental car business of any liability under this chapter for the  
18 notice of infraction. In lieu of identifying the vehicle operator, the  
19 rental car business may pay the applicable penalty. For the purpose of  
20 this subsection, a "parking infraction based on a vehicle's  
21 identification" is limited to parking infractions occurring on a  
22 parking facility's premises.

23       **Sec. 2.** RCW 46.63.160 and 2004 c 231 s 6 are each amended to read  
24 as follows:

25       (1) This section applies only to traffic infractions issued under  
26 RCW 46.61.690 for toll collection evasion.

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

31       (3) Toll collection systems include manual cash collection,  
32 electronic toll collection, and photo enforcement systems.

33       (4) "Electronic toll collection system" means a system of  
34 collecting tolls or charges that is capable of charging the account of  
35 the toll patron the appropriate toll or charge by electronic  
36 transmission from the motor vehicle to the toll collection system,

1 which information is used to charge the appropriate toll or charge to  
2 the patron's account.

3 (5) "Photo enforcement system" means a vehicle sensor installed to  
4 work in conjunction with an electronic toll collection system that  
5 automatically produces one or more photographs, one or more  
6 microphotographs, a videotape, or other recorded images of a vehicle  
7 operated in violation of an infraction under this chapter.

8 (6) The use of a toll collection system is subject to the following  
9 requirements:

10 (a) The department of transportation shall adopt rules that allow  
11 an open standard for automatic vehicle identification transponders used  
12 for electronic toll collection to be compatible with other electronic  
13 payment devices or transponders from the Washington state ferry system,  
14 other public transportation systems, or other toll collection systems  
15 to the extent that technology permits. The rules must also allow for  
16 multiple vendors providing electronic payment devices or transponders  
17 as technology permits.

18 (b) The department of transportation may not sell, distribute, or  
19 make available in any way, the names and addresses of electronic toll  
20 collection system account holders.

21 (7) The use of a photo enforcement system for issuance of notices  
22 of infraction is subject to the following requirements:

23 (a) Photo enforcement systems may take photographs, digital  
24 photographs, microphotographs, videotapes, or other recorded images of  
25 the vehicle and vehicle license plate only.

26 (b) A notice of infraction must be mailed to the registered owner  
27 of the vehicle or to the renter of a vehicle within sixty days of the  
28 violation. The law enforcement officer issuing the notice of  
29 infraction shall include with it a certificate or facsimile thereof,  
30 based upon inspection of photographs, microphotographs, videotape, or  
31 other recorded images produced by a photo enforcement system, stating  
32 the facts supporting the notice of infraction. This certificate or  
33 facsimile is prima facie evidence of the facts contained in it and is  
34 admissible in a proceeding charging a violation under this chapter.  
35 The photographs, digital photographs, microphotographs, videotape, or  
36 other recorded images evidencing the violation must be available for  
37 inspection and admission into evidence in a proceeding to adjudicate  
38 the liability for the infraction.

1 (c) Notwithstanding any other provision of law, all photographs,  
2 digital photographs, microphotographs, videotape, or other recorded  
3 images prepared under this chapter are for the exclusive use of the  
4 tolling agency and law enforcement in the discharge of duties under  
5 this section and are not open to the public and may not be used in a  
6 court in a pending action or proceeding unless the action or proceeding  
7 relates to a violation under this chapter. No photograph, digital  
8 photograph, microphotograph, videotape, or other recorded image may be  
9 used for any purpose other than enforcement of violations under this  
10 chapter nor retained longer than necessary to enforce this chapter or  
11 verify that tolls are paid.

12 (d) All locations where a photo enforcement system is used must be  
13 clearly marked by placing signs in locations that clearly indicate to  
14 a driver that he or she is entering a zone where traffic laws are  
15 enforced by a photo enforcement system.

16 (8) Infractions detected through the use of photo enforcement  
17 systems are not part of the registered owner's driving record under RCW  
18 46.52.101 and 46.52.120.

19 (9) If the registered owner of the vehicle is a rental car business  
20 the department of transportation or a law enforcement agency shall,  
21 before a notice of infraction being issued under this section, provide  
22 a written notice to the rental car business that a notice of infraction  
23 may be issued to the rental car business if the rental car business  
24 does not, within eighteen days of the mailing of the written notice,  
25 provide to the issuing agency by return mail:

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

29 (b) A statement under oath that the business is unable to determine  
30 who was driving or renting the vehicle at the time the infraction  
31 occurred because the vehicle was stolen at the time of the infraction.  
32 A statement provided under this subsection must be accompanied by a  
33 copy of a filed police report regarding the vehicle theft; or

34 (c) In lieu of identifying the vehicle operator, the rental car  
35 business may pay the applicable toll and fee.

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

1       **Sec. 3.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read  
2 as follows:

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

5       (a) The appropriate local legislative authority must first enact an  
6 ordinance allowing for their use to detect one or more of the  
7 following: Stoplight, railroad crossing, or school speed zone  
8 violations. At a minimum, the local ordinance must contain the  
9 restrictions described in this section and provisions for public notice  
10 and signage. Cities and counties using automated traffic safety  
11 cameras before July 24, 2005, are subject to the restrictions described  
12 in this section, but are not required to enact an authorizing  
13 ordinance.

14       (b) Use of automated traffic safety cameras is restricted to two-  
15 arterial intersections, railroad crossings, and school speed zones  
16 only.

17       (c) Automated traffic safety cameras may only take pictures of the  
18 vehicle and vehicle license plate and only while an infraction is  
19 occurring. The picture must not reveal the face of the driver or of  
20 passengers in the vehicle.

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

37       (e) The registered owner of a vehicle is responsible for an  
38 infraction under RCW 46.63.030(1)(e) unless the registered owner

1 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
2 car business, satisfies the conditions under subsection (3) of this  
3 section. If appropriate under the circumstances, a renter identified  
4 under subsection (3)(a) of this section is responsible for an  
5 infraction.

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

15 (g) All locations where an automated traffic safety camera is used  
16 must be clearly marked by placing signs in locations that clearly  
17 indicate to a driver that he or she is entering a zone where traffic  
18 laws are enforced by an automated traffic safety camera.

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

25 (2) Infractions detected through the use of automated traffic  
26 safety cameras are not part of the registered owner's driving record  
27 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
28 by the use of automated traffic safety cameras under this section shall  
29 be processed in the same manner as parking infractions, including for  
30 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and  
31 46.20.270(3). However, the amount of the fine issued for an infraction  
32 generated through the use of an automated traffic safety camera shall  
33 not exceed the amount of a fine issued for other parking infractions  
34 within the jurisdiction.

35 (3) If the registered owner of the vehicle is a rental car  
36 business, the law enforcement agency shall, before a notice of  
37 infraction being issued under this section, provide a written notice to  
38 the rental car business that a notice of infraction may be issued to

1 the rental car business if the rental car business does not, within  
2 eighteen days of receiving the written notice, provide to the issuing  
3 agency by return mail:

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

7 (b) A statement under oath that the business is unable to determine  
8 who was driving or renting the vehicle at the time the infraction  
9 occurred because the vehicle was stolen at the time of the infraction.

10 A statement provided under this subsection must be accompanied by a  
11 copy of a filed police report regarding the vehicle theft; or

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

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

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

21 (5) For the purposes of this section, "automated traffic safety  
22 camera" means a device that uses a vehicle sensor installed to work in  
23 conjunction with an intersection traffic control system, a railroad  
24 grade crossing control system, or a speed measuring device, and a  
25 camera synchronized to automatically record one or more sequenced  
26 photographs, microphotographs, or electronic images of the rear of a  
27 motor vehicle at the time the vehicle fails to stop when facing a  
28 steady red traffic control signal or an activated railroad grade  
29 crossing control signal, or exceeds a speed limit in a school speed  
30 zone as detected by a speed measuring device."

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1        On page 1, line 1 of the title, after "vehicles;" strike the  
2 remainder of the title and insert "and amending RCW 46.63.073,  
3 46.63.160, and 46.63.170."

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