

FINAL BILL REPORT

ESSB 5060

C 167 L 05

Synopsis as Enacted

Brief Description: Regulating the use of automated traffic safety cameras.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Jacobsen).

Senate Committee on Transportation
House Committee on Transportation

Background: Current law contains no express statutory authority allowing local governments to use automated traffic enforcement systems such as photo radar, photo devices at stop lights, and photo devices at railroad crossings. However, in 2004 the legislature allowed for the use of photo enforcement systems for toll collection evasion. Additionally, the state transportation budgets for the 2001-03 and 2003-05 fiscal bienniums contained provisos establishing pilot projects, to be monitored by the Washington Traffic Safety Commission, utilizing traffic safety cameras.

City treasurers are currently required to remit monthly to the State Treasurer 32 percent of the noninterest money received from penalties, fines, bail forfeitures, fees and costs for violations of municipal or town ordinances, together with any other noninterest revenues received by the clerk. Such funds are deposited by the State Treasurer into the Public Safety and Education Account. The 32 percent remittance does not include monies received for parking infractions.

Summary: Local governments may use "automated traffic safety cameras" (cameras) subject to the following conditions: (1) an ordinance must first be enacted by the local legislative authority allowing their use to detect only stoplight, railroad crossing, or school speed zone violations and setting forth public notice and signage provisions; (2) use of the cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only; (3) pictures may only be taken of vehicles and vehicle license plates and only while an infraction is occurring, and must not reveal driver or passenger faces; (4) all locations where a camera is used must be clearly marked by signs indicating the presence of a camera zone; (5) infraction notices must be mailed to the registered owner of the vehicle within 14 days of the infraction, and may be responded to by mail; and (6) infractions detected through the use of cameras are not part of the registered owner's driving record.

The registered owner of a vehicle is responsible for an infraction detected by an automated traffic safety camera unless the owner states under oath that the vehicle involved was, at the time, stolen or in the care, custody, or control of another person.

Infractions detected through the use of cameras must be processed in the same manner as parking infractions.

Votes on Final Passage:

Senate 30 19
House 61 33

Effective: July 24, 2005