
SENATE BILL 6410

State of Washington 61st Legislature 2010 Regular Session

By Senators Kastama, Oemig, and Berkey

Read first time 01/13/10. Referred to Committee on Transportation.

1 AN ACT Relating to the amount of a fine issued for an automated
2 traffic safety camera infraction; and amending RCW 46.63.170.

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

4 **Sec. 1.** RCW 46.63.170 and 2009 c 470 s 714 are each amended to
5 read as follows:

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

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

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

1 (c) During the 2009-2011 fiscal biennium, automated traffic safety
2 cameras may be used to detect speed violations for the purposes of
3 section 201(2), chapter 470, Laws of 2009 if the local legislative
4 authority first enacts an ordinance authorizing the use of cameras to
5 detect speed violations.

6 (d) Automated traffic safety cameras may only take pictures of the
7 vehicle and vehicle license plate and only while an infraction is
8 occurring. The picture must not reveal the face of the driver or of
9 passengers in the vehicle.

10 (e) A notice of infraction must be mailed to the registered owner
11 of the vehicle within fourteen days of the violation, or to the renter
12 of a vehicle within fourteen days of establishing the renter's name and
13 address under subsection (3)(a) of this section. The law enforcement
14 officer issuing the notice of infraction shall include with it a
15 certificate or facsimile thereof, based upon inspection of photographs,
16 microphotographs, or electronic images produced by an automated traffic
17 safety camera, stating the facts supporting the notice of infraction.
18 This certificate or facsimile is prima facie evidence of the facts
19 contained in it and is admissible in a proceeding charging a violation
20 under this chapter. The photographs, microphotographs, or electronic
21 images evidencing the violation must be available for inspection and
22 admission into evidence in a proceeding to adjudicate the liability for
23 the infraction. A person receiving a notice of infraction based on
24 evidence detected by an automated traffic safety camera may respond to
25 the notice by mail.

26 (f) The registered owner of a vehicle is responsible for an
27 infraction under RCW 46.63.030(1)(e) unless the registered owner
28 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
29 car business, satisfies the conditions under subsection (3) of this
30 section. If appropriate under the circumstances, a renter identified
31 under subsection (3)(a) of this section is responsible for an
32 infraction.

33 (g) Notwithstanding any other provision of law, all photographs,
34 microphotographs, or electronic images prepared under this section are
35 for the exclusive use of law enforcement in the discharge of duties
36 under this section and are not open to the public and may not be used
37 in a court in a pending action or proceeding unless the action or
38 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other
2 than enforcement of violations under this section nor retained longer
3 than necessary to enforce this section.

4 (h) All locations where an automated traffic safety camera is used
5 must be clearly marked by placing signs in locations that clearly
6 indicate to a driver that he or she is entering a zone where traffic
7 laws are enforced by an automated traffic safety camera.

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

14 (2) Infractions detected through the use of automated traffic
15 safety cameras are not part of the registered owner's driving record
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
17 by the use of automated traffic safety cameras under this section shall
18 be processed in the same manner as parking infractions, including for
19 the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).
20 However, the amount of the fine issued for an infraction generated
21 through the use of an automated traffic safety camera shall not exceed
22 the average amount of ((a)) finer issued for other parking infractions
23 within the jurisdiction.

24 (3) If the registered owner of the vehicle is a rental car
25 business, the law enforcement agency shall, before a notice of
26 infraction being issued under this section, provide a written notice to
27 the rental car business that a notice of infraction may be issued to
28 the rental car business if the rental car business does not, within
29 eighteen days of receiving the written notice, provide to the issuing
30 agency by return mail:

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

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

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

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

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

10 (5) For the purposes of this section, "automated traffic safety
11 camera" means a device that uses a vehicle sensor installed to work in
12 conjunction with an intersection traffic control system, a railroad
13 grade crossing control system, or a speed measuring device, and a
14 camera synchronized to automatically record one or more sequenced
15 photographs, microphotographs, or electronic images of the rear of a
16 motor vehicle at the time the vehicle fails to stop when facing a
17 steady red traffic control signal or an activated railroad grade
18 crossing control signal, or exceeds a speed limit in a school speed
19 zone as detected by a speed measuring device. During the 2009-2011
20 fiscal biennium, an automated traffic safety camera includes a camera
21 used to detect speed violations for the purposes of section 201(2),
22 chapter 470, Laws of 2009.

23 (6) During the 2009-2011 fiscal biennium, this section does not
24 apply to automated traffic safety cameras for the purposes of section
25 218(2), chapter 470, Laws of 2009.

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