

ESHB 2384 - S COMM AMD  
By Committee on Transportation

NOT ADOPTED 02/29/2024

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

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

5 The definitions in this section apply throughout this section and  
6 sections 2 through 6 of this act unless the context clearly requires  
7 otherwise.

8 (1) "Automated traffic safety camera" means a device that uses a  
9 vehicle sensor installed to work in conjunction with an intersection  
10 traffic control system, a railroad grade crossing control system, or  
11 a speed measuring device, and a camera synchronized to automatically  
12 record one or more sequenced photographs, microphotographs, or  
13 electronic images of the front or rear of a motor vehicle at the time  
14 the vehicle fails to stop when facing a steady red traffic control  
15 signal or an activated railroad grade crossing control signal, or  
16 exceeds a speed limit as detected by a speed measuring device.  
17 "Automated traffic safety camera" also includes a device used to  
18 detect stopping at intersection or crosswalk violations; stopping  
19 when traffic obstructed violations; public transportation only lane  
20 violations; stopping or traveling in restricted lane violations; and  
21 public transportation bus stop zone violations detected from a public  
22 transportation vehicle-mounted system.

23 (2) "Hospital speed zone" means the marked area within hospital  
24 property and extending 300 feet from the border of the hospital  
25 property (a) consistent with hospital use; and (b) where signs are  
26 posted to indicate the location is within a hospital speed zone,  
27 where "hospital" has the same meaning as in RCW 70.41.020.

28 (3) "Public park speed zone" means the marked area within public  
29 park property and extending 300 feet from the border of the public  
30 park property (a) consistent with active park use; and (b) where  
31 signs are posted to indicate the location is within a public park  
32 speed zone.

1 (4) "Public transportation vehicle" means any motor vehicle,  
2 streetcar, train, trolley vehicle, ferry boat, or any other device,  
3 vessel, or vehicle that is owned or operated by a transit authority  
4 or an entity providing service on behalf of a transit authority that  
5 is used for the purpose of carrying passengers and that operates on  
6 established routes. "Transit authority" has the same meaning as  
7 provided in RCW 9.91.025.

8 (5) "Roadway work zone" means an area of any city roadway,  
9 including state highways that are also classified as city streets  
10 under chapter 47.24 RCW, or county road as defined in RCW 46.04.150,  
11 with construction, maintenance, or utility work with a duration of 30  
12 calendar days or more. A roadway work zone is identified by the  
13 placement of temporary traffic control devices that may include  
14 signs, channelizing devices, barriers, pavement markings, and/or work  
15 vehicles with warning lights. A roadway work zone extends from the  
16 first warning sign or high intensity rotating, flashing, oscillating,  
17 or strobe lights on a vehicle to the end road work sign or the last  
18 temporary traffic control device or vehicle.

19 (6) "School speed zone" has the same meaning as described in RCW  
20 46.61.440 (1) and (2).

21 (7) "School walk zone" means a roadway identified under RCW  
22 28A.160.160 or roadways within a one-mile radius of a school that  
23 students use to travel to school by foot, bicycle, or other means of  
24 active transportation.

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

27 (1) 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 (2) Any city or county may authorize the use of automated traffic  
32 safety cameras and must adopt an ordinance authorizing such use  
33 through its local legislative authority.

34 (3) The local legislative authority must prepare an analysis of  
35 the locations within the jurisdiction where automated traffic safety  
36 cameras are proposed to be located before adding traffic safety  
37 cameras to a new location or relocating any existing camera to a new  
38 location within the jurisdiction. The analysis must include equity  
39 considerations including the impact of the camera placement on

1 livability, accessibility, economics, education, and environmental  
2 health when identifying where to locate an automated traffic safety  
3 camera. The analysis must also show a demonstrated need for traffic  
4 cameras based on one or more of the following in the vicinity of the  
5 proposed camera location: Travel by vulnerable road users, evidence  
6 of vehicles speeding, rates of collision, reports showing near  
7 collisions, and anticipated or actual ineffectiveness or  
8 infeasibility of other mitigation measures.

9 (4) Automated traffic safety cameras may not be used on an on-  
10 ramp to a limited access facility as defined in RCW 47.52.010.

11 (5) A city may use automated traffic safety cameras to enforce  
12 traffic ordinances in this section on state highways that are also  
13 classified as city streets under chapter 47.24 RCW. A city government  
14 must notify the department of transportation when it installs an  
15 automated traffic safety camera to enforce traffic ordinances as  
16 authorized in this subsection.

17 (6) (a) At a minimum, a local ordinance adopted pursuant to this  
18 section must contain the restrictions described in this section and  
19 provisions for public notice and signage. Cities and counties must  
20 also post such restrictions and other automated traffic safety camera  
21 policies on the city's or county's website. Cities and counties using  
22 automated traffic safety cameras before July 24, 2005, are subject to  
23 the restrictions described in this section, but are not required to  
24 adopt an authorizing ordinance.

25 (b) (i) Cities and counties using automated traffic safety cameras  
26 must post an annual report on the city's or county's website of the  
27 number of traffic crashes that occurred at each location where an  
28 automated traffic safety camera is located, as well as the number of  
29 notices of infraction issued for each camera. Beginning July 1, 2026,  
30 the annual report must include the percentage of revenues received  
31 from fines issued from automated traffic safety camera infractions  
32 that were used to pay for the costs of the automated traffic safety  
33 camera program and must describe the uses of revenues that exceeded  
34 the costs of operation and administration of the automated traffic  
35 safety camera program by the city or county.

36 (ii) The Washington traffic safety commission must provide an  
37 annual report to the transportation committees of the legislature,  
38 and post the report to its website for public access, beginning July  
39 1, 2026, that includes aggregated information on the use of automated  
40 traffic safety cameras in the state that includes an assessment of

1 the impact of their use, information required in city and county  
2 annual reports under (b)(i) of this subsection, and information on  
3 the number of automated traffic safety cameras in use by type and  
4 location, with an analysis of camera placement in the context of area  
5 demographics and household incomes. Cities and counties using  
6 automated traffic safety cameras must provide the commission with the  
7 data it requests for the report required under this subsection in a  
8 form and manner specified by the commission.

9 (7) All locations where an automated traffic safety camera is  
10 used on roadways or intersections must be clearly marked by placing  
11 signs at least 30 days prior to activation of the camera in locations  
12 that clearly indicate to a driver either that: (a) The driver is  
13 within an area where automated traffic safety cameras are authorized;  
14 or (b) the driver is entering an area where violations are enforced  
15 by an automated traffic safety camera. The signs must be readily  
16 visible to a driver approaching an automated traffic safety camera.  
17 Signs placed in automated traffic safety camera locations after June  
18 7, 2012, must follow the specifications and guidelines under the  
19 manual of uniform traffic control devices for streets and highways as  
20 adopted by the department of transportation under chapter 47.36 RCW.  
21 All public transportation vehicles utilizing a vehicle-mounted system  
22 must post a sign on the rear of the vehicle indicating to drivers  
23 that the vehicle is equipped with an automated traffic safety camera  
24 to enforce bus stop zone violations.

25 (8) Automated traffic safety cameras may only record images of  
26 the vehicle and vehicle license plate and only while an infraction is  
27 occurring. The image must not reveal the face of the driver or of  
28 passengers in the vehicle. The primary purpose of camera placement is  
29 to record images of the vehicle and vehicle license plate when an  
30 infraction is occurring. Cities and counties must consider installing  
31 automated traffic safety cameras in a manner that minimizes the  
32 impact of camera flash on drivers.

33 (9) A notice of infraction must be mailed to the registered owner  
34 of the vehicle within 14 days of the violation, or to the renter of a  
35 vehicle within 14 days of establishing the renter's name and address  
36 under subsection (17) of this section. The notice of infraction must  
37 include with it a certificate or facsimile thereof, based upon  
38 inspection of photographs, microphotographs, or electronic images  
39 produced by an automated traffic safety camera, stating the facts  
40 supporting the notice of infraction. This certificate or facsimile is

1 prima facie evidence of the facts contained in it and is admissible  
2 in a proceeding charging a violation under this chapter. The  
3 photographs, microphotographs, or electronic images evidencing the  
4 violation must be available for inspection and admission into  
5 evidence in a proceeding to adjudicate the liability for the  
6 infraction. A person receiving a notice of infraction based on  
7 evidence detected by an automated traffic safety camera may respond  
8 to the notice by mail.

9 (10) The registered owner of a vehicle is responsible for an  
10 infraction under RCW 46.63.030(1)(d) unless the registered owner  
11 overcomes the presumption in RCW 46.63.075, or, in the case of a  
12 rental car business, satisfies the conditions under subsection (17)  
13 of this section. If appropriate under the circumstances, a renter  
14 identified under subsection (17)(a) of this section is responsible  
15 for an infraction.

16 (11) Notwithstanding any other provision of law, all photographs,  
17 microphotographs, or electronic images, or any other personally  
18 identifying data prepared under this section are for the exclusive  
19 use of authorized city or county employees, as specified in RCW  
20 46.63.030(1)(d), in the discharge of duties under this section and  
21 are not open to the public and may not be used in a court in a  
22 pending action or proceeding unless the action or proceeding relates  
23 to a violation under this section. No photograph, microphotograph, or  
24 electronic image, or any other personally identifying data may be  
25 used for any purpose other than enforcement of violations under this  
26 section nor retained longer than necessary to enforce this section.  
27 Transit authorities must provide to the appropriate local  
28 jurisdiction that has authorized traffic safety camera use under  
29 section 6(2) of this act any images or evidence collected  
30 establishing that a violation of stopping, standing, or parking in a  
31 bus stop zone has occurred for infraction processing purposes  
32 consistent with this section.

33 (12) If a county or city has established an automated traffic  
34 safety camera program as authorized under this section, the  
35 compensation paid to the manufacturer or vendor of the equipment used  
36 must be based only upon the value of the equipment and services  
37 provided or rendered in support of the system and may not be based  
38 upon a portion of the fine or civil penalty imposed or the revenue  
39 generated by the equipment. If the contract between the city or  
40 county and manufacturer or vendor of the equipment does not provide

1 for performance or quality control measures regarding camera images,  
2 the city or county must perform a performance audit of the  
3 manufacturer or vendor of the equipment every three years to review  
4 and ensure that images produced from automated traffic safety cameras  
5 are sufficient for evidentiary purposes as described in subsection  
6 (9) of this section.

7 (13)(a) Except as provided in (c) of this subsection, a county or  
8 a city may only use revenue generated by an automated traffic safety  
9 camera program as authorized under this section for:

10 (i) Traffic safety activities related to construction and  
11 preservation projects and maintenance and operations purposes  
12 including, but not limited to, projects designed to implement the  
13 complete streets approach as defined in RCW 47.04.010, changes in  
14 physical infrastructure to reduce speeds through road design, and  
15 changes to improve safety for active transportation users, including  
16 improvements to access and safety for road users with mobility,  
17 sight, or other disabilities; and

18 (ii) The cost to administer, install, operate, and maintain the  
19 automated traffic safety cameras, including the cost of processing  
20 infractions.

21 (b)(i) The automated traffic safety camera program revenue used  
22 by a county or city with a population of 10,000 or more for purposes  
23 described in (a)(i) of this subsection must include the use of  
24 revenue in census tracts of the city or county that have household  
25 incomes in the lowest quartile determined by the most currently  
26 available census data and areas that experience rates of injury  
27 crashes that are above average for the city or county. Funding  
28 contributed from traffic safety program revenue must be, at a  
29 minimum, proportionate to the share of the population of the county  
30 or city who are residents of these low-income communities and  
31 communities experiencing high injury crash rates. This share must be  
32 directed to investments that provide direct and meaningful traffic  
33 safety benefits to these communities. Revenue used to administer,  
34 install, operate, and maintain automated traffic safety cameras,  
35 including the cost of processing infractions, are excluded from  
36 determination of the proportionate share of revenues under this  
37 subsection (13)(b).

38 (ii) The automated traffic safety camera program revenue used by  
39 a city or county with a population under 10,000 for traffic safety

1 capital improvement projects must be informed by the department of  
2 health's environmental health disparities map.

3 (c)(i) Except as provided in (c)(ii) of this subsection,  
4 jurisdictions that have automated traffic safety camera programs in  
5 effect before January 1, 2024, for which an ordinance in effect as of  
6 January 1, 2024, directs the manner in which revenue generated from  
7 automated traffic safety cameras authorized under section 3 or  
8 5(2)(c) of this act must be used, may continue to allocate revenue  
9 for these types of infractions in accordance with that ordinance as  
10 determined by that jurisdiction, as well as for the purposes  
11 established in (a) and (b) of this subsection.

12 (ii)(A) Beginning four years after an automated traffic safety  
13 camera authorized under this section is initially placed and in use  
14 after the effective date of this section, 25 percent of the  
15 noninterest money received for infractions issued by such cameras in  
16 excess of the cost to administer, install, operate, and maintain the  
17 cameras, including the cost of processing infractions, must be  
18 deposited into the Cooper Jones active transportation safety account  
19 created in RCW 46.68.480. The revenue distribution requirements under  
20 this subsection (13)(c)(ii)(A) do not apply to automated traffic  
21 safety camera programs in effect before January 1, 2024, for which an  
22 ordinance in effect as of January 1, 2024, directs the manner in  
23 which revenue generated from automated traffic safety cameras  
24 authorized under section 3 or 5(2)(c) of this act must be used, or if  
25 the camera initially placed and in use after the effective date of  
26 this section is relocated within the four-year period.

27 (B) Jurisdictions with an automated traffic safety program in  
28 effect before January 1, 2024, for which an ordinance in effect as of  
29 January 1, 2024, directs the manner in which revenue generated from  
30 any automated traffic safety cameras authorized under sections 4, 5  
31 (2)(a), (b), (d), (e), and (f), (3), and 6 of this act must be used,  
32 may continue to allocate revenue from these types of infractions in  
33 accordance with that ordinance, as well as for the purposes  
34 established in (a) and (b) of this subsection, by up to a 10 percent  
35 increase in the number of traffic cameras authorized to detect  
36 violations as authorized in section 4, 5(2)(a), (b), (d), (e), or  
37 (f), (3), or 6 of this act.

38 (14) A county or city may adopt the use of an online ability-to-  
39 pay calculator to process and grant requests for reduced fines or

1 reduced civil penalties for automated traffic safety camera  
2 violations.

3 (15) Registered owners of vehicles who receive notices of  
4 infraction for automated traffic safety camera-enforced infractions  
5 and are recipients of public assistance under Title 74 RCW or  
6 participants in the Washington women, infants, and children program,  
7 and who request reduced penalties for infractions detected through  
8 the use of automated traffic safety camera violations, must be  
9 granted reduced penalty amounts of 25 percent of what would otherwise  
10 be assessed. Registered owners of vehicles who receive notices of  
11 infraction must be provided with information on their eligibility and  
12 the opportunity to apply for a reduction in penalty amounts through  
13 the mail or internet.

14 (16) 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  
17 generated by the use of automated traffic safety cameras under this  
18 section must be processed in the same manner as parking infractions,  
19 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,  
20 and 46.20.270(2). The amount of the fine issued for an infraction  
21 generated through the use of an automated traffic safety camera may  
22 not exceed \$145, as adjusted for inflation by the office of financial  
23 management every five years, beginning January 1, 2029, based upon  
24 changes in the consumer price index during that time period.

25 (17) If the registered owner of the vehicle is a rental car  
26 business, the issuing agency must, before a notice of infraction  
27 being issued under this section, provide a written notice to the  
28 rental car business that a notice of infraction may be issued to the  
29 rental car business if the rental car business does not, within 18  
30 days of receiving the written notice, provide to the issuing agency  
31 by return mail:

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

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



1 (c) In lieu of identifying the vehicle operator, the rental car  
2 business may pay the applicable penalty. Timely mailing of this  
3 statement to the issuing agency relieves a rental car business of any  
4 liability under this chapter for the notice of infraction.

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

7 (1) Automated traffic safety cameras may be used to detect  
8 stoplight violations, subject to section 2 of this act.

9 (2) Automated traffic safety cameras used to detect stoplight  
10 violations are restricted to intersections of two or more arterials  
11 with traffic control signals that have yellow change interval  
12 durations in accordance with RCW 47.36.022, which interval durations  
13 may not be reduced after placement of the camera.

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

16 (1) Automated traffic safety cameras may be used to detect  
17 railroad grade crossing violations, subject to section 2 of this act.

18 (2) Automated traffic safety cameras at railroad grade crossings  
19 may be used only to detect instances when a vehicle fails to stop  
20 when facing an activated railroad grade crossing control signal.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.63  
22 RCW to read as follows:

23 (1) Automated traffic safety cameras may be used to detect speed  
24 violations, subject to section 2 of this act.

25 (2) Automated traffic safety cameras may be used to detect speed  
26 violations within the following locations:

27 (a) Hospital speed zones;

28 (b) Public park speed zones;

29 (c) School speed zones;

30 (d) School walk zones;

31 (e) Roadway work zones, except that a notice of infraction may  
32 only be issued if an automated traffic safety camera captures a speed  
33 violation when workers are present; and

34 (f) State highways within city limits that are classified as city  
35 streets under chapter 47.24 RCW.

36 (3) In addition to the automated traffic safety cameras that may  
37 be authorized for specified zones or roads in subsection (2) of this

1 section, the local legislative authority may authorize the use of one  
2 additional automated traffic safety camera per 10,000 population to  
3 detect speed violations in locations deemed by the local legislative  
4 authority to experience higher crash risks due to excessive vehicle  
5 speeds. For automated traffic safety cameras authorized to detect  
6 speed violations as part of a pilot program prior to the effective  
7 date of this section, the location must be deemed by a local  
8 legislative authority to have experienced higher crash risks due to  
9 excessive vehicle speeds prior to installation of the automated  
10 traffic safety camera.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.63  
12 RCW to read as follows:

13 (1) Subject to section 2 of this act and subsection (5) of this  
14 section, automated traffic safety cameras may be used in cities with  
15 populations of more than 500,000 residents to detect one or more of  
16 the following violations:

- 17 (a) Stopping when traffic obstructed violations;
- 18 (b) Stopping at intersection or crosswalk violations;
- 19 (c) Public transportation only lane violations; or
- 20 (d) Stopping or traveling in restricted lane violations.

21 (2) Subject to section 2 of this act, automated traffic safety  
22 cameras may also be used in cities with a bus rapid transit corridor  
23 or routes to detect public transportation only lane violations.

24 (3) Subject to section 2 of this act, automated traffic safety  
25 cameras that are part of a public transportation vehicle-mounted  
26 system may be used by a transit authority within a county with a  
27 population of more than 1,500,000 residents to detect stopping,  
28 standing, or parking in bus stop zone violations if authorized by the  
29 local legislative authority with jurisdiction over the transit  
30 authority.

31 (4) Subject to section 2 of this act, and in consultation with  
32 the department of transportation, automated traffic safety cameras  
33 may be used to detect ferry queue violations under RCW 46.61.735.

34 (5) Use of automated traffic safety cameras as authorized in  
35 subsection (1) of this section is restricted to the following  
36 locations only: Intersections as described in section 3(2) of this  
37 act; railroad grade crossings; school speed zones; school walk zones;  
38 public park speed zones; hospital speed zones; and midblock on

1 arterials. The use of such automated traffic safety cameras is  
2 further limited to the following:

3 (a) The portion of state and local roadways in downtown areas of  
4 the city used for office and commercial activities, as well as retail  
5 shopping and support services, and that may include mixed residential  
6 uses;

7 (b) The portion of state and local roadways in areas in the city  
8 within one-half mile north of the boundary of the area described in  
9 (a) of this subsection;

10 (c) Portions of roadway systems in the city that travel into and  
11 out of (b) of this subsection that are designated by the Washington  
12 state department of transportation as noninterstate freeways for up  
13 to four miles; and

14 (d) Portions of roadway systems in the city connected to the  
15 portions of the noninterstate freeways identified in (c) of this  
16 subsection that are designated by the Washington state department of  
17 transportation as arterial roadways for up to one mile from the  
18 intersection of the arterial roadway and the noninterstate freeway.

19 (6) A transit authority may not take disciplinary action  
20 regarding a warning or infraction issued pursuant to subsections (1)  
21 through (3) of this section against an employee who was operating a  
22 public transportation vehicle at the time the violation that was the  
23 basis of the warning or infraction was detected.

24 **Sec. 7.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to  
25 read as follows:

26 (1) Each court and government agency located in this state having  
27 jurisdiction over standing, stopping, and parking violations, the use  
28 of a photo toll system under RCW 46.63.160, the use of automated  
29 traffic safety cameras under (~~RCW 46.63.170~~) sections 2 through 6  
30 of this act, and the use of automated school bus safety cameras under  
31 RCW 46.63.180 may forward to the department any outstanding:

32 (a) Standing, stopping, and parking violations;

33 (b) Civil penalties for toll nonpayment detected through the use  
34 of photo toll systems issued under RCW 46.63.160;

35 (c) Automated traffic safety camera infractions issued under RCW  
36 46.63.030(1)(d); and

37 (d) Automated school bus safety camera infractions issued under  
38 RCW 46.63.030(1)(e).

1 (2) Violations, civil penalties, and infractions described in  
2 subsection (1) of this section must be reported to the department in  
3 the manner described in RCW 46.20.270(3).

4 (3) The department shall:

5 (a) Record the violations, civil penalties, and infractions on  
6 the matching vehicle records; and

7 (b) Send notice approximately (~~one hundred twenty~~) 120 days in  
8 advance of the current vehicle registration expiration date to the  
9 registered owner listing the dates and jurisdictions in which the  
10 violations, civil penalties, and infractions occurred, the amounts of  
11 unpaid fines and penalties, and the surcharge to be collected. Only  
12 those violations, civil penalties, and infractions received by the  
13 department (~~one hundred twenty~~) 120 days or more before the current  
14 vehicle registration expiration date will be included in the notice.  
15 Violations, civil penalties, and infractions received by the  
16 department later than (~~one hundred twenty~~) 120 days before the  
17 current vehicle registration expiration date that are not satisfied  
18 will be delayed until the next vehicle registration expiration date.

19 (4) The department, county auditor or other agent, or subagent  
20 appointed by the director shall not renew a vehicle registration if  
21 there are any outstanding standing, stopping, and parking violations,  
22 and other civil penalties issued under RCW 46.63.160 for the vehicle  
23 unless:

24 (a) The outstanding standing, stopping, or parking violations and  
25 civil penalties were received by the department within (~~one hundred  
26 twenty~~) 120 days before the current vehicle registration expiration;

27 (b) There is a change in registered ownership; or

28 (c) The registered owner presents proof of payment of each  
29 violation, civil penalty, and infraction provided in this section and  
30 the registered owner pays the surcharge required under RCW 46.17.030.

31 (5) The department shall:

32 (a) Forward a change in registered ownership information to the  
33 court or government agency who reported the outstanding violations,  
34 civil penalties, or infractions; and

35 (b) Remove the outstanding violations, civil penalties, and  
36 infractions from the vehicle record.

37 **Sec. 8.** RCW 46.63.030 and 2023 c 17 s 1 are each amended to read  
38 as follows:

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

3 (a) When the infraction is committed in the officer's presence,  
4 except as provided in RCW 46.09.485;

5 (b) When the officer is acting upon the request of a law  
6 enforcement officer in whose presence the traffic infraction was  
7 committed;

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

11 (d) When the infraction is detected through the use of an  
12 automated traffic safety camera under ~~((RCW 46.63.170))~~ sections 2  
13 through 6 of this act. A trained and authorized civilian employee of  
14 a general authority Washington law enforcement agency, as defined in  
15 RCW 10.93.020, or an employee of a local public works or  
16 transportation department performing under the supervision of a  
17 qualified traffic engineer and as designated by a city or county, has  
18 the authority to review infractions detected through the use of an  
19 automated traffic safety camera under sections 2 through 6 of this  
20 act and to issue notices of infraction consistent with section 2(9)  
21 of this act. These employees must be sufficiently trained and  
22 certified in reviewing infractions and issuing notices of infraction  
23 by qualified peace officers or by traffic engineers employed in the  
24 jurisdiction's public works or transportation department. Nothing in  
25 this subsection impairs decision and effects collective bargaining  
26 rights under chapter 41.56 RCW;

27 (e) When the infraction is detected through the use of an  
28 automated school bus safety camera under RCW 46.63.180. A trained and  
29 authorized civilian employee of a general authority Washington law  
30 enforcement agency, as defined in RCW 10.93.020, or an employee of a  
31 local public works or transportation department performing under the  
32 supervision of a qualified traffic engineer and as designated by a  
33 city or county, has the authority to review infractions detected  
34 through the use of an automated school bus safety camera under RCW  
35 46.63.180 and to issue notices of infraction consistent with RCW  
36 46.63.180(1)(b). These employees must be sufficiently trained and  
37 certified in reviewing infractions and issuing notices of infraction  
38 by qualified peace officers or by traffic engineers employed in the  
39 jurisdiction's public works or transportation department. Nothing in

1 this subsection impairs decision and effects collective bargaining  
2 rights under chapter 41.56 RCW; or

3 (f) When the infraction is detected through the use of a speed  
4 safety camera system under RCW 46.63.200.

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

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

15 (4) In the case of failure to redeem an abandoned vehicle under  
16 RCW 46.55.120, upon receiving a complaint by a registered tow truck  
17 operator that has incurred costs in removing, storing, and disposing  
18 of an abandoned vehicle, an officer of the law enforcement agency  
19 responsible for directing the removal of the vehicle shall send a  
20 notice of infraction by certified mail to the last known address of  
21 the person responsible under RCW 46.55.105. The notice must be  
22 entitled "Littering—Abandoned Vehicle" and give notice of the  
23 monetary penalty. The officer shall append to the notice of  
24 infraction, on a form prescribed by the department of licensing, a  
25 notice indicating the amount of costs incurred as a result of  
26 removing, storing, and disposing of the abandoned vehicle, less any  
27 amount realized at auction, and a statement that monetary penalties  
28 for the infraction will not be considered as having been paid until  
29 the monetary penalty payable under this chapter has been paid and the  
30 court is satisfied that the person has made restitution in the amount  
31 of the deficiency remaining after disposal of the vehicle.

32 **Sec. 9.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to  
33 read as follows:

34 (1) School districts may install and operate automated school bus  
35 safety cameras on school buses to be used for the detection of  
36 violations of RCW 46.61.370(1) if the use of the cameras is approved  
37 by a vote of the school district board of directors. School districts  
38 are not required to take school buses out of service if the buses are  
39 not equipped with automated school bus safety cameras or functional

1 automated safety cameras. Further, school districts shall be held  
2 harmless from and not liable for any criminal or civil liability  
3 arising under the provisions of this section.

4 (a) Automated school bus safety cameras may only take pictures of  
5 the vehicle and vehicle license plate and only while an infraction is  
6 occurring. The picture must not reveal the face of the driver or of  
7 passengers in the vehicle.

8 (b) A notice of infraction must be mailed to the registered owner  
9 of the vehicle within (~~fourteen~~) 14 days of the violation, or to  
10 the renter of a vehicle within (~~fourteen~~) 14 days of establishing  
11 the renter's name and address under subsection (2)(a)(i) of this  
12 section. The (~~law enforcement officer issuing the~~) notice of  
13 infraction (~~shall~~) must also include a certificate or facsimile of  
14 the notice, based upon inspection of photographs, microphotographs,  
15 or electronic images produced by an automated school bus safety  
16 camera, stating the facts supporting the notice of infraction. This  
17 certificate or facsimile is prima facie evidence of the facts  
18 contained in it and is admissible in a proceeding charging a  
19 violation under this chapter. The photographs, microphotographs, or  
20 electronic images evidencing the violation must be available for  
21 inspection and admission into evidence in a proceeding to adjudicate  
22 the liability for the infraction. A person receiving a notice of  
23 infraction based on evidence detected by an automated school bus  
24 safety camera may respond to the notice by mail.

25 (c) The registered owner of a vehicle is responsible for an  
26 infraction under RCW 46.63.030(1)(e) unless the registered owner  
27 overcomes the presumption in RCW 46.63.075, or, in the case of a  
28 rental car business, satisfies the conditions under subsection (2) of  
29 this section. If appropriate under the circumstances, a renter  
30 identified under subsection (2)(a)(i) of this section is responsible  
31 for an infraction.

32 (d) Notwithstanding any other provision of law, all photographs,  
33 microphotographs, or electronic images prepared under this section  
34 are for the exclusive use of (~~law enforcement~~) authorized city or  
35 county employees, as specified in RCW 46.63.030(1)(e), in the  
36 discharge of duties under this section and are not open to the public  
37 and may not be used in a court in a pending action or proceeding  
38 unless the action or proceeding relates to a violation under this  
39 section. No photograph, microphotograph, or electronic image may be

1 used for any purpose other than enforcement of violations under this  
2 section nor retained longer than necessary to enforce this section.

3 (e) If a school district installs and operates an automated  
4 school bus safety camera under this section, the compensation paid to  
5 the manufacturer or vendor of the equipment used must be based only  
6 upon the value of the equipment and services provided or rendered in  
7 support of the system, and may not be based upon a portion of the  
8 fine or civil penalty imposed or the revenue generated by the  
9 equipment. Further, any repair, replacement, or administrative work  
10 costs related to installing or repairing automated school bus safety  
11 cameras must be solely paid for by the manufacturer or vendor of the  
12 cameras. Before entering into a contract with the manufacturer or  
13 vendor of the equipment used under this subsection (1)(e), the school  
14 district must follow the competitive bid process as outlined in RCW  
15 28A.335.190(1).

16 (f) Any revenue collected from infractions detected through the  
17 use of automated school bus safety cameras, less the administration  
18 and operating costs of the cameras, must be remitted to school  
19 districts for school zone safety projects as determined by the school  
20 district using the automated school bus safety cameras. The  
21 administration and operating costs of the cameras includes infraction  
22 enforcement and processing costs that are incurred by local law  
23 enforcement or local courts. During the 2013-2015 fiscal biennium,  
24 the infraction revenue may also be used for school bus safety  
25 projects by those school districts eligible to apply for funding from  
26 the school zone safety account appropriation in section 201, chapter  
27 306, Laws of 2013.

28 (2)(a) If the registered owner of the vehicle is a rental car  
29 business, the (~~law enforcement~~) issuing agency shall, before a  
30 notice of infraction is issued under this section, provide a written  
31 notice to the rental car business that a notice of infraction may be  
32 issued to the rental car business if the rental car business does  
33 not, within (~~eighteen~~) 18 days of receiving the written notice,  
34 provide to the issuing agency by return mail:

35 (i) A statement under oath stating the name and known mailing  
36 address of the individual driving or renting the vehicle when the  
37 infraction occurred;

38 (ii) A statement under oath that the business is unable to  
39 determine who was driving or renting the vehicle at the time the  
40 infraction occurred because the vehicle was stolen at the time of the



1 infraction. A statement provided under this subsection (2)(a)(ii)  
2 must be accompanied by a copy of a filed police report regarding the  
3 vehicle theft; or

4 (iii) In lieu of identifying the vehicle operator, the rental car  
5 business may pay the applicable penalty.

6 (b) Timely mailing of a statement under this subsection to the  
7 issuing (~~law enforcement~~) agency relieves a rental car business of  
8 any liability under this chapter for the notice of infraction.

9 (3) For purposes of this section, "automated school bus safety  
10 camera" means a device that is affixed to a school bus that is  
11 synchronized to automatically record one or more sequenced  
12 photographs, microphotographs, or electronic images of the rear of a  
13 vehicle at the time the vehicle is detected for an infraction  
14 identified in RCW 46.61.370(1).

15 **Sec. 10.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to  
16 read as follows:

17 (1) In a traffic infraction case involving an infraction detected  
18 through the use of an automated traffic safety camera under (~~RCW~~  
19 ~~46.63.170~~) sections 2 through 6 of this act, detected through the  
20 use of a speed safety camera system under RCW 46.63.200, or detected  
21 through the use of an automated school bus safety camera under RCW  
22 46.63.180, proof that the particular vehicle described in the notice  
23 of traffic infraction was in violation of any such provision of  
24 sections 2 through 6 of this act or RCW (~~46.63.170~~) 46.63.200(~~7~~)  
25 and 46.63.180, together with proof that the person named in the  
26 notice of traffic infraction was at the time of the violation the  
27 registered owner of the vehicle, constitutes in evidence a prima  
28 facie presumption that the registered owner of the vehicle was the  
29 person in control of the vehicle at the point where, and for the time  
30 during which, the violation occurred.

31 (2) This presumption may be overcome only if the registered owner  
32 states, under oath, in a written statement to the court or in  
33 testimony before the court that the vehicle involved was, at the  
34 time, stolen or in the care, custody, or control of some person other  
35 than the registered owner.

36 **Sec. 11.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to  
37 read as follows:

1 The Cooper Jones active transportation safety account is created  
2 in the state treasury. All receipts from penalties collected under  
3 (~~RCW 46.63.170~~) section 2(13)(c)(ii)(A) of this act and funds  
4 designated by the legislature shall be deposited into the account.  
5 Expenditures from the account may be used only to fund grant projects  
6 or programs for bicycle, pedestrian, and nonmotorist safety  
7 improvement administered by the Washington traffic safety commission.  
8 By December 1, 2024, and every two years thereafter, the commission  
9 shall report to the transportation committees of the legislature  
10 regarding the activities funded from the account. The account is  
11 subject to allotment procedures under chapter 43.88 RCW. Moneys in  
12 the account may be spent only after appropriation.

13 NEW SECTION. **Sec. 12.** RCW 46.63.170 (Automated traffic safety  
14 cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c  
15 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013  
16 c 306 s 711 are each repealed."

**ESHB 2384** - S COMM AMD

By Committee on Transportation

**NOT ADOPTED 02/29/2024**

17 On page 1, line 1 of the title, after "cameras;" strike the  
18 remainder of the title and insert "amending RCW 46.16A.120,  
19 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new sections  
20 to chapter 46.63 RCW; and repealing RCW 46.63.170."

**EFFECT:** • Includes travel by vulnerable road users as an additional criterion when jurisdictions are conducting the additional analysis to determine locations for traffic safety cameras.

• Requires local governments to post camera restrictions and policies to their respective websites.

• Delays reporting of use of revenues in excess of admin costs and WTSC reporting requirements until January 1, 2026, and July 1, 2026, respectively, instead of December 1, 2025.

• Clarifies that traffic safety camera revenue may only be used for traffic safety activities, as specified.

• Requires cities and counties under 10,000 in population to use DOH's health disparities map when making traffic safety activity investments using traffic safety camera revenue.

• Authorizes jurisdictions with certain camera programs in place before January 1, 2024, to detect stoplight and school speed zone violations to continue to use infraction revenue as directed in the authorizing ordinance.

- Authorizes jurisdictions with all other camera program types in place before January 1, 2024, to continue to use infraction revenue as directed in the authorizing ordinance by up to a 10 percent increase in the number of traffic cameras authorized for such uses.
- Requires that after a new traffic safety camera is placed and in use for four years, 25 percent of camera revenues, after camera administration and infraction processing costs, must be deposited into the Cooper Jones active transportation safety account, but not if the new traffic safety camera is part of a certain stoplight or school speed zone camera program or is relocated within the four-year period.
- Removes the two-thirds of penalty amounts cap on most traffic safety camera violations, and establishes a maximum penalty of \$145 for all traffic safety camera violations, adjusted for inflation by OFM every five years.
- Removes the application of the additional \$5 fee to all traffic safety camera violations.
- Removes the speed camera violation exemption for law enforcement and fire department vehicles and ambulances.
- Expands the use of traffic safety cameras for public transit only lane violations to cities with bus rapid transit (BRT).
- Modifies authority to use cameras to detect traffic obstruction violations, stopping in intersection/crosswalk violations, and stopping/traveling in transit only or restricted lanes to only cities over 500,000 in population (city of Seattle).
- Authorizes use of traffic safety cameras that are part of a public transportation vehicle-mounted system to detect bus stop zone violations by transit authorities in counties of more than 1.5 million (King County).
- Authorizes use of traffic safety cameras, after consultation with WSDOT, to detect ferry queue violations (i.e. lane cutting and driveway obstruction).
- Extends authority of trained and authorized civilian employees to review and issue infractions to automated school bus safety camera violations.
- Makes other technical corrections.
- Requires a performance audit of the traffic safety camera equipment manufacturer or vendor every three years to ensure camera image quality if the current contract between the jurisdiction and manufacturer or vendor is silent on maintaining image quality control measures.
- Restores the geographical limitations for traffic safety camera use to detect stopping when traffic obstructed or at intersection/crosswalk violations, public transit only lane violations, and stopping/traveling in a restricted lane violations as they existed for the Seattle pilot program.

--- END ---