

SSB 5272 - S AMD 50
By Senator Liiias

ADOPTED 02/22/2023

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

3 "Sec. 1. RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each
4 amended to read as follows:

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

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

9 (b) When the officer is acting upon the request of a law
10 enforcement officer in whose presence the traffic infraction was
11 committed;

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

15 (d) When the infraction is detected through the use of an
16 automated traffic safety camera under RCW 46.63.170; ~~((or))~~

17 (e) When the infraction is detected through the use of an
18 automated school bus safety camera under RCW 46.63.180; or

19 (f) When the infraction is detected through the use of a speed
20 safety camera system under section 3 of this act.

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

24 (3) If any motor vehicle without a driver is found parked,
25 standing, or stopped in violation of this title or an equivalent
26 administrative regulation or local law, ordinance, regulation, or
27 resolution, the officer finding the vehicle shall take its
28 registration number and may take any other information displayed on
29 the vehicle which may identify its user, and shall conspicuously
30 affix to the vehicle a notice of traffic infraction.

31 (4) In the case of failure to redeem an abandoned vehicle under
32 RCW 46.55.120, upon receiving a complaint by a registered tow truck

1 operator that has incurred costs in removing, storing, and disposing
2 of an abandoned vehicle, an officer of the law enforcement agency
3 responsible for directing the removal of the vehicle shall send a
4 notice of infraction by certified mail to the last known address of
5 the person responsible under RCW 46.55.105. The notice must be
6 entitled "Littering—Abandoned Vehicle" and give notice of the
7 monetary penalty. The officer shall append to the notice of
8 infraction, on a form prescribed by the department of licensing, a
9 notice indicating the amount of costs incurred as a result of
10 removing, storing, and disposing of the abandoned vehicle, less any
11 amount realized at auction, and a statement that monetary penalties
12 for the infraction will not be considered as having been paid until
13 the monetary penalty payable under this chapter has been paid and the
14 court is satisfied that the person has made restitution in the amount
15 of the deficiency remaining after disposal of the vehicle.

16 **Sec. 2.** RCW 46.63.075 and 2012 c 83 s 6 are each amended to read
17 as follows:

18 (1) In a traffic infraction case involving an infraction detected
19 through the use of an automated traffic safety camera under RCW
20 46.63.170 ~~((\oplus))~~, detected through the use of a speed safety camera
21 system under section 3 of this act, or detected through the use of an
22 automated school bus safety camera under RCW 46.63.180, proof that
23 the particular vehicle described in the notice of traffic infraction
24 was in violation of any such provision of RCW 46.63.170, section 3 of
25 this act, and 46.63.180, together with proof that the person named in
26 the 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63
37 RCW to read as follows:

1 (1) This section applies to the use of speed safety camera
2 systems in state highway work zones.

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

7 (3)(a) The department of transportation is responsible for all
8 actions related to the operation and administration of speed safety
9 camera systems in state highway work zones including, but not limited
10 to, the procurement and administration of contracts necessary for the
11 implementation of speed safety camera systems and the mailing of
12 notices of infraction. By July 1, 2024, the department of
13 transportation, in consultation with the Washington state patrol,
14 department of licensing, office of administrative hearings,
15 Washington traffic safety commission, and other organizations
16 committed to protecting civil rights must adopt rules addressing such
17 actions and take all necessary steps to implement this section.

18 (b) The Washington state patrol is responsible for all actions
19 related to the enforcement and adjudication of speed violations under
20 this section including, but not limited to, notice of infraction
21 verification and issuance authorization, and determining which types
22 of emergency vehicles are exempt from being issued notices of
23 infraction under this section. By July 1, 2024, the Washington state
24 patrol, in consultation with the department of transportation,
25 department of licensing, office of administrative hearings,
26 Washington traffic safety commission, and other organizations
27 committed to protecting civil rights must adopt rules addressing such
28 actions and take all necessary steps to implement this section.

29 (c) When establishing rules under this subsection (3), the
30 department of transportation and the Washington state patrol may also
31 consult with other public and private agencies that have an interest
32 in the use of speed safety camera systems in state highway work
33 zones.

34 (4) Beginning July 1, 2024:

35 (a) A notice of infraction may only be issued under this section
36 if a speed safety camera system captures a speed violation in a state
37 highway work zone when workers are present. A notice of infraction
38 under this section may be mailed to the registered owner of the
39 vehicle within 30 days of the violation, or to the renter of a
40 vehicle within 30 days of establishing the renter's name and address.

1 The law enforcement officer issuing the notice of infraction shall
2 include with it a certificate or facsimile thereof, based upon
3 inspection of photographs, microphotographs, or electronic images
4 produced by a speed safety camera stating the facts supporting the
5 notice of infraction. This certificate or facsimile is prima facie
6 evidence of the facts contained in it and is admissible in a
7 proceeding charging a violation under this section. The photographs,
8 microphotographs, or electronic images evidencing the violation must
9 be available for inspection and admission into evidence in a
10 proceeding to adjudicate the liability for the violation. A person
11 receiving a notice of infraction based on evidence detected by a
12 speed safety camera system may, within 30 days of receiving the
13 notice of infraction, remit payment in the amount of the penalty
14 assessed for the violation. If a person receiving a notice of
15 infraction fails to remit payment in the amount of the penalty
16 assessed within 30 days of receiving the notice of infraction, or if
17 such person wishes to dispute the violation, it must be adjudicated
18 in accordance with (b) of this subsection.

19 (b) A notice of infraction that has not been timely paid or a
20 disputed notice of infraction shall be referred to the office of
21 administrative hearings for adjudication consistent with chapter
22 34.05 RCW.

23 (c) Speed safety camera systems may only take photographs,
24 microphotographs, or electronic images of the vehicle and vehicle
25 license plate and only while a speed violation is occurring. The
26 photograph, microphotograph, or electronic image must not reveal the
27 face of the driver or any passengers in the vehicle. The department
28 of transportation shall consider installing speed safety camera
29 systems in a manner that minimizes the impact of camera flash on
30 drivers.

31 (d) The registered owner of a vehicle is responsible for a
32 traffic infraction under RCW 46.63.030 unless the registered owner
33 overcomes the presumption in RCW 46.63.075 or, in the case of a
34 rental car business, satisfies the conditions under (h) of this
35 subsection. If appropriate under the circumstances, a renter
36 identified under (h)(i) of this subsection is responsible for the
37 traffic infraction.

38 (e) Notwithstanding any other provision of law, all photographs,
39 microphotographs, or electronic images, or any other personally
40 identifying data prepared under this section are for the exclusive

1 use of the Washington state patrol and department of transportation
2 in the discharge of duties under this section and are not open to the
3 public and may not be used in court in a pending action or proceeding
4 unless the action or proceeding relates to a speed violation under
5 this section. This data may be used in administrative appeal
6 proceedings relative to a violation under this section.

7 (f) All locations where speed safety camera systems are used must
8 be clearly marked before activation of the camera system by placing
9 signs in locations that clearly indicate to a driver that they are
10 entering a state highway work zone where posted speed limits are
11 monitored by a speed safety camera system. Signs placed in these
12 locations must follow the specifications and guidelines under the
13 manual of uniform traffic control devices for streets and highways as
14 adopted by the department of transportation under chapter 47.36 RCW.

15 (g) Speed violations detected through the use of speed safety
16 camera systems are not part of the registered owner's driving record
17 under RCW 46.52.101 and 46.52.120.

18 (h) If the registered owner of the vehicle is a rental car
19 business, the department of transportation shall, before a notice of
20 infraction may be issued under this section, provide a written notice
21 to the rental car business that a notice of infraction may be issued
22 to the rental car business if the rental car business does not,
23 within 30 days of receiving the written notice, provide to the
24 issuing agency by return mail:

25 (i) (A) A statement under oath stating the name and known mailing
26 address of the individual driving or renting the vehicle when the
27 speed violation occurred;

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

34 (C) In lieu of identifying the vehicle operator, payment of the
35 applicable penalty.

36 (ii) Timely mailing of a statement to the department of
37 transportation relieves a rental car business of any liability under
38 this chapter for the notice of infraction.

39 (5) Revenue generated from the deployment of speed safety camera
40 systems must be deposited into the highway safety fund and first used

1 exclusively for the operating and administrative costs under this
2 section. The operation of speed safety camera systems is intended to
3 increase safety in state highway work zones by changing driver
4 behavior. Consequently, any revenue generated that exceeds the
5 operating and administrative costs under this section must be
6 distributed for the purpose of traffic safety including, but not
7 limited to, driver training education and local DUI emphasis patrols.

8 (6) The Washington state patrol and department of transportation,
9 in collaboration with the Washington traffic safety commission, must
10 report to the transportation committees of the legislature by July 1,
11 2025, and biennially thereafter, on the data and efficacy of speed
12 safety camera system use in state highway work zones. The final
13 report due on July 1, 2029, must include a recommendation on whether
14 or not to continue such speed safety camera system use beyond June
15 30, 2030.

16 (7) For the purposes of this section:

17 (a) "Speed safety camera system" means employing the use of speed
18 measuring devices and cameras synchronized to automatically record
19 one or more sequenced photographs, microphotographs, or other
20 electronic images of a motor vehicle that exceeds a posted state
21 highway work zone speed limit as detected by the speed measuring
22 devices.

23 (b) "State highway work zone" means an area of any highway with
24 construction, maintenance, utility work, or incident response
25 activities authorized by the department of transportation. A state
26 highway work zone is identified by the placement of temporary traffic
27 control devices that may include signs, channelizing devices,
28 barriers, pavement markings, and/or work vehicles with warning
29 lights. It extends from the first warning sign or high intensity
30 rotating, flashing, oscillating, or strobe lights on a vehicle to the
31 end road work sign or the last temporary traffic control device or
32 vehicle.

33 (8) This section expires June 30, 2030."

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1 On page 1, line 1 of the title, after "highways;" strike the
2 remainder of the title and insert "amending RCW 46.63.030 and
3 46.63.075; adding a new section to chapter 46.63 RCW; and providing
4 an expiration date."

EFFECT: (1) Clarifies that WSDOT is responsible for the operation and administration of speed camera systems in work zones, including procuring contracts for implementation and mailing notices of infraction.

(2) Clarifies that WSP is responsible for the enforcement and adjudication of speed violations in work zones, notice of infraction verification and issuance authorization, and determining which emergency vehicles are exempt.

(3) Clarifies that notices of infraction may only be issued if a speed camera captures a speed violation in the work zone when workers are present.

(4) Authorizes notices of infraction to be mailed within 30 days, rather than 14 days, of the speed violation.

(5) Authorizes persons who receive a notice of infraction to pay the penalty within 30 days of receipt, and requires referral to OAH if they fail to remit payment or dispute the violation.

(6) Makes technical corrections throughout to maintain consistency in use of terms and to improve readability.

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