

HOUSE BILL REPORT

ESHB 2356

As Passed House:
February 8, 2024

Title: An act relating to speed safety camera systems.

Brief Description: Concerning speed safety camera systems.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Fey, Nance and Pollet).

Brief History:

Committee Activity:

Transportation: 1/18/24, 1/31/24 [DPS].

Floor Activity:

Passed House: 2/8/24, 97-0.

Brief Summary of Engrossed Substitute Bill

- Establishes a 30-day period after introduction of speed safety camera systems in the state when only a written warning may be issued for an infraction captured by a speed safety camera (safety camera) and requires the Washington State Department of Transportation to conduct a public awareness campaign during this period.
- Requires that a final order be entered that finds a person committed an infraction captured by a safety camera if the person fails to respond to a notice of infraction.
- Sets the penalty for safety camera violations to \$124 for the first violation and \$248 for subsequent violations.
- Authorizes the Office of Administrative Hearings to grant a payment plan if it determines that a person is not able to pay the monetary obligation for a safety camera infraction.
- Permits courts and government agencies with jurisdiction over safety

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camera-enforced infractions to forward outstanding violations to the Department of Licensing for vehicle registration holds.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Nance, Orcutt, Ramel, Ramos, Schmidt, Volz, Walsh and Wylie.

Staff: Jennifer Harris (786-7143).

Background:

Speed Safety Camera Systems.

Through June 30, 2030, a law enforcement officer has the authority to issue a traffic infraction when it is detected through the use of a speed safety camera system. A notice of infraction may only be issued if a speed safety camera (safety camera) captures a speed violation in a state highway work zone when workers are present.

The Washington State Department of Transportation (WSDOT) is responsible for the operation and administration of safety cameras in state highway work zones, which includes the procurement and administration of contracts for the implementation of safety cameras and the mailing of notices of infraction. By July 1, 2024, the WSDOT, in consultation with the Washington State Patrol (WSP), the Department of Licensing (DOL), the Office of Administrative Hearings (OAH), the Washington Traffic Safety Commission (WTSC), and civil rights organizations, is required to adopt rules for the operation and administration of safety cameras.

The WSP is responsible for all actions related to the enforcement and adjudication of speed violations, which includes notice of infraction verification and issuance and determining the emergency vehicles that are exempt from the issuance of notices of infraction for infractions detected by safety cameras. By July 1, 2024, the WSP, in consultation with the WSDOT, the DOL, the OAH, the WTSC, and civil rights organizations, is required to adopt rules for the enforcement and adjudication of speed violations detected by safety cameras.

A notice of infraction must be mailed to the registered owner of the vehicle within 30 days of the violation, or to the renter of a vehicle within 30 days of establishing the renter's name

and address. The registered owner of a vehicle is held responsible for the infraction unless he or she states under oath in a written statement to the court, or in testimony before the court, that the vehicle was stolen or was in the care, custody, or control of some other person at the time of the infraction.

A person who receives a notice of infraction based on evidence detected by a safety camera must remit payment in the amount of the penalty within 30 days of receiving the notice of infraction, unless the person disputes the violation. A notice of infraction that has not been paid within 30 days or that has been disputed is referred to the OAH (which presides over administrative law cases) for adjudication by an administrative law judge consistent with administrative law procedures.

Locations where safety cameras are used must be clearly marked before activation of the safety camera by placing signs in locations that indicate to a driver that they are entering a state highway work zone where posted speed limits are monitored by a safety camera. Radar speed feedback signs must be placed along a roadway to provide information on vehicle speed in advance of safety cameras where feasible and where they can assist drivers.

Safety cameras may only take photos or electronic images of the vehicle and vehicle license plate while a speed violation is occurring. The photo or electronic image must not reveal the face of the driver or of passengers in the vehicle. The WSDOT is required to consider installing safety cameras in a manner that minimizes the impact of the camera flash on drivers. All photographs, electronic images, or other personally identifying data may only be used: (1) by the WSP and the WSDOT for infraction-related duties; and (2) in administrative appeal proceedings for infraction-related proceedings.

Speed violations detected through the use of safety cameras are not part of the registered owner's driving record.

Revenue generated from safety-camera-detected infractions must be deposited into the Highway Safety Fund, to be used:

- first for the operation and administrative costs related to the use of safety cameras; and
- with the remainder distributed for the purpose of traffic safety, including, but not limited to, driver training education and local driving under the influence emphasis patrols.

The WSP and the WSDOT, in collaboration with the WTSC, are required to report to the Transportation Committees of the Legislature by July 1, 2025, and then biennially, on the data and efficacy of safety cameras in state highway work zones. A final report is due on July 1, 2029, which must include a recommendation on whether to continue safety camera use beyond June 30, 2030.

Speeding in an Emergency or Work Zone.

A person may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit. Traffic infraction penalties, inclusive of fines and assessments, range from \$158 to \$793, depending on the speed limit in the emergency or work zone and on the speed at which the vehicle is traveling.

Vehicle Registration Renewal Holds.

Courts and government agencies that have jurisdiction over standing, stopping, and parking infractions, as well as over automated traffic safety camera and automated school bus safety camera infractions, may forward outstanding infractions to the DOL. The DOL must record the infractions on the matching vehicle records and send notice approximately 120 days in advance of the current vehicle registration expiration date to the registered owner of the vehicle.

Until the registered owner presents proof of payment for each infraction and pays a \$15 surcharge, the DOL, county auditor or other agent, or subagent may not renew a vehicle registration unless there has been a change in the registered ownership of the vehicle.

Summary of Engrossed Substitute Bill:

Speed Safety Camera System Requirements.

The WSDOT is responsible for developing and maintaining a public-facing website for the purpose of educating the traveling public about the use of safety cameras in state highway work zones.

During the first 30 days after the introduction of a safety camera in a state highway work zone, only a written warning may be issued for an infraction captured by a safety camera. The WSDOT must conduct a public awareness campaign to inform the public of the use of speed safety camera systems during the 30-day statewide warning period.

Speed Safety Camera System Infractions.

A notice of infraction represents a determination that an infraction has been committed, and the determination is considered final unless contested. A person who receives a notice of infraction has 30 days to remit payment, contest the determination by following the instructions on the notice of infraction, or admit to the infraction and request a hearing to explain mitigating circumstances. If a person fails to respond to a notice of infraction, a final order must be entered that finds the person committed the infraction and assesses the infraction's monetary penalty.

If a person contests the determination that the infraction occurred or requests a mitigation hearing, the notice of infraction must be referred to the OAH. At a hearing to contest an

infraction, the agency issuing the infraction has the burden of proving by a preponderance of the evidence that the infraction was committed.

The imposition of a penalty for a safety camera violation is not considered a conviction for purposes of the Uniform Commercial Driver's License Act.

The penalty for safety camera violations is \$124 for the first violation and \$248 for subsequent violations. The monetary penalty collected for safety camera-enforced infractions is exempted from additional assessments and fees applicable to traffic infractions. These violations must be processed in the same manner as parking infractions.

A person may request a payment plan at any time. The agency issuing the infraction is required to provide information about how to submit proof of inability to pay and how to obtain a payment plan, and to communicate that failure to pay or enter into a payment plan may result in a collection action or in non-renewal of the vehicle registration. The OAH may authorize a payment plan if it determines that a person is not able to pay the monetary obligation, and may modify the payment plan at any time.

Courts and government agencies with jurisdiction over safety camera-enforced infractions may forward outstanding violations to the DOL for vehicle registration holds.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill makes updates to the mechanics of the law that passed last year. Even with additional orange lines in a construction area on the freeway, people speed. Construction workers and maintenance crews are asked to work in tough locations, and there is an obligation to make them as safe as possible. They do not have any protection while vehicles are speeding past them.

There has been a rise in collisions in the past several years. Cameras will help change driver behavior and save lives, and can assist in meeting the goal of Target Zero. Speed is one factor in the rates of collisions that is controllable.

People need to slow down and pay attention when they enter work zones. Pennsylvania passed a law on this that is now in effect. They issued many tickets in the first two weeks after they began using traffic cameras, but very few in the second two weeks. This is not about raising money—it is about saving lives.

The WSP and the WSDOT partnered to complete rulemaking for the law that passed last year and identified statutory changes needed before the program goes live in July. The bill also exempts tickets from additional assessments and fees and establishes penalty amounts. It clarifies actions for issuing infractions and includes language on requesting a payment plan.

(Opposed) The cost of a traffic camera ticket should be the same as it is for a parking ticket. This bill also allows for administrative hearings governed by the Administrative Procedures Act. Hearings should be handled by a court, not an administrative agency. Instead of traffic cameras, there should be more police with discretion issuing traffic tickets.

(Other) The roads are too dangerous right now, and this is preventable. Photo enforcement can change speeding behaviors until there are enough law enforcement officers to enforce speeding laws more. However, construction zone cameras would not be accessible even with a judicially issued warrant, nor are they admissible in a court proceeding. If a construction worker was injured, the ticket could not be used in a case against the driver. A ticket also could not be used as evidence to exonerate someone from a crime.

Persons Testifying: (In support) Representative Jake Fey, prime sponsor; Deion Glover, Washington State Patrol; Travis Snell, Washington State Department of Transportation; Billy Wallace, Washington and Northern Idaho District Council of Laborers; and John Butler, 2nd Cycle.

(Opposed) David Sedelmeier.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.