
HOUSE BILL 2384

State of Washington

68th Legislature

2024 Regular Session

By Representatives Donaghy, Fitzgibbon, Walen, and Pollet

Read first time 01/16/24. Referred to Committee on Transportation.

1 AN ACT Relating to automated traffic safety cameras; amending RCW
2 46.16A.120, 46.63.030, 46.63.075, and 46.68.480; adding new sections
3 to chapter 46.63 RCW; and repealing RCW 46.63.170.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63
6 RCW to read as follows:

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

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

1 when traffic obstructed violations; public transportation only lane
2 violations; and stopping or traveling in restricted lane violations.

3 (2) "Freeway-limited access highway" means a fully controlled
4 limited access highway of four or more traffic lanes with the
5 opposing traffic lanes separated by a median strip of arbitrary
6 width.

7 (3) "Hospital speed zone" means the marked area within hospital
8 property and extending 300 feet from the border of the hospital
9 property (a) consistent with hospital use; and (b) where signs are
10 posted to indicate the location is within a hospital speed zone,
11 where "hospital" has the same meaning as in RCW 70.41.020.

12 (4) "Public park speed zone" means the marked area within public
13 park property and extending 300 feet from the border of the public
14 park property (a) consistent with active park use; and (b) where
15 signs are posted to indicate the location is within a public park
16 speed zone.

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

24 (6) "School speed zone" means the marked crosswalk adjacent to a
25 school and the 300 feet in either direction of the crosswalk on a
26 roadway as indicated by standard school speed limit signs or standard
27 playground speed limit signs.

28 (7) "School walk zone" means a roadway identified under RCW
29 28A.160.160 or roadways within a one-mile radius of a school which
30 students use to travel to school by foot, bicycle, or other means of
31 active transportation.

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

34 (1) Nothing in this section prohibits a law enforcement officer
35 from issuing a notice of traffic infraction to a person in control of
36 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
37 (b), or (c).

1 (2) Cities and counties may authorize the use of traffic safety
2 cameras through an ordinance adopted by the local legislative
3 authority.

4 (3) The local legislative authority must prepare an analysis of
5 the locations within the jurisdiction where automated traffic safety
6 cameras are proposed to be located before adding traffic safety
7 cameras or relocating any existing camera to a new location within
8 the jurisdiction. The analysis must include equity considerations
9 including the impact of the camera placement on livability,
10 accessibility, economics, education, and environmental health, and
11 shall consider the outcome of that analysis when identifying where to
12 locate an automated traffic safety camera.

13 (4) Automated traffic safety cameras may not be used on an on-
14 ramp to an interstate.

15 (5) A city government may use automated traffic safety cameras to
16 enforce traffic ordinances in this section on state routes that are
17 not freeway-limited access highways.

18 (6) (a) At a minimum, a local ordinance adopted pursuant to this
19 section must contain the restrictions described in this section and
20 provisions for public notice and signage. Cities and counties using
21 automated traffic safety cameras before July 24, 2005, are subject to
22 the restrictions described in this section, but are not required to
23 adopt an authorizing ordinance.

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

35 (7) All locations where an automated traffic safety camera is
36 used on roadways or intersections must be clearly marked by placing
37 signs at least 30 days prior to activation of the camera in locations
38 that clearly indicate to a driver either that: (a) The driver is
39 within an area where automated traffic safety cameras are authorized;
40 or (b) the driver is entering an area where violations are enforced

1 by an automated traffic safety camera. Signs placed in automated
2 traffic safety camera locations after June 7, 2012, must follow the
3 specifications and guidelines under the manual of uniform traffic
4 control devices for streets and highways as adopted by the department
5 of transportation under chapter 47.36 RCW.

6 (8) Automated traffic safety cameras may only record images of
7 the 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. The primary purpose of camera placement is
10 to record images of the vehicle and vehicle license plate when an
11 infraction is occurring. Cities and counties must consider installing
12 automated traffic safety cameras in a manner that minimizes the
13 impact of camera flash on drivers.

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

30 (10) The registered owner of a vehicle is responsible for an
31 infraction under RCW 46.63.030(1)(d) unless the registered owner
32 overcomes the presumption in RCW 46.63.075, or, in the case of a
33 rental car business, satisfies the conditions under subsection (16)
34 of this section. If appropriate under the circumstances, a renter
35 identified under subsection (16)(a) of this section is responsible
36 for an infraction.

37 (11) Notwithstanding any other provision of law, all photographs,
38 microphotographs, or electronic images, or any other personally
39 identifying data prepared under this section are for the exclusive
40 use of authorized city or county employees in the discharge of duties

1 under this section and are not open to the public and may not be used
2 in a court in a pending action or proceeding unless the action or
3 proceeding relates to a violation under this section. No photograph,
4 microphotograph, or electronic image, or any other personally
5 identifying data may be used for any purpose other than enforcement
6 of violations under this section nor retained longer than necessary
7 to enforce this section.

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

15 (13) A county or a city may only use revenue generated by an
16 automated traffic safety camera program as authorized under this
17 section for traffic safety purposes including, but not limited to,
18 projects designed to implement the complete streets approach as
19 defined in RCW 47.04.010, changes in physical infrastructure to
20 reduce speeds through road design, changes to improve safety for
21 active transportation users, improve access and safety for road users
22 with mobility, sight, or other disabilities, or the cost to
23 administer, install, operate, and maintain the automated traffic
24 safety cameras, including the cost of processing infractions.

25 (14) A county or city may adopt the use of an online ability-to-
26 pay calculator to process and grant requests for reduced fines or
27 reduced civil penalties for automated traffic safety camera
28 violations.

29 (15) Infractions detected through the use of automated traffic
30 safety cameras are not part of the registered owner's driving record
31 under RCW 46.52.101 and 46.52.120. Additionally, infractions
32 generated by the use of automated traffic safety cameras under this
33 section must be processed in the same manner as parking infractions,
34 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
35 and 46.20.270(2). The amount of the fine issued for an infraction
36 generated through the use of an automated traffic safety camera may
37 not exceed the amount of a fine issued for other parking infractions
38 within the jurisdiction. However, the amount of the fine issued for a
39 traffic control signal violation detected through the use of an
40 automated traffic safety camera may not exceed the monetary penalty

1 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
2 including all applicable statutory assessments.

3 (16) If the registered owner of the vehicle is a rental car
4 business, the law enforcement agency must, before a notice of
5 infraction being issued under this section, provide a written notice
6 to the rental car business that a notice of infraction may be issued
7 to the rental car business if the rental car business does not,
8 within 18 days of receiving the written notice, provide to the
9 issuing agency by return mail:

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

13 (b) A statement under oath that the business is unable to
14 determine who was driving or renting the vehicle at the time the
15 infraction occurred because the vehicle was stolen at the time of the
16 infraction. A statement provided under this subsection must be
17 accompanied by a copy of a filed police report regarding the vehicle
18 theft; or

19 (c) In lieu of identifying the vehicle operator, the rental car
20 business may pay the applicable penalty. Timely mailing of this
21 statement to the issuing law enforcement agency relieves a rental car
22 business of any liability under this chapter for the notice of
23 infraction.

24 (17) A transit authority may not take disciplinary action,
25 regarding a warning or infraction issued pursuant to this section
26 against an employee who was operating a public transportation vehicle
27 at the time the violation that was the basis of the warning or
28 infraction was detected.

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

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

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

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

3 (1) Automated traffic safety cameras may be used to detect rail
4 crossing violations, subject to section 2 of this act.

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

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

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

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

14 (a) Hospital speed zones;

15 (b) Public park speed zones;

16 (c) School zones;

17 (d) School walk zones; and

18 (e) State routes within city limits that are not a freeway-
19 limited access highway.

20 (3) In addition to the automated traffic safety cameras that may
21 be authorized for specified zones or roads in subsection (2) of this
22 section, the local legislative authority may authorize the use of one
23 additional automated traffic safety camera per 10,000 population to
24 detect speed violations in locations deemed by the local legislative
25 authority to experience higher crash risks due to excessive vehicle
26 speeds.

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

29 Subject to section 2 of this act, automated traffic safety
30 cameras may be used in cities with populations of 90,000 residents or
31 greater to detect one or more of the following violations:

32 (1) Stopping when traffic obstructed violations;

33 (2) Stopping at intersection or crosswalk violations;

34 (3) Public transportation only lane violations; or

35 (4) Stopping or traveling in restricted lane violations.

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

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

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

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

10 (c) Automated traffic safety camera infractions issued under RCW
11 46.63.030(1)(d); and

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

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

17 (3) The department shall:

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

20 (b) Send notice approximately (~~one hundred twenty~~) 120 days in
21 advance of the current vehicle registration expiration date to the
22 registered owner listing the dates and jurisdictions in which the
23 violations, civil penalties, and infractions occurred, the amounts of
24 unpaid fines and penalties, and the surcharge to be collected. Only
25 those violations, civil penalties, and infractions received by the
26 department (~~one hundred twenty~~) 120 days or more before the current
27 vehicle registration expiration date will be included in the notice.
28 Violations, civil penalties, and infractions received by the
29 department later than (~~one hundred twenty~~) 120 days before the
30 current vehicle registration expiration date that are not satisfied
31 will be delayed until the next vehicle registration expiration date.

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

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

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

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

4 (5) The department shall:

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

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

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

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

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

16 (b) When the officer is acting upon the request of a law
17 enforcement officer in whose presence the traffic infraction was
18 committed;

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

22 (d) When the infraction is detected through the use of an
23 automated traffic safety camera under ~~((RCW 46.63.170))~~ sections 2
24 through 6 of this act. A noncommissioned officer and any public
25 employee as designated by a city or county has the authority to
26 review infractions detected through the use of an automated traffic
27 safety camera under sections 2 through 6 of this act and issue
28 notices of infraction consistent with section 2(9) of this act. Such
29 officers and employees must be sufficiently trained in reviewing such
30 infractions and issuing such notices;

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

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

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

38 (3) If any motor vehicle without a driver is found parked,
39 standing, or stopped in violation of this title or an equivalent

1 administrative regulation or local law, ordinance, regulation, or
2 resolution, the officer finding the vehicle shall take its
3 registration number and may take any other information displayed on
4 the vehicle which may identify its user, and shall conspicuously
5 affix to the vehicle a notice of traffic infraction.

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

23 **Sec. 9.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to read
24 as follows:

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

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

6 **Sec. 10.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to
7 read as follows:

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

20 NEW SECTION. **Sec. 11.** RCW 46.63.170 (Automated traffic safety
21 cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c
22 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013
23 c 306 s 711 are each repealed.

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