

SENATE BILL REPORT

E2SSB 5369

As Passed Senate, February 12, 2004

Title: An act relating to regulating the use of automated traffic safety cameras.

Brief Description: Regulating automated traffic safety cameras.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin).

Brief History:

Committee Activity: Judiciary: 2/6/03, 2/20/03 [DPS].

Ways & Means: 3/10/03 [DP2S].

Passed Senate: 2/12/04, 34-13.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5369 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hewitt, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Staff: Chelsea Buchanan (786-7446)

Background: No express statutory authority exists allowing local governments to use automated traffic enforcement systems such as photo radar, photo devices at stop lights, and photo devices at railroad crossings. The 2001 Washington transportation budget contained a proviso that created four unfunded pilot projects utilizing automated traffic safety cameras (cameras). The Washington Traffic Safety Commission was authorized to monitor the pilot projects. Several cities applied to be a part of the pilot project; however, fiscal issues resulted in Lakewood being the only city to actually participate in a traffic safety camera pilot project.

City treasurers are currently required to remit monthly to the State Treasurer 32 percent of the noninterest money received from fees, costs, fines, and forfeitures for violations of municipal or town ordinances, together with any other noninterest revenues received by the clerk. Such funds are deposited by the State Treasurer into the Public Safety and Education Account. The 32 percent does not include monies received for parking infractions.

Summary of Bill: Local governments may use automated traffic safety cameras subject to the following conditions: (1) an ordinance must first be enacted by the local legislative authority allowing their use to detect only stoplight or railroad crossing violations and setting forth public notice and signage provisions; (2) use of the cameras is restricted to two-arterial intersections and railroad crossings; (3) pictures may only be taken of the vehicle and vehicle license plate while an infraction is occurring; (4) law enforcement must plainly mark locations where a camera is used and signs must be displayed 100 yards in advance of the locations stating "TRAFFIC LIGHT AND RAILROAD CROSSING VIOLATIONS RECORDED BY CAMERA" in letters at least six inches high; (5) notice of an infraction must be mailed to the registered owner of the vehicle within 14 days of the infraction; and (6) people receiving an infraction notice based on evidence detected by a camera may respond to it by mail. Infractions detected through use of cameras are not part of the registered owner's driving record.

The registered owner of a vehicle is responsible for an infraction detected by an automated traffic safety camera unless, within 15 days after notification of the infraction, the owner furnishes an affidavit stating that the vehicle involved was, at the time, stolen or in the care and custody of another person, or, the owner testifies in court that he or she was not the operator of the vehicle at the time of the infraction.

If the notice of traffic infraction is sent to a rental car business, it is dismissed if the business, within 14 days of receiving the notice, provides the name and mailing address of the person renting the vehicle when the infraction occurred. If the rental car business does not know the information, it must sign a declaration to that effect.

The 32 percent that city treasurers remit monthly to the State Treasurer for deposit into the Public Safety and Education Account does not include monies received for infractions detected by an automated traffic safety camera. The city treasurer will remit monthly to the State Treasurer 10 percent of the noninterest money received for infractions detected by automated traffic safety cameras.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Judiciary): This is a phenomenal, low cost alternative to putting law enforcement officers in police cars. The Lakewood pilot project has been extremely effective. Average speeds in school zones have been reduced by 8-10 miles per hour. Running red lights is dangerous and violators are hard to catch but, with the cameras in place, there has been a 65 percent to 87 percent reduction in one intersection. The net reduction in property and personal loss means this idea helps everyone, even insurance companies.

Testimony Against (Judiciary): None.

Testified (Judiciary): Senator Winsley, prime sponsor; Larry Saunders, Lakewood Chief of Police; Helen McGovern, Lakewood City Council; Bill Larkin, City of Lakewood; Steve Lind, WA Traffic Safety Commission; Tim Schellberg, WASPC; Rick Jensen, ACS-State and Local Solutions; Mel Sorensen, National Assoc. of Independent Insurers.

Testimony For (Ways & Means): Automated traffic safety cameras have been very effective in Lakewood, especially in school zones. Drivers do not pay attention to speed limit signs in school zones, but they respond to signs that say they are being monitored by cameras and slow down. Drivers who run red lights are extremely dangerous, and these cameras give cities new tools to prevent accidents. The legislation requires local governments to engage in a public process and pass an ordinance before they can use these cameras. These infractions are similar to parking tickets; they do not go on the driver's record or affect insurance. If someone else uses your car and you get a ticket, it is simple to contest, as described in the bill. This equipment is expensive for cities to buy, which is why only Lakewood engaged in the pilot project. Lakewood spent \$88,000 on equipment. Cities will need the revenue from the infractions to pay for the equipment and developing costs. If the ticket revenue is split like other traffic tickets (32 percent to the state), no city could afford it, but the intent was that the state could keep 10 percent of the ticket. The bill should not cost the Administrator for the Courts any money for programming, since the cities can do their own reporting.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Senator Shirley Winsley, prime sponsor; Rick Jensen, ACS-State & Local Solutions; Bob Mack, Candice Bock, City of Lakewood.