

SENATE BILL REPORT

SB 5369

As Reported By Senate Committee On:
Judiciary, February 20, 2003

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

Brief Description: Regulating automated traffic safety cameras.

Sponsors: Senators Winsley, Haugen, Hale, Oke and McCaslin.

Brief History:

Committee Activity: Judiciary: 2/6/03, 2/20/03 [DPS].
Ways & Means: 3/10/03.

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

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 Substitute 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 speeding, stoplight, or railroad crossing

violations and setting forth public notice and signage provisions; (2) use of the cameras is restricted to construction zones, school zones, two-arterial intersections, railroad crossings, and other areas designated by the Washington State Patrol or county or city police as areas of high collision frequency; (3) pictures may only be taken of the vehicle and vehicle license plate, except that the ordinance enacted by the local legislative authority may allow pictures to be taken of the vehicle, vehicle license plate, and the face of the driver 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 "SPEED AND TRAFFIC LIGHT 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 the use of cameras are not part of the registered owner's driving record.

A jurisdiction that issued an automated traffic infraction notice to the registered owner of a vehicle may not issue an additional notice until after the 14 day notification period has passed.

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.

Substitute Bill Compared to Original Bill: The amended bill specifies where automated traffic safety cameras may be used. It provides requirements for signage to notify drivers of the use of such cameras. At the option of the local legislative authority, an ordinance may allow the cameras to take pictures of the front and rear of vehicles and the driver. Any jurisdiction that issues an automated traffic infraction notice is prohibited from issuing a second notice until after the 14 day notification period has passed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: 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: None.

Testified: 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.