
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5369

State of Washington

58th Legislature

2003 Regular Session

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

READ FIRST TIME 03/10/03.

1 AN ACT Relating to regulating the use of automated traffic safety
2 cameras; amending RCW 3.46.120, 3.50.100, 35.20.220, 46.63.030, and
3 46.63.140; adding new sections to chapter 46.04 RCW; adding a new
4 section to chapter 46.63 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
7 to read as follows:

8 "Automated traffic safety camera" means a device that uses a
9 vehicle sensor installed to work in conjunction with an intersection
10 traffic control system or a railroad grade crossing control system, and
11 a camera synchronized to automatically record one or more sequenced
12 photographs, microphotographs, or electronic images of the rear of a
13 motor vehicle at the time the vehicle fails to stop when facing a
14 steady red traffic control signal or an activated railroad grade
15 crossing control signal.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
17 to read as follows:

18 "Automated traffic infraction notice" means a notice of a traffic

1 infraction generated by the use of an authorized automated traffic
2 safety camera issued to the registered owner of a vehicle photographed
3 while failing to stop at a red traffic control signal or violating an
4 activated railroad grade crossing control. An automated traffic
5 infraction notice issued by the use of an automated traffic safety
6 camera system must include a copy or facsimile of the photograph
7 showing both the vehicle license plate of the offending vehicle and the
8 traffic control device or the activated railroad grade crossing
9 control. An automated traffic infraction notice will be administered
10 under RCW 46.63.140.

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

13 (1) The use of automated traffic safety cameras is subject to the
14 following regulations:

15 (a) The appropriate local legislative authority must first enact an
16 ordinance allowing for their use to detect one or more of the
17 following: Stoplight or railroad crossing violations. At a minimum,
18 the local ordinance must contain the restrictions described in this
19 section and provisions for public notice and signage. Cities and
20 counties using traffic safety cameras before the effective date of this
21 act are subject to the restrictions described in this section, but are
22 not required to enact an authorizing ordinance.

23 (b) Use of automated traffic safety cameras is restricted to two-
24 arterial intersections and railroad crossings only.

25 (c) Automated traffic safety cameras may take pictures of the
26 vehicle and vehicle license plate and only while an infraction is
27 occurring. The picture shall not reveal the face of the driver or of
28 passengers in the vehicle.

29 (d) The ordinance enacted by the local legislative authority may
30 provide that automated traffic safety cameras may take pictures of the
31 vehicle and vehicle license plate while an infraction is occurring.

32 (e) The law enforcement agency having jurisdiction shall plainly
33 mark the locations where an automated traffic safety camera is used by
34 placing signs on street locations that clearly indicate to a driver
35 that he or she is entering a zone where traffic laws are enforced by an
36 automated traffic safety camera. Signs must be displayed one hundred
37 yards in advance of placement of the locations where an automated

1 traffic safety camera is used and must state the following in letters
2 at least six inches high: "TRAFFIC LIGHT AND RAILROAD CROSSING
3 VIOLATIONS RECORDED BY CAMERA."

4 (f) A notice of an infraction must be mailed to the registered
5 owner of the vehicle within fourteen days of the infraction occurring.

6 (g) A person receiving an automated traffic infraction notice based
7 on evidence detected by an automated traffic safety camera may respond
8 to the notice by mail.

9 (h) The registered owner of a vehicle is responsible for an
10 infraction under RCW 46.63.030(2) unless within fifteen days after
11 notification of the infraction the registered owner furnishes the
12 officials or agents of the municipality that issued the notice of
13 infraction with:

14 (i) An affidavit made under oath, stating that the vehicle involved
15 was, at the time, stolen or in the care, custody, or control of some
16 person other than the registered owner; or

17 (ii) Testimony in open court under oath that the person was not the
18 operator of the vehicle at the time of the alleged infraction.

19 (2) Infractions detected through the use of automated traffic
20 safety cameras will be processed as are stopping, standing, or parking
21 violations under RCW 46.61.560, but are not part of the registered
22 owner's driving record under RCW 46.52.101 and 46.52.120.

23 (3) If an automated traffic infraction notice is sent to the
24 registered owner under RCW 46.63.030(2) and the registered owner is a
25 rental car business, the infraction will be dismissed against the
26 business if it mails to the issuing agency, within fourteen days of
27 receiving the notice, a declaration under penalty of perjury of the
28 name and known mailing address of the individual driving or renting the
29 vehicle when the infraction occurred. If the business is unable to
30 determine who was driving or renting the vehicle at the time the
31 infraction occurred, the business must sign a declaration under penalty
32 of perjury to this effect. The declaration must be mailed to the
33 issuing agency within fourteen days of receiving the notice of traffic
34 infraction. Timely mailing of this declaration to the issuing agency
35 relieves a rental car business of any liability under this chapter for
36 the notice of infraction. A declaration form suitable for this purpose
37 must be included with each automated traffic infraction notice issued,
38 along with instructions for its completion and use.

1 (4) If a county or city has established an authorized automated
2 traffic safety camera program under this section, the compensation paid
3 to the manufacturer or vendor of the equipment used must be based only
4 upon the value of the equipment and services provided or rendered in
5 support of the system, and may not be based upon a portion of the fine
6 or civil penalty imposed or the revenue generated by the equipment.

7 **Sec. 4.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to read
8 as follows:

9 (1) All money received by the clerk of a municipal department
10 including penalties, fines, bail forfeitures, fees and costs shall be
11 paid by the clerk to the city treasurer.

12 (2) The city treasurer shall remit monthly thirty-two percent of
13 the noninterest money received under this section, other than for
14 parking infractions or for infractions detected by an automated traffic
15 safety camera, and certain costs to the state treasurer. The city
16 treasurer shall remit monthly ten percent of the noninterest money
17 received under this section for infractions detected by an automated
18 traffic safety camera to the state treasurer. "Certain costs" as used
19 in this subsection, means those costs awarded to prevailing parties in
20 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
21 against convicted defendants in criminal actions under RCW 10.01.160,
22 10.46.190, or 36.18.040, or other similar statutes if such costs are
23 specifically designated as costs by the court and are awarded for the
24 specific reimbursement of costs incurred by the state, county, city, or
25 town in the prosecution of the case, including the fees of defense
26 counsel. Money remitted under this subsection to the state treasurer
27 shall be deposited as provided in RCW 43.08.250.

28 (3) The balance of the noninterest money received under this
29 section shall be retained by the city and deposited as provided by law.

30 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
31 interest at the rate of twelve percent per annum, upon assignment to a
32 collection agency. Interest may accrue only while the case is in
33 collection status.

34 (5) Interest retained by the court on penalties, fines, bail
35 forfeitures, fees, and costs shall be split twenty-five percent to the
36 state treasurer for deposit in the public safety and education account
37 as provided in RCW 43.08.250, twenty-five percent to the state

1 treasurer for deposit in the judicial information system account as
2 provided in RCW 2.68.020, twenty-five percent to the city general fund,
3 and twenty-five percent to the city general fund to fund local courts.

4 **Sec. 5.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read
5 as follows:

6 (1) Costs in civil and criminal actions may be imposed as provided
7 in district court. All fees, costs, fines, forfeitures and other money
8 imposed by any municipal court for the violation of any municipal or
9 town ordinances shall be collected by the court clerk and, together
10 with any other noninterest revenues received by the clerk, shall be
11 deposited with the city or town treasurer as a part of the general fund
12 of the city or town, or deposited in such other fund of the city or
13 town, or deposited in such other funds as may be designated by the laws
14 of the state of Washington.

15 (2) The city treasurer shall remit monthly thirty-two percent of
16 the noninterest money received under this section, other than for
17 parking infractions or for infractions detected by an automated traffic
18 safety camera, and certain costs to the state treasurer. The city
19 treasurer shall remit monthly ten percent of the noninterest money
20 received under this section for infractions detected by an automated
21 traffic safety camera to the state treasurer. "Certain costs" as used
22 in this subsection, means those costs awarded to prevailing parties in
23 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
24 against convicted defendants in criminal actions under RCW 10.01.160,
25 10.46.190, or 36.18.040, or other similar statutes if such costs are
26 specifically designated as costs by the court and are awarded for the
27 specific reimbursement of costs incurred by the state, county, city, or
28 town in the prosecution of the case, including the fees of defense
29 counsel. Money remitted under this subsection to the state treasurer
30 shall be deposited as provided in RCW 43.08.250.

31 (3) The balance of the noninterest money received under this
32 section shall be retained by the city and deposited as provided by law.

33 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
34 interest at the rate of twelve percent per annum, upon assignment to a
35 collection agency. Interest may accrue only while the case is in
36 collection status.

1 (5) Interest retained by the court on penalties, fines, bail
2 forfeitures, fees, and costs shall be split twenty-five percent to the
3 state treasurer for deposit in the public safety and education account
4 as provided in RCW 43.08.250, twenty-five percent to the state
5 treasurer for deposit in the judicial information system account as
6 provided in RCW 2.68.020, twenty-five percent to the city general fund,
7 and twenty-five percent to the city general fund to fund local courts.

8 **Sec. 6.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read
9 as follows:

10 (1) The chief clerk, under the supervision and direction of the
11 court administrator of the municipal court, shall have the custody and
12 care of the books, papers and records of said court; he shall be
13 present by himself or deputy during the session of said court, and
14 shall have the power to swear all witnesses and jurors, and administer
15 oaths and affidavits, and take acknowledgments. He shall keep the
16 records of said court, and shall issue all process under his hand and
17 the seal of said court, and shall do and perform all things and have
18 the same powers pertaining to his office as the clerks of the superior
19 courts have in their office. He shall receive all fines, penalties and
20 fees of every kind, and keep a full, accurate and detailed account of
21 the same; and shall on each day pay into the city treasury all money
22 received for said city during the day previous, with a detailed account
23 of the same, and taking the treasurer's receipt therefor.

24 (2) The city treasurer shall remit monthly thirty-two percent of
25 the noninterest money received under this section, other than for
26 parking infractions or for infractions detected by an automated traffic
27 safety camera, and certain costs to the state treasurer. The city
28 treasurer shall remit monthly ten percent of the noninterest money
29 received under this section for infractions detected by an automated
30 traffic safety camera to the state treasurer. "Certain costs" as used
31 in this subsection, means those costs awarded to prevailing parties in
32 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
33 against convicted defendants in criminal actions under RCW 10.01.160,
34 10.46.190, or 36.18.040, or other similar statutes if such costs are
35 specifically designated as costs by the court and are awarded for the
36 specific reimbursement of costs incurred by the state, county, city, or

1 town in the prosecution of the case, including the fees of defense
2 counsel. Money remitted under this subsection to the state treasurer
3 shall be deposited as provided in RCW 43.08.250.

4 (3) The balance of the noninterest money received under this
5 section shall be retained by the city and deposited as provided by law.

6 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
7 interest at the rate of twelve percent per annum, upon assignment to a
8 collection agency. Interest may accrue only while the case is in
9 collection status.

10 (5) Interest retained by the court on penalties, fines, bail
11 forfeitures, fees, and costs shall be split twenty-five percent to the
12 state treasurer for deposit in the public safety and education account
13 as provided in RCW 43.08.250, twenty-five percent to the state
14 treasurer for deposit in the judicial information system account as
15 provided in RCW 2.68.020, twenty-five percent to the city general fund,
16 and twenty-five percent to the city general fund to fund local courts.

17 **Sec. 7.** RCW 46.63.030 and 2002 c 279 s 14 are each amended to read
18 as follows:

19 (1) A law enforcement officer has the authority to issue a notice
20 of traffic infraction or an automated traffic infraction notice:

21 (a) When the infraction is committed in the officer's presence;

22 (b) When the officer is acting upon the request of a law
23 enforcement officer in whose presence the traffic infraction was
24 committed; (~~or~~)

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

28 (d) When the notice is mailed to the registered owner or the person
29 renting a vehicle as authorized under subsection (2) of this section.

30 (2) When an automated traffic safety camera is used in compliance
31 with section 3 of this act, a law enforcement officer, whether present
32 or not during the commission of the infraction, or other issuing agency
33 may issue an automated traffic infraction notice by mail to the
34 registered owner of the vehicle, or to the person renting the vehicle.
35 The registered owner of the vehicle or the person renting the vehicle
36 is responsible for the infraction.

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

4 (~~(3)~~) (4) If any motor vehicle without a driver is found parked,
5 standing, or stopped in violation of this title or an equivalent
6 administrative regulation or local law, ordinance, regulation, or
7 resolution, the officer finding the vehicle shall take its registration
8 number and may take any other information displayed on the vehicle
9 which may identify its user, and shall conspicuously affix to the
10 vehicle a notice of traffic infraction.

11 (~~(4)~~) (5) In the case of failure to redeem an abandoned vehicle
12 under RCW 46.55.120, upon receiving a complaint by a registered tow
13 truck operator that has incurred costs in removing, storing, and
14 disposing of an abandoned vehicle, an officer of the law enforcement
15 agency responsible for directing the removal of the vehicle shall send
16 a notice of infraction by certified mail to the last known address of
17 the person responsible under RCW 46.55.105. The notice must be
18 entitled "Littering--Abandoned Vehicle" and give notice of the monetary
19 penalty. The officer shall append to the notice of infraction, on a
20 form prescribed by the department of licensing, a notice indicating the
21 amount of costs incurred as a result of removing, storing, and
22 disposing of the abandoned vehicle, less any amount realized at
23 auction, and a statement that monetary penalties for the infraction
24 will not be considered as having been paid until the monetary penalty
25 payable under this chapter has been paid and the court is satisfied
26 that the person has made restitution in the amount of the deficiency
27 remaining after disposal of the vehicle.

28 **Sec. 8.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
29 as follows:

30 (1) In any traffic infraction case or automated traffic infraction
31 case involving a violation of this title or equivalent administrative
32 regulation or local law, ordinance, regulation, or resolution relating
33 to the stopping, standing, or parking of a vehicle or violations
34 detected by automated traffic safety cameras, proof that the particular
35 vehicle described in the notice of traffic infraction or automated
36 traffic infraction notice was stopping, standing, or parking or did
37 commit the violation detected by an automated traffic safety camera in

1 violation of any such provision of this title or an equivalent
2 administrative regulation or local law, ordinance, regulation, or
3 resolution, together with proof that the person named in the notice of
4 traffic infraction or automated traffic infraction notice was at the
5 time of the violation the registered owner of the vehicle, (~~shall~~)
6 constitutes in evidence a prima facie presumption that the registered
7 owner of the vehicle was the person who parked or placed the vehicle at
8 the point where, and for the time during which, the violation occurred
9 or who operated the vehicle photographed by an automated traffic safety
10 camera.

11 (2) The foregoing stated presumption (~~shall apply~~) applies only
12 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (4) has been
13 followed.

14 NEW SECTION. Sec. 9. The legislature respectfully requests the
15 Washington state supreme court to amend the Infraction Rules for Courts
16 of Limited Jurisdiction to conform to this act. Furthermore, the
17 legislature respectfully asks the court to create an automated traffic
18 infraction notice that is consistent with this act.

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