
SENATE BILL 5369

State of Washington **58th Legislature** **2003 Regular Session**

By Senators Winsley, Haugen, Hale, Oke and McCaslin

Read first time 01/23/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to regulating the use of automated traffic safety
2 cameras; amending RCW 3.50.100, 46.63.030, and 46.63.140; adding new
3 sections to chapter 46.04 RCW; adding a new section to chapter 46.63
4 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, a railroad grade crossing control system, or a
11 speed measuring device and a camera synchronized to automatically
12 record one or more sequenced photographs, microphotographs, or
13 electronic images of only the rear of a motor vehicle at the time the
14 vehicle fails to stop when facing a steady red traffic control signal
15 or an activated railroad grade crossing control signal, or exceeds a
16 predetermined speed as detected by a speed measuring device.

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

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

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

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

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

25 (b) Automated traffic safety cameras may take pictures of the
26 vehicle and vehicle license plate only and only while an infraction is
27 occurring.

28 (c) The law enforcement agency having jurisdiction shall plainly
29 mark the locations where an automated traffic safety camera is used by
30 placing signs on street locations that clearly indicate to a driver
31 that he or she is entering a zone where traffic laws are enforced by an
32 automated traffic safety camera.

33 (d) A notice of an infraction must be mailed to the registered
34 owner of the vehicle within fourteen days of the infraction occurring.

35 (e) A person receiving an automated traffic infraction notice based
36 on evidence detected by an automated traffic safety camera may respond
37 to the notice by mail.

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

5 (3) If an automated traffic infraction notice is sent to the
6 registered owner under RCW 46.63.030(2) and the registered owner is a
7 rental car business, the infraction will be dismissed against the
8 business if it mails to the issuing agency, within fourteen days of
9 receiving the notice, a declaration under penalty of perjury of the
10 name and known mailing address of the individual driving or renting the
11 vehicle when the infraction occurred. If the business is unable to
12 determine who was driving or renting the vehicle at the time the
13 infraction occurred, the business must sign a declaration under penalty
14 of perjury to this effect. The declaration must be mailed to the
15 issuing agency within fourteen days of receiving the notice of traffic
16 infraction. Timely mailing of this declaration to the issuing agency
17 relieves a rental car business of any liability under this chapter for
18 the notice of infraction. A declaration form suitable for this purpose
19 must be included with each automated traffic infraction notice issued,
20 along with instructions for its completion and use.

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

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

29 (1) Costs in civil and criminal actions may be imposed as provided
30 in district court. All fees, costs, fines, forfeitures and other money
31 imposed by any municipal court for the violation of any municipal or
32 town ordinances shall be collected by the court clerk and, together
33 with any other noninterest revenues received by the clerk, shall be
34 deposited with the city or town treasurer as a part of the general fund
35 of the city or town, or deposited in such other fund of the city or
36 town, or deposited in such other funds as may be designated by the laws
37 of the state of Washington.

1 (2) The city treasurer shall remit monthly thirty-two percent of
2 the noninterest money received under this section, other than for
3 parking infractions or for infractions detected by an automated traffic
4 safety camera, and certain costs to the state treasurer. "Certain
5 costs" as used in this subsection, means those costs awarded to
6 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or
7 those costs awarded against convicted defendants in criminal actions
8 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
9 if such costs are specifically designated as costs by the court and are
10 awarded for the specific reimbursement of costs incurred by the state,
11 county, city, or town in the prosecution of the case, including the
12 fees of defense counsel. Money remitted under this subsection to the
13 state treasurer shall be deposited as provided in RCW 43.08.250.

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

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

20 (5) Interest retained by the court on penalties, fines, bail
21 forfeitures, fees, and costs shall be split twenty-five percent to the
22 state treasurer for deposit in the public safety and education account
23 as provided in RCW 43.08.250, twenty-five percent to the state
24 treasurer for deposit in the judicial information system account as
25 provided in RCW 2.68.020, twenty-five percent to the city general fund,
26 and twenty-five percent to the city general fund to fund local courts.

27 **Sec. 5.** RCW 46.63.030 and 2002 c 279 s 14 are each amended to read
28 as follows:

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

31 (a) When the infraction is committed in the officer's presence;
32 (b) When the officer is acting upon the request of a law
33 enforcement officer in whose presence the traffic infraction was
34 committed; (~~or~~)

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

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

3 (2) When an automated traffic safety camera is used in compliance
4 with section 3 of this act, a law enforcement officer, whether present
5 or not during the commission of the infraction, or other issuing agency
6 may issue an automated traffic infraction notice by mail to the
7 registered owner of the vehicle, or to the person renting the vehicle.
8 The registered owner of the vehicle or the person renting the vehicle
9 is responsible for the infraction.

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

13 ~~((+3))~~ (4) If any motor vehicle without a driver is found parked,
14 standing, or stopped in violation of this title or an equivalent
15 administrative regulation or local law, ordinance, regulation, or
16 resolution, the officer finding the vehicle shall take its registration
17 number and may take any other information displayed on the vehicle
18 which may identify its user, and shall conspicuously affix to the
19 vehicle a notice of traffic infraction.

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

1 **Sec. 6.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
2 as follows:

3 (1) In any traffic infraction case or automated traffic infraction
4 case involving a violation of this title or equivalent administrative
5 regulation or local law, ordinance, regulation, or resolution relating
6 to the stopping, standing, or parking of a vehicle or violations
7 detected by automated traffic safety cameras, proof that the particular
8 vehicle described in the notice of traffic infraction or automated
9 traffic infraction notice was stopping, standing, or parking or did
10 commit the violation detected by an automated traffic safety camera in
11 violation of any such provision of this title or an equivalent
12 administrative regulation or local law, ordinance, regulation, or
13 resolution, together with proof that the person named in the notice of
14 traffic infraction or automated traffic infraction notice was at the
15 time of the violation the registered owner of the vehicle, (~~shall~~)
16 constitutes in evidence a prima facie presumption that the registered
17 owner of the vehicle was the person who parked or placed the vehicle at
18 the point where, and for the time during which, the violation occurred
19 or who operated the vehicle photographed by an automated traffic safety
20 camera.

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

24 NEW SECTION. **Sec. 7.** The legislature respectfully requests the
25 Washington state supreme court to amend the Infraction Rules for Courts
26 of Limited Jurisdiction to conform to this act. Furthermore, the
27 legislature respectfully asks the court to create an automated traffic
28 infraction notice that is consistent with this act.

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