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**SUBSTITUTE SENATE BILL 5363**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by  
Senator Jacobsen)

READ FIRST TIME 02/28/07.

1            AN ACT Relating to using traffic safety cameras on certain arterial  
2 streets; and amending RCW 46.63.170.

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

4            **Sec. 1.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read  
5 as follows:

6            (1) The use of automated traffic safety cameras for issuance of  
7 notices of infraction is subject to the following requirements:

8            (a) The appropriate local legislative authority must first enact an  
9 ordinance allowing for their use to detect one or more of the  
10 following:    Stoplight, railroad crossing, or school speed zone  
11 violations, or speed violations on arterial streets in cities with a  
12 population over five hundred thousand only. At a minimum, the local  
13 ordinance must contain the restrictions described in this section and  
14 provisions for public notice and signage. Cities and counties using  
15 automated traffic safety cameras before July 24, 2005, are subject to  
16 the restrictions described in this section, but are not required to  
17 enact an authorizing ordinance.

18            (b) Use of automated traffic safety cameras is restricted to two-

1 arterial intersections, railroad crossings, (~~and~~) school speed zones,  
2 and arterial streets in cities with a population over five hundred  
3 thousand only.

4 (c) Automated traffic safety cameras may only take pictures of the  
5 vehicle and vehicle license plate and only while an infraction is  
6 occurring. The picture must not reveal the face of the driver or of  
7 passengers in the vehicle.

8 (d) A notice of infraction must be mailed to the registered owner  
9 of the vehicle within fourteen days of the violation, or to the renter  
10 of a vehicle within fourteen days of establishing the renter's name and  
11 address under subsection (3)(a) of this section. The law enforcement  
12 officer issuing the notice of infraction shall include with it a  
13 certificate or facsimile thereof, based upon inspection of photographs,  
14 microphotographs, or electronic images produced by an automated traffic  
15 safety camera, stating the facts supporting the notice of infraction.  
16 This certificate or facsimile is prima facie evidence of the facts  
17 contained in it and is admissible in a proceeding charging a violation  
18 under this chapter. The photographs, microphotographs, or electronic  
19 images evidencing the violation must be available for inspection and  
20 admission into evidence in a proceeding to adjudicate the liability for  
21 the infraction. A person receiving a notice of infraction based on  
22 evidence detected by an automated traffic safety camera may respond to  
23 the notice by mail.

24 (e) The registered owner of a vehicle is responsible for an  
25 infraction under RCW 46.63.030(1)(e) unless the registered owner  
26 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
27 car business, satisfies the conditions under subsection (3) of this  
28 section. If appropriate under the circumstances, a renter identified  
29 under subsection (3)(a) of this section is responsible for an  
30 infraction.

31 (f) Notwithstanding any other provision of law, all photographs,  
32 microphotographs, or electronic images prepared under this section are  
33 for the exclusive use of law enforcement in the discharge of duties  
34 under this section and are not open to the public and may not be used  
35 in a court in a pending action or proceeding unless the action or  
36 proceeding relates to a violation under this section. No photograph,  
37 microphotograph, or electronic image may be used for any purpose other

1 than enforcement of violations under this section nor retained longer  
2 than necessary to enforce this section.

3 (g) All locations where an automated traffic safety camera is used  
4 must be clearly marked by placing signs in locations that clearly  
5 indicate to a driver that he or she is entering a zone where traffic  
6 laws are enforced by an automated traffic safety camera.

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

13 (2) Infractions detected through the use of automated traffic  
14 safety cameras are not part of the registered owner's driving record  
15 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
16 by the use of automated traffic safety cameras under this section shall  
17 be processed in the same manner as parking infractions, including for  
18 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and  
19 46.20.270(3). However, the amount of the fine issued for an infraction  
20 generated through the use of an automated traffic safety camera shall  
21 not exceed the amount of a fine issued for other parking infractions  
22 within the jurisdiction.

23 (3) If the registered owner of the vehicle is a rental car  
24 business, the law enforcement agency shall, before a notice of  
25 infraction being issued under this section, provide a written notice to  
26 the rental car business that a notice of infraction may be issued to  
27 the rental car business if the rental car business does not, within  
28 eighteen days of receiving the written notice, provide to the issuing  
29 agency by return mail:

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

33 (b) A statement under oath that the business is unable to determine  
34 who was driving or renting the vehicle at the time the infraction  
35 occurred; or

36 (c) In lieu of identifying the vehicle operator, the rental car  
37 business may pay the applicable penalty.

1 Timely mailing of this statement to the issuing law enforcement  
2 agency relieves a rental car business of any liability under this  
3 chapter for the notice of infraction.

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

8 (5) For the purposes of this section, "automated traffic safety  
9 camera" means a device that uses a vehicle sensor installed to work in  
10 conjunction with an intersection traffic control system, a railroad  
11 grade crossing control system, or a speed measuring device, and a  
12 camera synchronized to automatically record one or more sequenced  
13 photographs, microphotographs, or electronic images of the rear of a  
14 motor vehicle at the time the vehicle fails to stop when facing a  
15 steady red traffic control signal or an activated railroad grade  
16 crossing control signal, or exceeds a speed limit (~~(in a school speed~~  
17 ~~zone))~~ as detected by a speed measuring device.

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