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**SUBSTITUTE HOUSE BILL 1793**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet, and Tarleton)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing additional uses for automated  
2 traffic safety cameras for traffic congestion reduction and increased  
3 safety; and amending RCW 46.63.170.

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

5 **Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each  
6 amended to read as follows:

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

9 (a) The appropriate local legislative authority must prepare an  
10 analysis of the locations within the jurisdiction where automated  
11 traffic safety cameras are proposed to be located: (i) Before  
12 enacting an ordinance allowing for the initial use of automated  
13 traffic safety cameras; and (ii) before adding additional cameras or  
14 relocating any existing camera to a new location within the  
15 jurisdiction. Automated traffic safety cameras may be used to detect  
16 one or more of the following: Stoplight(~~(r)~~) violations; railroad  
17 crossing(~~(, — or)~~) violations; school speed zone violations; or speed  
18 violations subject to (c) of this subsection. In cities with  
19 populations greater than five hundred thousand people, automated  
20 traffic safety cameras may also be used to detect one or more of the  
21 following violations: Stopping when traffic obstructed violations;

1 stopping at intersection or crosswalk violations; public  
2 transportation only lane violations; and stopping, standing, or  
3 parking violations at locations restricted for emergency response  
4 vehicle entry or exit or the boarding or disembarking of public  
5 transportation vehicles, including public ferries. At a minimum, the  
6 local ordinance must contain the restrictions described in this  
7 section and provisions for public notice and signage. Cities and  
8 counties using automated traffic safety cameras before July 24, 2005,  
9 are subject to the restrictions described in this section, but are  
10 not required to enact an authorizing ordinance. Beginning one year  
11 after June 7, 2012, cities and counties using automated traffic  
12 safety cameras must post an annual report of the number of traffic  
13 accidents that occurred at each location where an automated traffic  
14 safety camera is located as well as the number of notices of  
15 infraction issued for each camera and any other relevant information  
16 about the automated traffic safety cameras that the city or county  
17 deems appropriate on the city's or county's web site.

18 (b) Except as provided in (c) of this subsection, use of  
19 automated traffic safety cameras is restricted to the following  
20 locations only: (i) Intersections of two arterials with traffic  
21 control signals that have yellow change interval durations in  
22 accordance with RCW 47.36.022, which interval durations may not be  
23 reduced after placement of the camera; (ii) railroad crossings; and  
24 (iii) school speed zones. In cities with populations of greater than  
25 five hundred thousand people, use of automated traffic safety cameras  
26 is also permitted midblock on arterials.

27 (c) Any city west of the Cascade mountains with a population of  
28 more than one hundred ninety-five thousand located in a county with a  
29 population of fewer than one million five hundred thousand may  
30 operate an automated traffic safety camera to detect speed violations  
31 subject to the following limitations:

32 (i) A city may only operate one such automated traffic safety  
33 camera within its respective jurisdiction; and

34 (ii) The use and location of the automated traffic safety camera  
35 must have first been authorized by the Washington state legislature  
36 as a pilot project for at least one full year.

37 (d) Automated traffic safety cameras may only take pictures of  
38 the vehicle and vehicle license plate and only while an infraction is  
39 occurring. The picture must not reveal the face of the driver or of  
40 passengers in the vehicle. The primary purpose of camera placement is

1 to take pictures of the vehicle and vehicle license plate when an  
2 infraction is occurring. Cities and counties shall consider  
3 installing cameras in a manner that minimizes the impact of camera  
4 flash on drivers.

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

21 (ii) (A) A notice of infraction may only be issued for the second  
22 or subsequent violation within a five-year period by the registered  
23 owner of the vehicle or the renter of the vehicle for an infraction  
24 generated through the use of an automated traffic safety camera for  
25 the following violations: Stopping when traffic obstructed  
26 violations; stopping at intersection or crosswalk violations; public  
27 transportation only lane violations; stopping standing, or parking  
28 violations at locations restricted for emergency response vehicle  
29 entry or exit or the boarding or disembarking of public  
30 transportation vehicles, including public ferries. A warning of  
31 infraction must be mailed in place of a notice of infraction for the  
32 first violation by the registered owner of the vehicle or the renter  
33 of the vehicle for an infraction generated through the use of an  
34 automated traffic safety camera.

35 (B) A warning of infraction must be issued in the same manner and  
36 is subject to the same evidentiary, inspection, and admission  
37 requirements, and opportunity for the recipient to respond by mail,  
38 applicable to a notice of infraction as provided in (e) of this  
39 subsection.

1        (C) No fine may be issued for a warning of infraction for a first  
2 infraction by the registered owner of the vehicle or the renter of  
3 the vehicle within a five-year period that is generated through the  
4 use of an automated traffic safety camera.

5        (f) The registered owner of a vehicle is responsible for an  
6 infraction under RCW 46.63.030(1)(d) unless the registered owner  
7 overcomes the presumption in RCW 46.63.075, or, in the case of a  
8 rental car business, satisfies the conditions under subsection (3) of  
9 this section. If appropriate under the circumstances, a renter  
10 identified under subsection (3)(a) of this section is responsible for  
11 an infraction.

12        (g) Notwithstanding any other provision of law, all photographs,  
13 microphotographs, or electronic images prepared under this section  
14 are for the exclusive use of law enforcement in the discharge of  
15 duties under this section and are not open to the public and may not  
16 be used in a court in a pending action or proceeding unless the  
17 action or proceeding relates to a violation under this section. No  
18 photograph, microphotograph, or electronic image may be used for any  
19 purpose other than enforcement of violations under this section nor  
20 retained longer than necessary to enforce this section.

21        (h) All locations where an automated traffic safety camera is  
22 used must be clearly marked at least thirty days prior to activation  
23 of the camera by placing signs in locations that clearly indicate to  
24 a driver that he or she is entering a zone where traffic laws are  
25 enforced by an automated traffic safety camera. Signs placed in  
26 automated traffic safety camera locations after June 7, 2012, must  
27 follow the specifications and guidelines under the manual of uniform  
28 traffic control devices for streets and highways as adopted by the  
29 department of transportation under chapter 47.36 RCW.

30        (i) If a county or city has established an authorized automated  
31 traffic safety camera program under this section, the compensation  
32 paid to the manufacturer or vendor of the equipment used must be  
33 based only upon the value of the equipment and services provided or  
34 rendered in support of the system, and may not be based upon a  
35 portion of the fine or civil penalty imposed or the revenue generated  
36 by the equipment.

37        (j) As used in this subsection (1), "public transportation  
38 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,  
39 ferry boat, or any other device, vessel, or vehicle that is owned or  
40 operated by a transit authority or an entity providing service on

1 behalf of a transit authority that is used for the purpose of  
2 carrying passengers and that operates on established routes. "Transit  
3 authority" has the meaning provided in RCW 9.91.025.

4 (2) Infractions detected through the use of automated traffic  
5 safety cameras are not part of the registered owner's driving record  
6 under RCW 46.52.101 and 46.52.120. Additionally, infractions  
7 generated by the use of automated traffic safety cameras under this  
8 section shall be processed in the same manner as parking infractions,  
9 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,  
10 and 46.20.270(2). The amount of the fine issued for an infraction  
11 generated through the use of an automated traffic safety camera shall  
12 not exceed the amount of a fine issued for other parking infractions  
13 within the jurisdiction. However, the amount of the fine issued for a  
14 traffic control signal violation detected through the use of an  
15 automated traffic safety camera shall not exceed the monetary penalty  
16 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,  
17 including all applicable statutory assessments.

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

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

28 (b) A statement under oath that the business is unable to  
29 determine who was driving or renting the vehicle at the time the  
30 infraction occurred because the vehicle was stolen at the time of the  
31 infraction. A statement provided under this subsection must be  
32 accompanied by a copy of a filed police report regarding the vehicle  
33 theft; or

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

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

39 (4) Nothing in this section prohibits a law enforcement officer  
40 from issuing a notice of traffic infraction to a person in control of

1 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
2 (b), or (c).

3 (5) For the purposes of this section, "automated traffic safety  
4 camera" means a device that uses a vehicle sensor installed to work  
5 in conjunction with an intersection traffic control system, a  
6 railroad grade crossing control system, or a speed measuring device,  
7 and a camera synchronized to automatically record one or more  
8 sequenced photographs, microphotographs, or electronic images of the  
9 rear of a motor vehicle at the time the vehicle fails to stop when  
10 facing a steady red traffic control signal or an activated railroad  
11 grade crossing control signal, or exceeds a speed limit as detected  
12 by a speed measuring device. "Automated traffic safety camera" also  
13 includes a device used to detect stopping when traffic obstructed  
14 violations; stopping at intersection or crosswalk violations; public  
15 transportation only lane violations; stopping, standing, or parking  
16 violations at locations restricted for emergency response vehicle  
17 entry or exit or the boarding or disembarking of public  
18 transportation vehicles, including public ferries.

19 ~~((6) During the 2011-2013 and 2013-2015 fiscal biennia, this~~  
20 ~~section does not apply to automated traffic safety cameras for the~~  
21 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~  
22 ~~216(6), chapter 306, Laws of 2013.))~~

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