
SENATE BILL 5687

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By Senators C. Wilson, Liias, Billig, Das, Nguyen, Pedersen, Saldaña, and Stanford

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1 AN ACT Relating to certain traffic safety improvements; amending
2 RCW 46.61.415, 46.61.405, 46.63.170, and 46.63.170; reenacting and
3 amending RCW 46.61.250; providing an effective date; and providing an
4 expiration date.

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

6 **Sec. 1.** RCW 46.61.415 and 2013 c 264 s 1 are each amended to
7 read as follows:

8 (1) Whenever local authorities in their respective jurisdictions
9 determine on the basis of an engineering and traffic investigation
10 that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is
11 greater or less than is reasonable and safe under the conditions
12 found to exist upon a highway or part of a highway, the local
13 authority may determine and declare a reasonable and safe maximum
14 limit thereon which

15 (a) Decreases the limit at intersections; or

16 (b) Increases the limit but not to more than (~~sixty~~) 60 miles
17 per hour; or

18 (c) Decreases the limit but not to less than (~~twenty~~) 20 miles
19 per hour.

20 (2) Local authorities in their respective jurisdictions shall
21 determine by an engineering and traffic investigation the proper

1 maximum speed for all arterial streets and shall declare a reasonable
2 and safe maximum limit thereon which may be greater or less than the
3 maximum speed permitted under RCW 46.61.400(2) but shall not exceed
4 (~~sixty~~) 60 miles per hour.

5 (3) (a) (~~Cities and towns~~) Local authorities in their respective
6 jurisdictions may establish a maximum speed limit of (~~twenty~~) 20
7 miles per hour on a nonarterial highway(~~(7)~~) or part of a nonarterial
8 highway(~~(, that is within a residence district or business~~
9 ~~district)~~).

10 (b) A speed limit established under this subsection by a (~~city~~
11 ~~or town~~) local authority does not need to be determined on the basis
12 of an engineering and traffic investigation if the (~~city or town~~)
13 local authority has developed procedures regarding establishing a
14 maximum speed limit under this subsection. Any speed limit
15 established under this subsection may be canceled within one year of
16 its establishment, and the previous speed limit reestablished,
17 without an engineering and traffic investigation. This subsection
18 does not otherwise affect the requirement that (~~cities and towns~~)
19 local authorities conduct an engineering and traffic investigation to
20 determine whether to increase speed limits.

21 (c) When establishing speed limits under this subsection,
22 (~~cities and towns~~) local authorities shall consult the manual on
23 uniform traffic control devices as adopted by the Washington state
24 department of transportation.

25 (4) The secretary of transportation is authorized to establish
26 speed limits on county roads and city and town streets as shall be
27 necessary to conform with any federal requirements which are a
28 prescribed condition for the allocation of federal funds to the
29 state.

30 (5) Any altered limit established as hereinbefore authorized
31 shall be effective when appropriate signs giving notice thereof are
32 erected. Such maximum speed limit may be declared to be effective at
33 all times or at such times as are indicated upon such signs; and
34 differing limits may be established for different times of day,
35 different types of vehicles, varying weather conditions, and other
36 factors bearing on safe speeds, which shall be effective when posted
37 upon appropriate fixed or variable signs.

38 (6) Any alteration of maximum limits on state highways within
39 incorporated cities or towns by local authorities shall not be

1 effective until such alteration has been approved by the secretary of
2 transportation.

3 **Sec. 2.** RCW 46.61.405 and 1987 c 397 s 3 are each amended to
4 read as follows:

5 (1) Whenever the secretary of transportation shall determine upon
6 the basis of an engineering and traffic investigation that any
7 maximum speed hereinbefore set forth is greater than is reasonable or
8 safe with respect to a state highway under the conditions found to
9 exist at any intersection or upon any other part of the state highway
10 system or at state ferry terminals, or that a general reduction of
11 any maximum speed set forth in RCW 46.61.400 is necessary in order to
12 comply with a national maximum speed limit, the secretary may
13 determine and declare a reasonable and safe lower maximum limit or a
14 lower maximum limit which will comply with a national maximum speed
15 limit, for any state highway, the entire state highway system, or any
16 portion thereof, which shall be effective when appropriate signs
17 giving notice thereof are erected. The secretary may also fix and
18 regulate the speed of vehicles on any state highway within the
19 maximum speed limit allowed by this chapter for special occasions
20 including, but not limited to, local parades and other special
21 events. Any such maximum speed limit may be declared to be effective
22 at all times or at such times as are indicated upon the said signs;
23 and differing limits may be established for different times of day,
24 different types of vehicles, varying weather conditions, and other
25 factors bearing on safe speeds, which shall be effective (a)
26 (~~(1)~~) when posted upon appropriate fixed or variable signs or (b)
27 (~~(2)~~) if a maximum limit is established for auto stages which is
28 lower than the limit for automobiles, the auto stage speed limit
29 shall become effective (~~(thirty)~~) 30 days after written notice
30 thereof is mailed in the manner provided in (~~subsection (4) of~~) RCW
31 46.61.410(4), as now or hereafter amended.

32 (2) The secretary of transportation may establish a maximum speed
33 limit of 20 miles per hour on a nonarterial state highway, or part of
34 a nonarterial state highway, without a determination made on the
35 basis of an engineering and traffic investigation, subject to the
36 conditions described in RCW 46.61.415(3).

37 **Sec. 3.** RCW 46.61.250 and 2019 c 403 s 9 and 2019 c 214 s 14 are
38 each reenacted and amended to read as follows:

1 (1) Where sidewalks are provided and are accessible, it is
2 unlawful for any pedestrian to walk or otherwise move along and upon
3 an adjacent roadway. Where sidewalks are provided but wheelchair
4 access is not available, persons with disabilities who require such
5 access may walk or otherwise move along and upon an adjacent roadway
6 until they reach an access point in the sidewalk.

7 (2) Where sidewalks are not provided or are inaccessible, a
8 pedestrian walking or otherwise moving along and upon a highway, and
9 any personal delivery device moving along and upon a highway, shall:

10 (a) When shoulders are provided and are accessible, walk or move
11 on the shoulder of the roadway as far as is practicable from the edge
12 of the roadway, facing traffic when a shoulder is available in this
13 direction; or

14 (b) When shoulders are not provided or are inaccessible, walk or
15 move as near as is practicable to the outside edge of the roadway
16 facing traffic, and when practicable, move clear of the roadway upon
17 meeting an oncoming vehicle.

18 (3) A pedestrian traveling to the nearest emergency reporting
19 device on a one-way roadway of a controlled access highway is not
20 required to travel facing traffic as otherwise required by subsection
21 (2) of this section.

22 (4) When walking or otherwise moving along and upon an adjacent
23 roadway, a pedestrian shall exercise due care to avoid colliding with
24 any vehicle upon the roadway.

25 (5) Subsections (1) and (2) of this section do not apply when the
26 roadway is duly closed to vehicular traffic by placement of official
27 traffic control devices for the sole purposes of pedestrian and
28 bicyclist use of the roadway.

29 **Sec. 4.** RCW 46.63.170 and 2020 c 224 s 1 are each amended to
30 read as follows:

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

33 (a) Except for proposed locations used solely for the pilot
34 program purposes permitted under subsection (6) of this section, the
35 appropriate local legislative authority must prepare an analysis of
36 the locations within the jurisdiction where automated traffic safety
37 cameras are proposed to be located: (i) Before enacting an ordinance
38 allowing for the initial use of automated traffic safety cameras; and
39 (ii) before adding additional cameras or relocating any existing

1 camera to a new location within the jurisdiction. Automated traffic
2 safety cameras may be used to detect one or more of the following:
3 Stoplight, railroad crossing, or school speed zone violations and
4 speed violations on any roadway identified in a school walk area as
5 defined in RCW 28A.160.160; speed violations subject to (c) of this
6 subsection; or violations included in subsection (6) of this section
7 for the duration of the pilot program authorized under subsection (6)
8 of this section. At a minimum, the local ordinance must contain the
9 restrictions described in this section and provisions for public
10 notice and signage. Cities and counties using automated traffic
11 safety cameras before July 24, 2005, are subject to the restrictions
12 described in this section, but are not required to enact an
13 authorizing ordinance. Beginning one year after June 7, 2012, cities
14 and counties using automated traffic safety cameras must post an
15 annual report of the number of traffic accidents that occurred at
16 each location where an automated traffic safety camera is located as
17 well as the number of notices of infraction issued for each camera
18 and any other relevant information about the automated traffic safety
19 cameras that the city or county deems appropriate on the city's or
20 county's website.

21 (b) Except as provided in (c) of this subsection and subsection
22 (6) of this section, use of automated traffic safety cameras is
23 restricted to the following locations only: (i) Intersections of two
24 or more arterials with traffic control signals that have yellow
25 change interval durations in accordance with RCW 47.36.022, which
26 interval durations may not be reduced after placement of the camera;
27 (ii) railroad crossings; and (iii) school speed zones and roadways
28 identified in a school walk area as defined in RCW 28A.160.160.

29 (c) Any city west of the Cascade mountains with a population of
30 more than (~~one hundred ninety-five thousand~~) 195,000 located in a
31 county with a population of fewer than (~~one million five hundred~~
32 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
33 to detect speed violations subject to the following limitations:

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

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

39 (d) Automated traffic safety cameras may only take pictures of
40 the vehicle and vehicle license plate and only while an infraction is

1 occurring. The picture must not reveal the face of the driver or of
2 passengers in the vehicle. The primary purpose of camera placement is
3 to take pictures of the vehicle and vehicle license plate when an
4 infraction is occurring. Cities and counties shall consider
5 installing cameras in a manner that minimizes the impact of camera
6 flash on drivers.

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

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

31 (g) Notwithstanding any other provision of law, all photographs,
32 microphotographs, or electronic images, or any other personally
33 identifying data prepared under this section are for the exclusive
34 use of law enforcement in the discharge of duties under this section
35 and are not open to the public and may not be used in a court in a
36 pending action or proceeding unless the action or proceeding relates
37 to a violation under this section. No photograph, microphotograph, or
38 electronic image, or any other personally identifying data may be
39 used for any purpose other than enforcement of violations under this
40 section nor retained longer than necessary to enforce this section.

1 (h) All locations where an automated traffic safety camera is
2 used must be clearly marked at least (~~thirty~~) 30 days prior to
3 activation of the camera by placing signs in locations that clearly
4 indicate to a driver that he or she is entering a zone where traffic
5 laws are enforced by an automated traffic safety camera. Signs placed
6 in automated traffic safety camera locations after June 7, 2012, must
7 follow the specifications and guidelines under the manual of uniform
8 traffic control devices for streets and highways as adopted by the
9 department of transportation under chapter 47.36 RCW.

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

17 (2) Infractions detected through the use of automated traffic
18 safety cameras are not part of the registered owner's driving record
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions
20 generated by the use of automated traffic safety cameras under this
21 section shall be processed in the same manner as parking infractions,
22 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
23 and 46.20.270(2). Except as provided otherwise in subsection (6) of
24 this section, the amount of the fine issued for an infraction
25 generated through the use of an automated traffic safety camera shall
26 not exceed the amount of a fine issued for other parking infractions
27 within the jurisdiction. However, the amount of the fine issued for a
28 traffic control signal violation detected through the use of an
29 automated traffic safety camera shall not exceed the monetary penalty
30 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
31 including all applicable statutory assessments.

32 (3) If the registered owner of the vehicle is a rental car
33 business, the law enforcement agency shall, before a notice of
34 infraction being issued under this section, provide a written notice
35 to the rental car business that a notice of infraction may be issued
36 to the rental car business if the rental car business does not,
37 within (~~eighteen~~) 18 days of receiving the written notice, provide
38 to the issuing agency by return mail:

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

4 (b) A statement under oath that the business is unable to
5 determine who was driving or renting the vehicle at the time the
6 infraction occurred because the vehicle was stolen at the time of the
7 infraction. A statement provided under this subsection must be
8 accompanied by a copy of a filed police report regarding the vehicle
9 theft; or

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

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

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

19 (5)(a) For the purposes of this section, "automated traffic
20 safety camera" means a device that uses a vehicle sensor installed to
21 work in conjunction with an intersection traffic control system, a
22 railroad grade crossing control system, or a speed measuring device,
23 and a camera synchronized to automatically record one or more
24 sequenced photographs, microphotographs, or electronic images of the
25 rear of a motor vehicle at the time the vehicle fails to stop when
26 facing a steady red traffic control signal or an activated railroad
27 grade crossing control signal, or exceeds a speed limit as detected
28 by a speed measuring device.

29 (b) For the purposes of the pilot program authorized under
30 subsection (6) of this section, "automated traffic safety camera"
31 also includes a device used to detect stopping at intersection or
32 crosswalk violations; stopping when traffic obstructed violations;
33 public transportation only lane violations; and stopping or traveling
34 in restricted lane violations. The device, including all technology
35 defined under "automated traffic safety camera," must not reveal the
36 face of the driver or the passengers in vehicles, and must not use
37 any facial recognition technology in real time or after capturing any
38 information. If the face of any individual in a crosswalk or
39 otherwise within the frame is incidentally captured, it may not be
40 made available to the public nor used for any purpose including, but

1 not limited to, any law enforcement action, except in a pending
2 action or proceeding related to a violation under this section.

3 (6) (a) (i) A city with a population greater than (~~five hundred~~
4 ~~thousand~~) 500,000 may adopt an ordinance creating a pilot program
5 authorizing automated traffic safety cameras to be used to detect one
6 or more of the following violations: Stopping when traffic obstructed
7 violations; stopping at intersection or crosswalk violations; public
8 transportation only lane violations; and stopping or traveling in
9 restricted lane violations. Under the pilot program, stopping at
10 intersection or crosswalk violations may only be enforced at the
11 twenty intersections where the city would most like to address safety
12 concerns related to stopping at intersection or crosswalk violations.
13 At a minimum, the local ordinance must contain the restrictions
14 described in this section and provisions for public notice and
15 signage.

16 (ii) Except where specifically exempted, all of the rules and
17 restrictions applicable to the use of automated traffic safety
18 cameras in this section apply to the use of automated traffic safety
19 cameras in the pilot program established in this subsection (6).

20 (iii) As used in this subsection (6), "public transportation
21 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,
22 ferry boat, or any other device, vessel, or vehicle that is owned or
23 operated by a transit authority or an entity providing service on
24 behalf of a transit authority that is used for the purpose of
25 carrying passengers and that operates on established routes. "Transit
26 authority" has the meaning provided in RCW 9.91.025.

27 (b) Use of automated traffic safety cameras as authorized in this
28 subsection (6) is restricted to the following locations only:
29 Locations authorized in subsection (1)(b) of this section; and
30 midblock on arterials. Additionally, the use of automated traffic
31 safety cameras as authorized in this subsection (6) is further
32 limited to the following:

33 (i) The portion of state and local roadways in downtown areas of
34 the city used for office and commercial activities, as well as retail
35 shopping and support services, and that may include mixed residential
36 uses;

37 (ii) The portion of state and local roadways in areas in the city
38 within one-half mile north of the boundary of the area described in
39 (b) (i) of this subsection;

1 (iii) Portions of roadway systems in the city that travel into
2 and out of (b)(ii) of this subsection that are designated by the
3 Washington state department of transportation as noninterstate
4 freeways for up to four miles; and

5 (iv) Portions of roadway systems in the city connected to the
6 portions of the noninterstate freeways identified in (b)(iii) of this
7 subsection that are designated by the Washington state department of
8 transportation as arterial roadways for up to one mile from the
9 intersection of the arterial roadway and the noninterstate freeway.

10 (c) However, automated traffic safety cameras may not be used on
11 an on-ramp to an interstate.

12 (d) From June 11, 2020, through December 31, 2020, a warning
13 notice with no penalty must be issued to the registered owner of the
14 vehicle for a violation generated through the use of an automated
15 traffic safety camera authorized in this subsection (6). Beginning
16 January 1, 2021, a notice of infraction must be issued, in a manner
17 consistent with subsections (1)(e) and (3) of this section, for a
18 violation generated through the use of an automated traffic safety
19 camera authorized in this subsection (6). However, the penalty for
20 the violation may not exceed (~~(seventy-five dollars)~~) \$75.

21 (e) For infractions issued as authorized in this subsection (6),
22 a city with a pilot program shall remit monthly to the state
23 (~~(fifty)~~) 50 percent of the noninterest money received under this
24 subsection (6) in excess of the cost to install, operate, and
25 maintain the automated traffic safety cameras for use in the pilot
26 program. Money remitted under this subsection to the state treasurer
27 shall be deposited in the Cooper Jones active transportation safety
28 account created in RCW 46.68.480. The remaining (~~(fifty)~~) 50 percent
29 retained by the city must be used only for improvements to
30 transportation that support equitable access and mobility for persons
31 with disabilities.

32 (f) A transit authority may not take disciplinary action,
33 regarding a warning or infraction issued pursuant to this subsection
34 (6), against an employee who was operating a public transportation
35 vehicle at the time the violation that was the basis of the warning
36 or infraction was detected.

37 (g) A city that implements a pilot program under this subsection
38 (6) must provide a preliminary report to the transportation
39 committees of the legislature by June 30, 2022, and a final report by
40 January 1, 2023, on the pilot program that includes the locations

1 chosen for the automated traffic safety cameras used in the pilot
2 program, the number of warnings and traffic infractions issued under
3 the pilot program, the number of traffic infractions issued with
4 respect to vehicles registered outside of the county in which the
5 city is located, the infrastructure improvements made using the
6 penalty moneys as required under (e) of this subsection, an equity
7 analysis that includes any disproportionate impacts, safety, and on-
8 time performance statistics related to the impact on driver behavior
9 of the use of automated traffic safety cameras in the pilot program,
10 and any recommendations on the use of automated traffic safety
11 cameras to enforce the violations that these cameras were authorized
12 to detect under the pilot program.

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

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

17 (a) The appropriate local legislative authority must prepare an
18 analysis of the locations within the jurisdiction where automated
19 traffic safety cameras are proposed to be located: (i) Before
20 enacting an ordinance allowing for the initial use of automated
21 traffic safety cameras; and (ii) before adding additional cameras or
22 relocating any existing camera to a new location within the
23 jurisdiction. Automated traffic safety cameras may be used to detect
24 one or more of the following: Stoplight, railroad crossing, or school
25 speed zone violations and speed violations on any roadway identified
26 in a school walk area as defined in RCW 28A.160.160; or speed
27 violations subject to (c) of this subsection. At a minimum, the local
28 ordinance must contain the restrictions described in this section and
29 provisions for public notice and signage. Cities and counties using
30 automated traffic safety cameras before July 24, 2005, are subject to
31 the restrictions described in this section, but are not required to
32 enact an authorizing ordinance. Beginning one year after June 7,
33 2012, cities and counties using automated traffic safety cameras must
34 post an annual report of the number of traffic accidents that
35 occurred at each location where an automated traffic safety camera is
36 located as well as the number of notices of infraction issued for
37 each camera and any other relevant information about the automated
38 traffic safety cameras that the city or county deems appropriate on
39 the city's or county's website.

1 (b) Except as provided in (c) of this subsection, use of
2 automated traffic safety cameras is restricted to the following
3 locations only: (i) Intersections of two arterials with traffic
4 control signals that have yellow change interval durations in
5 accordance with RCW 47.36.022, which interval durations may not be
6 reduced after placement of the camera; (ii) railroad crossings; and
7 (iii) school speed zones and roadways identified in a school walk
8 area as defined in RCW 28A.160.160.

9 (c) Any city west of the Cascade mountains with a population of
10 more than (~~one hundred ninety-five thousand~~) 195,000 located in a
11 county with a population of fewer than (~~one million five hundred~~
12 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
13 to detect speed violations subject to the following limitations:

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

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

19 (d) Automated traffic safety cameras may only take pictures of
20 the vehicle and vehicle license plate and only while an infraction is
21 occurring. The picture must not reveal the face of the driver or of
22 passengers in the vehicle. The primary purpose of camera placement is
23 to take pictures of the vehicle and vehicle license plate when an
24 infraction is occurring. Cities and counties shall consider
25 installing cameras in a manner that minimizes the impact of camera
26 flash on drivers.

27 (e) A notice of infraction must be mailed to the registered owner
28 of the vehicle within (~~fourteen~~) 14 days of the violation, or to
29 the renter of a vehicle within (~~fourteen~~) 14 days of establishing
30 the renter's name and address under subsection (3)(a) of this
31 section. The law enforcement officer issuing the notice of infraction
32 shall include with it a certificate or facsimile thereof, based upon
33 inspection of photographs, microphotographs, or electronic images
34 produced by an automated traffic safety camera, stating the facts
35 supporting the notice of infraction. This certificate or facsimile is
36 prima facie evidence of the facts contained in it and is admissible
37 in a proceeding charging a violation under this chapter. The
38 photographs, microphotographs, or electronic images evidencing the
39 violation must be available for inspection and admission into
40 evidence in a proceeding to adjudicate the liability for the

1 infraction. A person receiving a notice of infraction based on
2 evidence detected by an automated traffic safety camera may respond
3 to the notice by mail.

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

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

20 (h) All locations where an automated traffic safety camera is
21 used must be clearly marked at least (~~thirty~~) 30 days prior to
22 activation of the camera by placing signs in locations that clearly
23 indicate to a driver that he or she is entering a zone where traffic
24 laws are enforced by an automated traffic safety camera. Signs placed
25 in automated traffic safety camera locations after June 7, 2012, must
26 follow the specifications and guidelines under the manual of uniform
27 traffic control devices for streets and highways as adopted by the
28 department of transportation under chapter 47.36 RCW.

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

36 (2) Infractions detected through the use of automated traffic
37 safety cameras are not part of the registered owner's driving record
38 under RCW 46.52.101 and 46.52.120. Additionally, infractions
39 generated by the use of automated traffic safety cameras under this
40 section shall be processed in the same manner as parking infractions,

1 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
2 and 46.20.270(2). The amount of the fine issued for an infraction
3 generated through the use of an automated traffic safety camera shall
4 not exceed the amount of a fine issued for other parking infractions
5 within the jurisdiction. However, the amount of the fine issued for a
6 traffic control signal violation detected through the use of an
7 automated traffic safety camera shall not exceed the monetary penalty
8 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
9 including all applicable statutory assessments.

10 (3) If the registered owner of the vehicle is a rental car
11 business, the law enforcement agency shall, before a notice of
12 infraction being issued under this section, provide a written notice
13 to the rental car business that a notice of infraction may be issued
14 to the rental car business if the rental car business does not,
15 within (~~eighteen~~) 18 days of receiving the written notice, provide
16 to the issuing agency by return mail:

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

20 (b) A statement under oath that the business is unable to
21 determine who was driving or renting the vehicle at the time the
22 infraction occurred because the vehicle was stolen at the time of the
23 infraction. A statement provided under this subsection must be
24 accompanied by a copy of a filed police report regarding the vehicle
25 theft; or

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

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

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

35 (5) For the purposes of this section, "automated traffic safety
36 camera" means a device that uses a vehicle sensor installed to work
37 in conjunction with an intersection traffic control system, a
38 railroad grade crossing control system, or a speed measuring device,
39 and a camera synchronized to automatically record one or more
40 sequenced photographs, microphotographs, or electronic images of the

1 rear of a motor vehicle at the time the vehicle fails to stop when
2 facing a steady red traffic control signal or an activated railroad
3 grade crossing control signal, or exceeds a speed limit as detected
4 by a speed measuring device.

5 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
6 section does not apply to automated traffic safety cameras for the
7 purposes of section 216(5), chapter 367, Laws of 2011 and section
8 216(6), chapter 306, Laws of 2013.

9 NEW SECTION. **Sec. 6.** Section 4 of this act expires June 30,
10 2023.

11 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect June
12 30, 2023.

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