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**HOUSE BILL 2384**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Donaghy, Fitzgibbon, Walen, and Pollet

AN ACT Relating to automated traffic safety cameras; amending RCW 46.16A.120, 46.63.030, 46.63.075, and 46.68.480; adding new sections to chapter 46.63 RCW; and repealing RCW 46.63.170.

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

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

The definitions in this section apply throughout this section and sections 2 through 6 of this act unless the context clearly requires otherwise.

(1) "Automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the front or rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device. "Automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations.

(2) "Freeway-limited access highway" means a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

(3) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of the hospital property (a) consistent with hospital use; and (b) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(4) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of the public park property (a) consistent with active park use; and (b) where signs are posted to indicate the location is within a public park speed zone.

(5) "Public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the same meaning as provided in RCW 9.91.025.

(6) "School speed zone" means the marked crosswalk adjacent to a school and the 300 feet in either direction of the crosswalk on a roadway as indicated by standard school speed limit signs or standard playground speed limit signs.

(7) "School walk zone" means a roadway identified under RCW 28A.160.160 or roadways within a one-mile radius of a school which students use to travel to school by foot, bicycle, or other means of active transportation.

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

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

(2) Cities and counties may authorize the use of traffic safety cameras through an ordinance adopted by the local legislative authority.

(3) The local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located before adding traffic safety cameras or relocating any existing camera to a new location within the jurisdiction. The analysis must include equity considerations including the impact of the camera placement on livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera.

(4) Automated traffic safety cameras may not be used on an on-ramp to an interstate.

(5) A city government may use automated traffic safety cameras to enforce traffic ordinances in this section on state routes that are not freeway-limited access highways.

(6)(a) At a minimum, a local ordinance adopted pursuant to this section must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to adopt an authorizing ordinance.

(b) Cities and counties using automated traffic safety cameras must post an annual report on the city or county's website of the number of traffic crashes that occurred at each location where an automated traffic safety camera is located, as well as the number of notices of infraction issued for each camera. The annual report must include the percentage of revenues received from fines issued from automated traffic safety camera infractions that were used to pay for the costs of the automated traffic safety camera program and must describe the uses of revenues that exceeded the costs of operation and administration of the automated traffic safety camera program by the city or county.

(7) All locations where an automated traffic safety camera is used on roadways or intersections must be clearly marked by placing signs at least 30 days prior to activation of the camera in locations that clearly indicate to a driver either that: (a) The driver is within an area where automated traffic safety cameras are authorized; or (b) the driver is entering an area where violations are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(8) Automated traffic safety cameras may only record images of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to record images of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties must consider installing automated traffic safety cameras in a manner that minimizes the impact of camera flash on drivers.

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

(10) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (16) of this section. If appropriate under the circumstances, a renter identified under subsection (16)(a) of this section is responsible for an infraction.

(11) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of authorized city or county employees in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

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

(13) A county or a city may only use revenue generated by an automated traffic safety camera program as authorized under this section for traffic safety purposes including, but not limited to, projects designed to implement the complete streets approach as defined in RCW 47.04.010, changes in physical infrastructure to reduce speeds through road design, changes to improve safety for active transportation users, improve access and safety for road users with mobility, sight, or other disabilities, or the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

(14) A county or city may adopt the use of an online ability-to-pay calculator to process and grant requests for reduced fines or reduced civil penalties for automated traffic safety camera violations.

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

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

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

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

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(17) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this section against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

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

(1) Automated traffic safety cameras may be used to detect stoplight violations, subject to section 2 of this act.

(2) Automated traffic safety cameras used to detect stoplight violations are restricted to intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera.

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

(1) Automated traffic safety cameras may be used to detect rail crossing violations, subject to section 2 of this act.

(2) Automated traffic safety cameras at rail crossings may be used only to detect instances when a vehicle fails to stop when facing an activated railroad grade crossing control signal.

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

(1) Automated traffic safety cameras may be used to detect speed violations, subject to section 2 of this act.

(2) Automated traffic safety cameras may be used to detect speed violations within the following locations:

(a) Hospital speed zones;

(b) Public park speed zones;

(c) School zones;

(d) School walk zones; and

(e) State routes within city limits that are not a freeway-limited access highway.

(3) In addition to the automated traffic safety cameras that may be authorized for specified zones or roads in subsection (2) of this section, the local legislative authority may authorize the use of one additional automated traffic safety camera per 10,000 population to detect speed violations in locations deemed by the local legislative authority to experience higher crash risks due to excessive vehicle speeds.

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

Subject to section 2 of this act, automated traffic safety cameras may be used in cities with populations of 90,000 residents or greater to detect one or more of the following violations:

(1) Stopping when traffic obstructed violations;

(2) Stopping at intersection or crosswalk violations;

(3) Public transportation only lane violations; or

(4) Stopping or traveling in restricted lane violations.

**Sec.**  RCW 46.16A.120 and 2012 c 83 s 5 are each amended to read as follows:

(1) Each court and government agency located in this state having jurisdiction over standing, stopping, and parking violations, the use of a photo toll system under RCW 46.63.160, the use of automated traffic safety cameras under ((~~RCW 46.63.170~~)) sections 2 through 6 of this act, and the use of automated school bus safety cameras under RCW 46.63.180 may forward to the department any outstanding:

(a) Standing, stopping, and parking violations;

(b) Civil penalties for toll nonpayment detected through the use of photo toll systems issued under RCW 46.63.160;

(c) Automated traffic safety camera infractions issued under RCW 46.63.030(1)(d); and

(d) Automated school bus safety camera infractions issued under RCW 46.63.030(1)(e).

(2) Violations, civil penalties, and infractions described in subsection (1) of this section must be reported to the department in the manner described in RCW 46.20.270(3).

(3) The department shall:

(a) Record the violations, civil penalties, and infractions on the matching vehicle records; and

(b) Send notice approximately ((~~one hundred twenty~~)) 120 days in advance of the current vehicle registration expiration date to the registered owner listing the dates and jurisdictions in which the violations, civil penalties, and infractions occurred, the amounts of unpaid fines and penalties, and the surcharge to be collected. Only those violations, civil penalties, and infractions received by the department ((~~one hundred twenty~~)) 120 days or more before the current vehicle registration expiration date will be included in the notice. Violations, civil penalties, and infractions received by the department later than ((~~one hundred twenty~~)) 120 days before the current vehicle registration expiration date that are not satisfied will be delayed until the next vehicle registration expiration date.

(4) The department, county auditor or other agent, or subagent appointed by the director shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations, and other civil penalties issued under RCW 46.63.160 for the vehicle unless:

(a) The outstanding standing, stopping, or parking violations and civil penalties were received by the department within ((~~one hundred twenty~~)) 120 days before the current vehicle registration expiration;

(b) There is a change in registered ownership; or

(c) The registered owner presents proof of payment of each violation, civil penalty, and infraction provided in this section and the registered owner pays the surcharge required under RCW 46.17.030.

(5) The department shall:

(a) Forward a change in registered ownership information to the court or government agency who reported the outstanding violations, civil penalties, or infractions; and

(b) Remove the outstanding violations, civil penalties, and infractions from the vehicle record.

**Sec.**  RCW 46.63.030 and 2023 c 17 s 1 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

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

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

(d) When the infraction is detected through the use of an automated traffic safety camera under ((~~RCW 46.63.170~~)) sections 2 through 6 of this act. A noncommissioned officer and any public employee as designated by a city or county has the authority to review infractions detected through the use of an automated traffic safety camera under sections 2 through 6 of this act and issue notices of infraction consistent with section 2(9) of this act. Such officers and employees must be sufficiently trained in reviewing such infractions and issuing such notices;

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180; or

(f) When the infraction is detected through the use of a speed safety camera system under RCW 46.63.200.

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

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

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

**Sec.**  RCW 46.63.075 and 2023 c 17 s 2 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under ((~~RCW 46.63.170~~)) sections 2 through 6 of this act, detected through the use of a speed safety camera system under RCW 46.63.200, or detected through the use of an automated school bus safety camera under RCW 46.63.180, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of sections 2 through 6 of this act or RCW ((~~46.63.170,~~)) 46.63.200((~~,~~)) and 46.63.180, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

**Sec.**  RCW 46.68.480 and 2023 c 431 s 8 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All ((~~receipts from penalties collected under RCW 46.63.170~~)) funds designated by the legislature shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec.**  RCW 46.63.170 (Automated traffic safety cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013 c 306 s 711 are each repealed.

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