

# SENATE BILL REPORT

## SSB 6115

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As Amended by House, March 1, 2024

**Title:** An act relating to speed safety camera systems.

**Brief Description:** Concerning speed safety camera systems.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators King, Lias, Lovick, Nobles, Saldaña, Shewmake and Wilson, C.; by request of Department of Transportation).

**Brief History:**

**Committee Activity:** Transportation: 1/15/24, 2/05/24 [DPS, w/oRec].

**Floor Activity:** Passed Senate: 2/12/24, 40-8.

Passed House: 3/1/24, 96-0.

**Brief Summary of First Substitute Bill**

- Modifies the administration, penalty structure, and enforcement of speed safety camera system violations in state highway work zones.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6115 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Hansen, Kauffman, Nobles, Valdez and Wilson, C..

**Minority Report:** That it be referred without recommendation.

Signed by Senators Fortunato, Hawkins, Lovelett, MacEwen, Padden and Wilson, J..

**Staff:** Brandon Popovac (786-7465)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Automated Traffic Safety Cameras. Automated traffic safety cameras may be used by local governments to detect various traffic violations, specifically stoplight violations, railroad crossing violations, or speed violations in authorized zones and certain cities. Revenue generated from such cameras is treated like a parking infraction and is split between the state and local government or remains with the local government depending on the camera's use and location.

Other Automated Camera Systems. The Washington State Department of Transportation (WSDOT) uses a photo toll system that reads a vehicle license plate on several toll facilities within the state. Vehicle owners are automatically assessed a toll for using any of the toll facilities.

School districts may install and operate automated school bus safety cameras on school buses to detect violations relating to overtaking or meeting a school bus from either direction while the bus is stopped to receive or discharge school children.

Enforcement. Law enforcement officers have the authority to issue a notice of infraction detected through the use of an automated traffic safety camera or an automated school bus safety camera.

Work Zone Safety Cameras. WSDOT is responsible for all actions related to the operation and administration of speed safety camera systems in state highway work zones including, but not limited to, the procurement and administration of contracts necessary for the implementation of speed safety camera systems and the mailing of notices of infraction for speed violations. By July 1, 2024, WSDOT, in consultation with the Washington State Patrol (WSP), the Department of Licensing (DOL), the Office of Administrative Hearings (OAH), the Washington Traffic Safety Commission (WTSC), and civil rights organizations, must adopt rules addressing such actions.

WSP is responsible for all actions related to the enforcement and adjudication of speed violations captured by speed safety camera systems in state highway work zones including, but not limited to, notice of infraction verification and issuance authorization, and determining which types of emergency vehicles are exempt from being issued notices of infraction for speed violations. By July 1, 2024, WSP, in consultation with WSDOT, DOL, OAH, WTSC, and civil rights organizations, must adopt rules addressing such actions.

WSDOT and WSP may consult other public and private agencies with an interest in such use of speed safety camera systems when establishing such rules. Definitions for speed safety camera system and state highway work zone are provided.

Beginning July 1, 2024, notices of infraction may only be issued if a speed safety camera system captures a speed violation in a state highway work zone when workers are present. Notices of infraction may be mailed to the registered owner of the vehicle within 30 days of the violation. A person in receipt of such a notice of infraction may, within 30 days of

receiving the notice, pay the penalty amount assessed for the violation. If the person fails to pay the penalty amount within 30 days or wishes to dispute the violation, it must be referred to OAH for adjudication. Such violations are not part of the registered owner's driving record.

Speed safety camera systems in state highway work zones may only take electronic images of the vehicle and license plate and while a speed violation is occurring, and must not reveal the face of the driver or passengers in the vehicle. Camera systems should be installed in a manner that minimizes the impact of camera flash on drivers. All electronic images or other personally identifying data are for the exclusive use of WSP and WSDOT in the discharge of their duties and are not open to the public and may only be used in court or administrative appeal proceedings relating to a violation.

Speed safety camera system locations must be clearly marked before camera activation with signage clearly indicating to drivers they are entering a state highway work zone with posted speed limits being monitored by speed safety camera systems.

Any revenue generated from the use of speed safety camera systems must first be used for camera operating and administrative costs, with any excess revenue generated distributed for the purpose of traffic safety education, including driver training education and local DUI emphasis patrols.

WSP and WSDOT, in collaboration with WTSC, must report to the transportation committees of the Legislature biennially on the data and efficacy of speed safety camera system use in state highway work zones, with a recommendation on whether or not to continue such use as required in the final biennial report due July 1, 2029.

The use of speed safety camera systems in state highway work zones expires June 30, 2030.

Camera Infraction Processing. DOL may impair a vehicle registration for unpaid infractions issued for violations of the photo toll system, as well as violations generated by local automated traffic safety cameras and school bus safety camera systems.

Federal regulations contain minimum standards relating to commercial driver's license (CDL) recordkeeping and prohibit the masking of a CDL driver's record, specifically as applied to convictions for violations of traffic control laws. The Federal Motor Carrier Safety Administration scrutinizes state compliance with such regulations, and may impose penalties for states found to be in violation, including withholding a percentage of apportioned state highway funds or decertification of a state's CDL program.

**Summary of First Substitute Bill:** WSDOT must create a website to educate the traveling public about the operation of speed safety camera systems in state highway work zones. The prohibition on driving a vehicle in a state highway work zone at speeds greater than allowed is made explicit.

A violation of speed safety camera systems in state highway work zones is subject to the following graduated penalty structure:

- \$0 for a first violation; and
- \$248 for a second and any subsequent violation.

The disposition of speed safety camera system infractions and the options a vehicle owner has upon receipt of an infraction are modified. Upon receipt of an infraction, the vehicle owner may pay the infraction penalty, challenge the infraction at a hearing before OAH, or admit to the infraction and request a hearing before OAH to explain mitigating circumstances. At a hearing to challenge the infraction, the issuing agency has the burden of proving the infraction by a preponderance of evidence.

A notice of infraction represents a determination an infraction has been committed, and the failure of a vehicle owner to respond to a notice of infraction and elect one of the three identified options for resolution will result in a final judgment and monetary penalties without the need for an administrative hearing.

Any person may request a payment plan at any point following receipt of an infraction. The issuing agency must provide information regarding how to prove an inability to pay and obtain a payment plan and that failure to pay or enter into a payment plan may result in a collection action or nonrenewal of vehicle registration. OAH may also authorize a payment plan, and modify the payment plan at any time.

Speed safety camera system infractions are exempt from any other additional assessments of fees, and are not considered a conviction as applied to CDL drivers.

WSDOT or WSP, or both, may forward to DOL any unpaid violations to enable DOL to impair the vehicle's registration if the registered owner of the vehicle fails to pay the outstanding infraction penalties before the date of registration renewal. OAH may also forward to DOL any failures to respond, failures to pay a penalty, or failures to appear at a hearing to contest infractions issued for a violation of speed safety camera systems in state highway work zones. Speed safety camera system infractions must be processed in the same manner as parking infractions for purposes of forwarding such information to DOL.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a*

*different version of the bill than what was heard.* PRO: This bill is mostly a technical cleanup bill of ESSB 5272. Since passage of ESSB 5272, affected state agencies have partnered to begin rulemaking for the new systems. Early rulemaking work identified new statutory changes needed before system activation. The bill allows unpaid speeding violations in the new enforcement system be sent to DOL, exempts violations from extraneous fees and assessments, requires creation of a new public facing website, and clarifies the processing of infractions with burden of proof resting with the issuing agency. The bill will lower collision rates in work zones. Similar speed safety camera systems have been implemented in other states and globally. Injuries on work sites are increasing, and this bill is about saving lives. A recent study showed that such speed cameras are worthwhile in reducing traffic crashes and fatalities. The bill will help send state workers home safely every night. Recent speed camera usage in Pennsylvania showed that after 200,000 warnings were issued in the first two weeks, warnings eventually dropped down to approximately 200.

CON: Automated photo enforcement systems are taxation without representation. The bill is more lipstick on a pig. Nothing in the bill addresses when drivers are leaving or entering work sites. Cameras are not supposed to be a profit provider, and this bill is government surveillance for a profit and violates due process. Nine states have banned such camera usage. The fine amount needs to be lowered closer to \$20. The legislature should allow communities to vote on initiatives to authorize such usage.

OTHER: There are not enough officers to patrol work zones, and these cameras will work to ensure worker safety. Images and photos taken are unavailable for other non-related camera purposes and should be made available by a warrant.

**Persons Testifying:** PRO: Senator Curtis King, Prime Sponsor; Jerry VanderWood, AGC; Travis Snell, Washington State Department of Transportation; Billy Wallace, Washington & Northern Idaho Distric; Deion Glover, Washington State Patrol.

CON: Jeff Pack, Washington Citizens Against Unfair Taxes; Tim Eyman, Initiative Activist.

OTHER: James McMahan, WA Assoc Sheriffs & Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Requires WSDOT to conduct a public awareness campaign to inform the public of the use of speed safety camera systems in state highway work zones during the 30-day period after the first speed safety camera system is put in place.
- Clarifies that speed safety camera system violations in state highway work zones must be processed in the same manner as parking infractions generally.
- Removes the date on which speed safety camera system enforcement is permitted and by which WSDOT and WSP must complete required consultations and rulemaking to

implement the speed safety camera system program, and requires such activities to be completed before the use of speed safety camera systems to capture speed violations in state highway work zones for enforcement purposes.