
SUBSTITUTE SENATE BILL 5272

State of Washington

68th Legislature

2023 Regular Session

By Senate Transportation (originally sponsored by Senators Lias, King, Kuderer, Nguyen, Nobles, Saldaña, and C. Wilson; by request of Department of Transportation)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to speed safety camera systems on state highways;
2 amending RCW 46.63.030 and 46.63.075; adding a new section to chapter
3 46.63 RCW; creating a new section; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each
7 amended to read as follows:

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

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

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

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

18 (d) When the infraction is detected through the use of an
19 automated traffic safety camera under RCW 46.63.170; (~~(or)~~)

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

1 (f) When the infraction is detected through the use of a speed
2 safety camera system under section 3 of this act.

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

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

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

30 **Sec. 2.** RCW 46.63.075 and 2012 c 83 s 6 are each amended to read
31 as follows:

32 (1) In a traffic infraction case involving an infraction detected
33 through the use of an automated traffic safety camera under RCW
34 46.63.170 ~~((or))~~, detected through the use of a speed safety camera
35 system under section 3 of this act, or detected through the use of an
36 automated school bus safety camera under RCW 46.63.180, proof that
37 the particular vehicle described in the notice of traffic infraction
38 was in violation of any such provision of RCW 46.63.170, section 3 of
39 this act, and 46.63.180, together with proof that the person named in

1 the notice of traffic infraction was at the time of the violation the
2 registered owner of the vehicle, constitutes in evidence a prima
3 facie presumption that the registered owner of the vehicle was the
4 person in control of the vehicle at the point where, and for the time
5 during which, the violation occurred.

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

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63
12 RCW to read as follows:

13 (1) This section applies to the use of speed safety camera
14 systems in state highway work zones.

15 (2) 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 (3) The Washington state patrol is the primary law enforcement
20 agency to verify and issue the notice of infraction as outlined in
21 this subsection. A notice of infraction may only be issued under this
22 section if workers are present in the state highway work zone at the
23 time the violation occurs. A notice of infraction under this section
24 must be mailed to the registered owner of the vehicle within 14 days
25 of the violation, or to the renter of a vehicle within 14 days of
26 establishing the renter's name and address. The law enforcement
27 officer issuing the notice of infraction shall include with it a
28 certificate or facsimile thereof, based upon inspection of
29 photographs, microphotographs, or electronic images produced by a
30 speed safety camera stating the facts supporting the notice of
31 infraction. This certificate or facsimile is prima facie evidence of
32 the facts contained in it and is admissible in a proceeding charging
33 a violation under this chapter. The photographs, microphotographs, or
34 electronic images evidencing the violation must be available for
35 inspection and admission into evidence in a proceeding to adjudicate
36 the liability for the infraction. A person receiving a notice of
37 infraction based on evidence detected by a speed safety camera may
38 respond to the notice by mail.

1 (4) (a) The notice of infraction shall be referred to the office
2 of administrative hearings for adjudication by an administrative law
3 judge and issuance of a final order, in accordance with chapter 34.05
4 RCW.

5 (b) During the adjudication process, the registered owner must
6 have an opportunity to present evidence to contest or mitigate the
7 traffic infraction. In response to these circumstances, the
8 administrative law judge may reduce or dismiss the infraction, civil
9 penalty, and associated administrative fees.

10 (5) Speed safety camera systems may only take pictures of the
11 vehicle and vehicle license plate and only while a traffic infraction
12 is occurring. The picture must not reveal the face of the driver or
13 of passengers in the vehicle. The purpose of camera placement is to
14 take pictures of the vehicle and vehicle license plate when a state
15 highway work zone traffic infraction is occurring. The department of
16 transportation shall consider installing cameras in a manner that
17 minimizes the impact of camera flash on drivers.

18 (6) The registered owner of a vehicle is responsible for a
19 traffic infraction under RCW 46.63.030 unless the registered owner
20 overcomes the presumption in RCW 46.63.075 or, in the case of a
21 rental car business, satisfies the conditions under subsection (10)
22 of this section. If appropriate under the circumstances, a renter
23 identified under subsection (10)(a) of this section is responsible
24 for an infraction.

25 (7) Notwithstanding any other provision of law, all photographs,
26 microphotographs, or electronic images, or any other personally
27 identifying data prepared under this section are for the exclusive
28 use of the Washington state patrol in the discharge of duties under
29 this section and are not open to the public and may not be used in
30 court in a pending action or proceeding unless the action or
31 proceeding relates to a violation under this section. This data may
32 be used in administrative appeal proceedings relative to a violation
33 under this section.

34 (8) All locations where speed safety camera systems are used must
35 be clearly marked before activation of the camera by placing signs in
36 locations that clearly indicate to a driver that they are entering a
37 state highway work zone where posted speed limits are monitored by a
38 speed safety camera system. Signs placed in these locations must
39 follow the specifications and guidelines under the manual of uniform

1 traffic control devices for streets and highways as adopted by the
2 department of transportation under chapter 47.36 RCW.

3 (9) Infractions detected through the use of speed safety camera
4 systems are not part of the registered owner's driving record under
5 RCW 46.52.101 and 46.52.120.

6 (10) If the registered owner of the vehicle is a rental car
7 business, the Washington state patrol shall, before a notice of
8 infraction being issued under this section, provide a written notice
9 to the rental car business that a notice of traffic infraction may be
10 issued to the rental car business if the rental car business does
11 not, within 18 days of receiving the written notice, provide to the
12 issuing agency by return mail:

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

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

22 (iii) In lieu of identifying the vehicle operator, pay the
23 applicable penalty.

24 (b) Timely mailing of a statement to the Washington state patrol
25 relieves a rental car business of any liability under this chapter
26 for the notice of infraction.

27 (11) Revenue generated from the deployment of speed safety camera
28 systems shall be deposited into the highway safety fund and first
29 used exclusively for the operating and administrative costs under
30 this section. The operation of speed safety camera systems is
31 intended to increase safety in state highway work zones by changing
32 driver behavior. Consequently, any revenue generated that exceeds the
33 operating and administrative costs under this section must be
34 distributed for the purpose of traffic safety including, but not
35 limited to, driver training education and local DUI emphasis patrols.

36 (12) The Washington state patrol and department of
37 transportation, in collaboration with the Washington traffic safety
38 commission, must report to the transportation committees of the
39 legislature by July 1, 2025, and biennially thereafter, on the data
40 and efficacy of speed safety camera system use in state highway work

1 zones. The final report due on July 1, 2029, must include a
2 recommendation on whether or not to continue such speed safety camera
3 system use beyond June 30, 2030.

4 (13) For the purposes of this section:

5 (a) "Speed safety camera system" means employing the use of speed
6 measuring devices and cameras synchronized to automatically record
7 one or more sequenced photographs, microphotographs, or other
8 electronic images of a motor vehicle that exceeds a posted state
9 highway work zone speed limit as detected by the speed measuring
10 devices.

11 (b) "State highway work zone" means an area of any highway with
12 construction, maintenance, utility work, or incident response
13 activities authorized by the department of transportation. A state
14 highway work zone is identified by the placement of temporary traffic
15 control devices that may include signs, channelizing devices,
16 barriers, pavement markings, and/or work vehicles with warning
17 lights. It extends from the first warning sign or high intensity
18 rotating, flashing, oscillating, or strobe lights on a vehicle to the
19 end road work sign or the last temporary traffic control device or
20 vehicle.

21 (14) This section expires June 30, 2030.

22 NEW SECTION. **Sec. 4.** By July 1, 2024, the Washington state
23 patrol, in consultation with the department of transportation,
24 department of licensing, office of administrative hearings,
25 Washington traffic safety commission, and other organizations
26 committed to protecting civil rights, shall adopt rules for the use
27 of speed safety camera systems in state highway work zones. When
28 establishing these rules, the Washington state patrol may also
29 consult with other public and private agencies that have an interest
30 in the use of speed safety camera systems in state highway work
31 zones. The chief of the Washington state patrol may also take any
32 necessary steps for implementation of such speed safety camera use.

33 NEW SECTION. **Sec. 5.** Except for section 4 of this act, this act
34 takes effect July 1, 2024.

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