

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5272

68th Legislature
2023 Regular Session

Passed by the Senate March 29, 2023
Yeas 49 Nays 0

President of the Senate

Passed by the House March 24, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5272** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5272

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

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; and providing an expiration date.

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

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

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

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

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

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

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

19 (e) When the infraction is detected through the use of an
20 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 infraction to a person in control of a
17 vehicle at the time a violation occurs under RCW 46.63.030(1)(a),
18 (b), or (c).

19 (3)(a) The department of transportation is responsible for all
20 actions related to the operation and administration of speed safety
21 camera systems in state highway work zones including, but not limited
22 to, the procurement and administration of contracts necessary for the
23 implementation of speed safety camera systems and the mailing of
24 notices of infraction. By July 1, 2024, the department of
25 transportation, in consultation with the Washington state patrol,
26 department of licensing, office of administrative hearings,
27 Washington traffic safety commission, and other organizations
28 committed to protecting civil rights must adopt rules addressing such
29 actions and take all necessary steps to implement this section.

30 (b) The Washington state patrol is responsible for all actions
31 related to the enforcement and adjudication of speed violations under
32 this section including, but not limited to, notice of infraction
33 verification and issuance authorization, and determining which types
34 of emergency vehicles are exempt from being issued notices of
35 infraction under this section. By July 1, 2024, the Washington state
36 patrol, in consultation with the department of transportation,
37 department of licensing, office of administrative hearings,
38 Washington traffic safety commission, and other organizations

1 committed to protecting civil rights must adopt rules addressing such
2 actions and take all necessary steps to implement this section.

3 (c) When establishing rules under this subsection (3), the
4 department of transportation and the Washington state patrol may also
5 consult with other public and private agencies that have an interest
6 in the use of speed safety camera systems in state highway work
7 zones.

8 (4) Beginning July 1, 2024:

9 (a) A notice of infraction may only be issued under this section
10 if a speed safety camera system captures a speed violation in a state
11 highway work zone when workers are present. A notice of infraction
12 under this section may be mailed to the registered owner of the
13 vehicle within 30 days of the violation, or to the renter of a
14 vehicle within 30 days of establishing the renter's name and address.
15 The law enforcement officer issuing the notice of infraction shall
16 include with it a certificate or facsimile thereof, based upon
17 inspection of photographs, microphotographs, or electronic images
18 produced by a speed safety camera stating the facts supporting the
19 notice of infraction. This certificate or facsimile is prima facie
20 evidence of the facts contained in it and is admissible in a
21 proceeding charging a violation under this section. The photographs,
22 microphotographs, or electronic images evidencing the violation must
23 be available for inspection and admission into evidence in a
24 proceeding to adjudicate the liability for the violation. A person
25 receiving a notice of infraction based on evidence detected by a
26 speed safety camera system may, within 30 days of receiving the
27 notice of infraction, remit payment in the amount of the penalty
28 assessed for the violation. If a person receiving a notice of
29 infraction fails to remit payment in the amount of the penalty
30 assessed within 30 days of receiving the notice of infraction, or if
31 such person wishes to dispute the violation, it must be adjudicated
32 in accordance with (b) of this subsection.

33 (b) A notice of infraction that has not been timely paid or a
34 disputed notice of infraction shall be referred to the office of
35 administrative hearings for adjudication consistent with chapter
36 34.05 RCW.

37 (c) Speed safety camera systems may only take photographs,
38 microphotographs, or electronic images of the vehicle and vehicle
39 license plate and only while a speed violation is occurring. The
40 photograph, microphotograph, or electronic image must not reveal the

1 face of the driver or any passengers in the vehicle. The department
2 of transportation shall consider installing speed safety camera
3 systems in a manner that minimizes the impact of camera flash on
4 drivers.

5 (d) The registered owner of a vehicle is responsible for a
6 traffic infraction under RCW 46.63.030 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 (h) of this
9 subsection. If appropriate under the circumstances, a renter
10 identified under (h)(i) of this subsection is responsible for the
11 traffic infraction.

12 (e) Notwithstanding any other provision of law, all photographs,
13 microphotographs, or electronic images, or any other personally
14 identifying data prepared under this section are for the exclusive
15 use of the Washington state patrol and department of transportation
16 in the discharge of duties under this section and are not open to the
17 public and may not be used in court in a pending action or proceeding
18 unless the action or proceeding relates to a speed violation under
19 this section. This data may be used in administrative appeal
20 proceedings relative to a violation under this section.

21 (f) All locations where speed safety camera systems are used must
22 be clearly marked before activation of the camera system by placing
23 signs in locations that clearly indicate to a driver that they are
24 entering a state highway work zone where posted speed limits are
25 monitored by a speed safety camera system. Additionally, where
26 feasible and constructive, radar speed feedback signs will be placed
27 in advance of the speed safety camera system to assist drivers in
28 complying with posted speed limits. Signs placed in these locations
29 must follow the specifications and guidelines under the manual of
30 uniform traffic control devices for streets and highways as adopted
31 by the department of transportation under chapter 47.36 RCW.

32 (g) Speed violations detected through the use of speed safety
33 camera systems are not part of the registered owner's driving record
34 under RCW 46.52.101 and 46.52.120.

35 (h) If the registered owner of the vehicle is a rental car
36 business, the department of transportation shall, before a notice of
37 infraction may be issued under this section, provide a written notice
38 to the rental car business that a notice of infraction may be issued
39 to the rental car business if the rental car business does not,

1 within 30 days of receiving the written notice, provide to the
2 issuing agency by return mail:

3 (i) (A) A statement under oath stating the name and known mailing
4 address of the individual driving or renting the vehicle when the
5 speed violation occurred;

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

12 (C) In lieu of identifying the vehicle operator, payment of the
13 applicable penalty.

14 (ii) Timely mailing of a statement to the department of
15 transportation relieves a rental car business of any liability under
16 this chapter for the notice of infraction.

17 (5) Revenue generated from the deployment of speed safety camera
18 systems must be deposited into the highway safety fund and first used
19 exclusively for the operating and administrative costs under this
20 section. The operation of speed safety camera systems is intended to
21 increase safety in state highway work zones by changing driver
22 behavior. Consequently, any revenue generated that exceeds the
23 operating and administrative costs under this section must be
24 distributed for the purpose of traffic safety including, but not
25 limited to, driver training education and local DUI emphasis patrols.

26 (6) The Washington state patrol and department of transportation,
27 in collaboration with the Washington traffic safety commission, must
28 report to the transportation committees of the legislature by July 1,
29 2025, and biennially thereafter, on the data and efficacy of speed
30 safety camera system use in state highway work zones. The final
31 report due on July 1, 2029, must include a recommendation on whether
32 or not to continue such speed safety camera system use beyond June
33 30, 2030.

34 (7) For the purposes of this section:

35 (a) "Speed safety camera system" means employing the use of speed
36 measuring devices and cameras synchronized to automatically record
37 one or more sequenced photographs, microphotographs, or other
38 electronic images of a motor vehicle that exceeds a posted state
39 highway work zone speed limit as detected by the speed measuring
40 devices.

1 (b) "State highway work zone" means an area of any highway with
2 construction, maintenance, utility work, or incident response
3 activities authorized by the department of transportation. A state
4 highway work zone is identified by the placement of temporary traffic
5 control devices that may include signs, channelizing devices,
6 barriers, pavement markings, and/or work vehicles with warning
7 lights. It extends from the first warning sign or high intensity
8 rotating, flashing, oscillating, or strobe lights on a vehicle to the
9 end road work sign or the last temporary traffic control device or
10 vehicle.

11 (8) This section expires June 30, 2030.

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