## CERTIFICATION OF ENROLLMENT

# SUBSTITUTE SENATE BILL 6115

68th Legislature 2024 Regular Session

Passed by the Senate March 5, 2024 Yeas 42 Nays 7	CERTIFICATE
	<pre>I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE</pre>
President of the Senate	<b>BILL 6115</b> as passed by the Senate and the House of Representatives on the dates hereon set forth.
Passed by the House March 1, 2024 Yeas 96 Nays 0	
	Secretary
Speaker of the House of Representatives	_
Approved	FILED
Governor of the State of Washington	Secretary of State  State of Washington

#### SUBSTITUTE SENATE BILL 6115

#### AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

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

By Senate Transportation (originally sponsored by Senators King, Liias, Lovick, Nobles, Saldaña, Shewmake, and C. Wilson; by request of Department of Transportation)

READ FIRST TIME 02/05/24.

- 1 AN ACT Relating to speed safety camera systems; amending RCW
- 2 46.16A.120, 46.20.270, 46.63.110, and 46.63.200; and prescribing
- 3 penalties.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 **Sec. 1.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to 6 read as follows:
- 7 (1) Each court and government agency located in this state having 8 jurisdiction over standing, stopping, and parking violations, the use 9 of a photo toll system under RCW 46.63.160, the use of automated 10 traffic safety cameras under RCW 46.63.170, ((and)) the use of 11 automated school bus safety cameras under RCW 46.63.180, and the use
- $\underline{\text{of speed safety camera systems under RCW 46.63.200}}$  may forward to the
- 13 department any outstanding:
- 14 (a) Standing, stopping, and parking violations;
- 15 (b) Civil penalties for toll nonpayment detected through the use 16 of photo toll systems issued under RCW 46.63.160;
- 17 (c) Automated traffic safety camera infractions issued under RCW 46.63.030(1)(d); ((and))
- 19 (d) Automated school bus safety camera infractions issued under 20 RCW 46.63.030(1)(e); and

- 1 (e) Speed safety camera system infractions issued under RCW 46.63.030(1)(f).
  - (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 ((ene 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 ((ene 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 ((ene 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 (( $\frac{120}{120}$ ))  $\frac{120}{120}$  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
- 37 (b) Remove the outstanding violations, civil penalties, and 38 infractions from the vehicle record.

1 **Sec. 2.** RCW 46.20.270 and 2015 c 189 s 1 are each amended to read as follows:

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- (1) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations within this state, shall immediately forward to the department a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine, penalty, or court cost, a plea of guilty or nolo contendere or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.
- (2) Every state agency or municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a state or local authority regulating the operation of motor vehicles on highways, may forward to the department within ((ten)) <u>10</u> days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, parking, penalties issued under RCW 46.63.160 or 46.63.200 has been committed, failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking or one or more civil penalties issued under RCW 46.63.160 or 46.63.200 have been committed and indicating the nature of the defendant's failure to act. Such violations or infractions may not have occurred while the vehicle is stolen from the registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(3) For the purposes of this title and except as defined in RCW 46.25.010, "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in this title which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine or court cost, a plea of guilty or nolo contendere, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

- (4) Perfection of a notice of appeal shall stay the execution of the sentence pertaining to the withholding of the driving privilege.
- (5) For the purposes of this title, "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.
- **Sec. 3.** RCW 46.63.110 and 2023 c 388 s 2 are each amended to 20 read as follows:
  - (1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed \$250 for each offense unless authorized by this chapter or title.
  - (b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.
  - (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is \$250 for each offense; (b) RCW 46.61.210(1) is \$500 for each offense. No penalty assessed under this subsection (2) may be reduced.
  - (3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.
- 38 (4) There shall be a penalty of \$25 for failure to respond to a 39 notice of traffic infraction except where the infraction relates to

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- parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed \$25 for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.
  - (5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

- (6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.
- (7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:
- (a) A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;
- (b) A fee of \$10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the general fund; and
- (c) A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.
- (8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of \$24. The court may not reduce, waive, or suspend the

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additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

- (b) \$12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.
- (9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.
- 26 (10) The monetary penalty for violating RCW 46.37.395 is: (a) \$250 for the first violation; (b) \$500 for the second violation; and (c) \$750 for each violation thereafter.
- 29 (11) The additional monetary penalty for a violation of RCW 30 46.20.500 is not subject to assessments or fees provided under this 31 section.
- 32 (12) The additional monetary fine for a violation of RCW 33 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 34 is not subject to assessments or fees provided under this section.
- 35 (13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.
- 38 (14) The monetary penalty for a violation of RCW 46.63.200 is not subject to assessments or fees provided under this section.

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1 **Sec. 4.** RCW 46.63.200 and 2023 c 17 s 3 are each amended to read 2 as follows:

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- (1) This section applies to the use of speed safety camera systems in state highway work zones.
- (2) Nothing in this section prohibits a law enforcement officer from issuing a notice of 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).
- (3) (a) The department of transportation 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, and the development and maintenance of a public-facing website for the purpose of educating the traveling public about the use of speed safety camera systems in state highway work zones. ((By July 1, 2024)) Prior to the use of a speed safety camera system to capture a violation established in this section for enforcement purposes, the department of transportation, consultation with the Washington state patrol, department licensing, office of administrative hearings, Washington traffic safety commission, and other organizations committed to protecting civil rights, must adopt rules addressing such actions and take all necessary steps to implement this section.
- (b) The Washington state patrol is responsible for all actions related to the enforcement and adjudication of speed violations under this section 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 under this section. ((By July 1, 2024)) Prior to the use of a speed safety camera system to capture a violation established in this section for enforcement purposes, the Washington state patrol, in consultation with the department of transportation, department of licensing, office of administrative hearings, Washington traffic safety commission, and other organizations committed to protecting civil rights, must adopt rules addressing such actions and take all necessary steps to implement this section.
- (c) When establishing rules under this subsection (3), the department of transportation and the Washington state patrol may also consult with other public and private agencies that have an interest

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1 in the use of speed safety camera systems in state highway work 2 zones.

(4) ((Beginning July 1, 2024:))

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- (a) ((A notice of infraction may only be issued under this section if a speed safety camera system captures a speed violation in a state highway work zone when workers are present.)) No person may drive a vehicle in a state highway work zone at a speed greater than that allowed by traffic control devices.
- (b) A notice of infraction may only be issued under this section if a speed safety camera system captures a speed violation in a state highway work zone when workers are present.
- (5) The penalty for a speed safety camera system violation is:

  (a) \$0 for the first violation; and (b) \$248 for the second violation, and for each violation thereafter.
- (6) During the 30-day period after the first speed safety camera system is put in place, the department is required to conduct a public awareness campaign to inform the public of the use of speed safety camera systems in state highway work zones.
- (7) (a) A notice of infraction <u>issued</u> under this section may be mailed to the registered owner of the vehicle within 30 days of the violation, or to the renter of a vehicle within 30 days establishing the renter's name and address. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection photographs, microphotographs, or electronic images produced by a speed 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 section. 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 violation. ((A person receiving a notice of infraction based on evidence detected by a speed safety camera system may, within 30 days of receiving the notice of infraction, remit payment in the amount of the penalty assessed for the violation. If a person receiving a notice of infraction fails to remit payment in the amount of the penalty assessed within 30 days of receiving the notice of infraction, or if such person wishes to dispute the violation, it must be adjudicated in accordance with (b) of this subsection.

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

- (c)) (b) A notice of infraction represents a determination that an infraction has been committed, and the determination will be final unless contested as provided under this section.
- (c) A person receiving a notice of infraction based on evidence detected by a speed safety camera system must, within 30 days of receiving the notice of infraction: (i) Except for a first violation under subsection (5) (a) of this section, remit payment in the amount of the penalty assessed for the violation; (ii) contest the determination that the infraction occurred by following the instructions on the notice of infraction; or (iii) admit to the infraction but request a hearing to explain mitigating circumstances surrounding the infraction.
- (d) If a person fails to respond to a notice of infraction, a final order shall be entered finding that the person committed the infraction and assessing monetary penalties required under subsection (5) (b) of this section.
- (e) If a person contests the determination that the infraction occurred or requests a mitigation hearing, the notice of infraction shall be referred to the office of administrative hearings for adjudication consistent with chapter 34.05 RCW.
- (f) At a hearing to contest an infraction, the agency issuing the infraction has the burden of proving, by a preponderance of the evidence, that the infraction was committed.
- (g) A person may request a payment plan at any time for the payment of any penalty or other monetary obligation associated with an infraction under this section. The agency issuing the infraction shall provide information about how to submit evidence of inability to pay, how to obtain a payment plan, and that failure to pay or enter into a payment plan may result in collection action or nonrenewal of the vehicle registration. The office of administrative hearings may authorize a payment plan if it determines that a person is not able to pay the monetary obligation, and it may modify a payment plan at any time.
- (8)(a) Speed safety camera systems may only take photographs, microphotographs, or electronic images of the vehicle and vehicle license plate and only while a speed violation is occurring. The

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photograph, microphotograph, or electronic image must not reveal the face of the driver or any passengers in the vehicle. The department of transportation shall consider installing speed safety camera systems in a manner that minimizes the impact of camera flash on drivers.

 $((\frac{(d)}{(d)}))$  (b) The registered owner of a vehicle is responsible for a traffic infraction under RCW 46.63.030 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  $((\frac{(h)}{(h)}))$  (f) of this subsection. If appropriate under the circumstances, a renter identified under  $((\frac{(h)}{(h)}))$  (f) (i) of this subsection is responsible for the traffic infraction.

((<del>(e)</del>)) <u>(c)</u> 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 the Washington state patrol and department of transportation in the discharge of duties under this section and are not open to the public and may not be used in court in a pending action or proceeding unless the action or proceeding relates to a speed violation under this section. This data may be used in administrative appeal proceedings relative to a violation under this section.

((<del>(f)</del>)) (d) All locations where speed safety camera systems are used must be clearly marked before activation of the camera system by placing signs in locations that clearly indicate to a driver that they are entering a state highway work zone where posted speed limits are monitored by a speed safety camera system. Additionally, where feasible and constructive, radar speed feedback signs will be placed in advance of the speed safety camera system to assist drivers in complying with posted speed limits. Signs placed in these locations 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.

((<del>g)</del> Speed violations)) (e) Imposition of a penalty for a speed violation detected through the use of speed safety camera systems ((<del>are not</del>)) shall not be deemed a conviction as defined in RCW 46.25.010, and shall not be part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of speed safety camera systems under this

section shall be processed in the same manner as parking infractions, including for the purposes of RCW 46.16A.120 and 46.20.270(2).

- ((\(\frac{(h)}{(h)}\)) (f) If the registered owner of the vehicle is a rental car business, the department of transportation shall, before a notice of infraction may be 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 30 days of receiving the written notice, provide to the issuing agency by return mail:
- (i) (A) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the speed violation occurred;
- (B) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the speed violation occurred because the vehicle was stolen at the time of the violation. A statement provided under this subsection ((4)(h)) (8)(f)(i)(B) must be accompanied by a copy of a filed police report regarding the vehicle theft; or
- (C) In lieu of identifying the vehicle operator, payment of the applicable penalty.
- (ii) Timely mailing of a statement to the department of transportation relieves a rental car business of any liability under this chapter for the notice of infraction.
- ((<del>(5)</del>)) <u>(9)</u> Revenue generated from the deployment of speed safety camera systems must be deposited into the highway safety fund and first used exclusively for the operating and administrative costs under this section. The operation of speed safety camera systems is intended to increase safety in state highway work zones by changing driver behavior. Consequently, any revenue generated that exceeds the operating and administrative costs under this section must be distributed for the purpose of traffic safety including, but not limited to, driver training education and local DUI emphasis patrols.
- ((<del>(6)</del>)) (10) The Washington state patrol and department of transportation, in collaboration with the Washington traffic safety commission, must report to the transportation committees of the legislature by July 1, 2025, and biennially thereafter, on the data and efficacy of speed safety camera system use in state highway work zones. The final report due on July 1, 2029, must include a recommendation on whether or not to continue such speed safety camera system use beyond June 30, 2030.

 $((\frac{7}{1}))$  (11) For the purposes of this section:

- (a) "Speed safety camera system" means employing the use of speed measuring devices and cameras synchronized to automatically record one or more sequenced photographs, microphotographs, or other electronic images of a motor vehicle that exceeds a posted state highway work zone speed limit as detected by the speed measuring devices.
- (b) "State highway work zone" means an area of any highway with construction, maintenance, utility work, or incident response activities authorized by the department of transportation. A state highway work zone is identified by the placement of temporary traffic control devices that may include signs, channelizing devices, barriers, pavement markings, and/or work vehicles with warning lights. It extends from the first warning sign or high intensity rotating, flashing, oscillating, or strobe lights on a vehicle to the end road work sign or the last temporary traffic control device or vehicle.
- $((\frac{(8)}{(12)}))$  This section expires June 30, 2030.

--- END ---