

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2384

Chapter 307, Laws of 2024

68th Legislature
2024 Regular Session

AUTOMATED TRAFFIC SAFETY CAMERAS

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024
Yeas 55 Nays 38

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 29,
2024
Yeas 26 Nays 23

DENNY HECK

President of the Senate

Approved March 26, 2024 2:08 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2384** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 27, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2384

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Transportation (originally sponsored by Representatives Donaghy, Fitzgibbon, Walen, and Pollet)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to automated traffic safety cameras; amending RCW
2 46.16A.120, 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding
3 new sections to chapter 46.63 RCW; and repealing RCW 46.63.170.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63
6 RCW to read as follows:

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

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

1 violations; stopping or traveling in restricted lane violations; and
2 public transportation bus stop zone violations detected by a public
3 transportation vehicle-mounted system.

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

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

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

21 (5) "Roadway work zone" means an area of any city roadway,
22 including state highways that are also classified as city streets
23 under chapter 47.24 RCW, or county road as defined in RCW 46.04.150,
24 with construction, maintenance, or utility work with a duration of 30
25 calendar days or more. A roadway work zone is identified by the
26 placement of temporary traffic control devices that may include
27 signs, channelizing devices, barriers, pavement markings, and/or work
28 vehicles with warning lights. A roadway work zone extends from the
29 first warning sign or high intensity rotating, flashing, oscillating,
30 or strobe lights on a vehicle to the end road work sign or the last
31 temporary traffic control device or vehicle.

32 (6) "School speed zone" has the same meaning as described in RCW
33 46.61.440 (1) and (2).

34 (7) "School walk zone" means a roadway identified under RCW
35 28A.160.160 or roadways within a one-mile radius of a school that
36 students use to travel to school by foot, bicycle, or other means of
37 active transportation.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63
39 RCW to read as follows:

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

5 (2) Any city or county may authorize the use of automated traffic
6 safety cameras and must adopt an ordinance authorizing such use
7 through its local legislative authority.

8 (3) The local legislative authority must prepare an analysis of
9 the locations within the jurisdiction where automated traffic safety
10 cameras are proposed to be located before adding traffic safety
11 cameras to a new location or relocating any existing camera to a new
12 location within the jurisdiction. The analysis must include equity
13 considerations including the impact of the camera placement on
14 livability, accessibility, economics, education, and environmental
15 health when identifying where to locate an automated traffic safety
16 camera. The analysis must also show a demonstrated need for traffic
17 cameras based on one or more of the following in the vicinity of the
18 proposed camera location: Travel by vulnerable road users, evidence
19 of vehicles speeding, rates of collision, reports showing near
20 collisions, and anticipated or actual ineffectiveness or
21 infeasibility of other mitigation measures.

22 (4) Automated traffic safety cameras may not be used on an on-
23 ramp to a limited access facility as defined in RCW 47.52.010.

24 (5) A city may use automated traffic safety cameras to enforce
25 traffic ordinances in this section on state highways that are also
26 classified as city streets under chapter 47.24 RCW. A city government
27 must notify the department of transportation when it installs an
28 automated traffic safety camera to enforce traffic ordinances as
29 authorized in this subsection.

30 (6) (a) At a minimum, a local ordinance adopted pursuant to this
31 section must contain the restrictions described in this section and
32 provisions for public notice and signage. Cities and counties must
33 also post such restrictions and other automated traffic safety camera
34 policies on the city's or county's website. Cities and counties using
35 automated traffic safety cameras before July 24, 2005, are subject to
36 the restrictions described in this section, but are not required to
37 adopt an authorizing ordinance.

38 (b) (i) Cities and counties using automated traffic safety cameras
39 must post an annual report on the city's or county's website of the
40 number of traffic crashes that occurred at each location where an

1 automated traffic safety camera is located, as well as the number of
2 notices of infraction issued for each camera. Beginning January 1,
3 2026, the annual report must include the percentage of revenues
4 received from fines issued from automated traffic safety camera
5 infractions that were used to pay for the costs of the automated
6 traffic safety camera program and must describe the uses of revenues
7 that exceeded the costs of operation and administration of the
8 automated traffic safety camera program by the city or county.

9 (ii) The Washington traffic safety commission must provide an
10 annual report to the transportation committees of the legislature,
11 and post the report to its website for public access, beginning July
12 1, 2026, that includes aggregated information on the use of automated
13 traffic safety cameras in the state that includes an assessment of
14 the impact of their use, information required in city and county
15 annual reports under (b)(i) of this subsection, and information on
16 the number of automated traffic safety cameras in use by type and
17 location, with an analysis of camera placement in the context of area
18 demographics and household incomes. To the extent practicable, the
19 commission must also provide in its annual report the number of
20 traffic accidents, speeding violations, single vehicle accidents,
21 pedestrian accidents, and driving under the influence violations that
22 occurred at each location where an automated traffic safety camera is
23 located in the five years before each camera's authorization and
24 after each camera's authorization. Cities and counties using
25 automated traffic safety cameras must provide the commission with the
26 data it requests for the report required under this subsection in a
27 form and manner specified by the commission.

28 (7) All locations where an automated traffic safety camera is
29 used on roadways or intersections must be clearly marked by placing
30 signs at least 30 days prior to activation of the camera in locations
31 that clearly indicate to a driver either that: (a) The driver is
32 within an area where automated traffic safety cameras are authorized;
33 or (b) the driver is entering an area where violations are enforced
34 by an automated traffic safety camera. The signs must be readily
35 visible to a driver approaching an automated traffic safety camera.
36 Signs placed in automated traffic safety camera locations after June
37 7, 2012, must follow the specifications and guidelines under the
38 manual of uniform traffic control devices for streets and highways as
39 adopted by the department of transportation under chapter 47.36 RCW.
40 All public transportation vehicles utilizing a vehicle-mounted system

1 must post a sign on the rear of the vehicle indicating to drivers
2 that the vehicle is equipped with an automated traffic safety camera
3 to enforce bus stop zone violations.

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

12 (9) A notice of infraction must be mailed to the registered owner
13 of the vehicle within 14 days of the violation, or to the renter of a
14 vehicle within 14 days of establishing the renter's name and address
15 under subsection (17) of this section. The notice of infraction must
16 include with it a certificate or facsimile thereof, based upon
17 inspection of photographs, microphotographs, or electronic images
18 produced by an automated traffic safety camera, stating the facts
19 supporting the notice of infraction. This certificate or facsimile is
20 prima facie evidence of the facts contained in it and is admissible
21 in a proceeding charging a violation under this chapter. The
22 photographs, microphotographs, or electronic images evidencing the
23 violation must be available for inspection and admission into
24 evidence in a proceeding to adjudicate the liability for the
25 infraction. A person receiving a notice of infraction based on
26 evidence detected by an automated traffic safety camera may respond
27 to the notice by mail.

28 (10) The registered owner of a vehicle is responsible for an
29 infraction under RCW 46.63.030(1)(d) unless the registered owner
30 overcomes the presumption in RCW 46.63.075, or, in the case of a
31 rental car business, satisfies the conditions under subsection (17)
32 of this section. If appropriate under the circumstances, a renter
33 identified under subsection (17)(a) of this section is responsible
34 for an infraction.

35 (11) Notwithstanding any other provision of law, all photographs,
36 microphotographs, or electronic images, or any other personally
37 identifying data prepared under this section are for the exclusive
38 use of authorized city or county employees, as specified in RCW
39 46.63.030(1)(d), in the discharge of duties under this section and
40 are not open to the public and may not be used in a court in a

1 pending action or proceeding unless the action or proceeding relates
2 to a violation under this section. No photograph, microphotograph, or
3 electronic image, or any other personally identifying data may be
4 used for any purpose other than enforcement of violations under this
5 section nor retained longer than necessary to enforce this section.
6 Transit authorities must provide to the appropriate local
7 jurisdiction that has authorized traffic safety camera use under
8 section 6(2) of this act any images or evidence collected
9 establishing that a violation of stopping, standing, or parking in a
10 bus stop zone has occurred for infraction processing purposes
11 consistent with this section.

12 (12) If a county or city has established an automated traffic
13 safety camera program as authorized under this section, the
14 compensation paid to the manufacturer or vendor of the equipment used
15 must be based only upon the value of the equipment and services
16 provided or rendered in support of the system and may not be based
17 upon a portion of the fine or civil penalty imposed or the revenue
18 generated by the equipment. If the contract between the city or
19 county and manufacturer or vendor of the equipment does not provide
20 for performance or quality control measures regarding camera images,
21 the city or county must perform a performance audit of the
22 manufacturer or vendor of the equipment every three years to review
23 and ensure that images produced from automated traffic safety cameras
24 are sufficient for evidentiary purposes as described in subsection
25 (9) of this section.

26 (13)(a) Except as provided in (d) of this subsection, a county or
27 a city may only use revenue generated by an automated traffic safety
28 camera program as authorized under this section for:

29 (i) Traffic safety activities related to construction and
30 preservation projects and maintenance and operations purposes
31 including, but not limited to, projects designed to implement the
32 complete streets approach as defined in RCW 47.04.010, changes in
33 physical infrastructure to reduce speeds through road design, and
34 changes to improve safety for active transportation users, including
35 improvements to access and safety for road users with mobility,
36 sight, or other disabilities; and

37 (ii) The cost to administer, install, operate, and maintain the
38 automated traffic safety cameras, including the cost of processing
39 infractions.

40 (b) Except as provided in (d) of this subsection:

1 (i) The automated traffic safety camera program revenue used by a
2 county or city with a population of 10,000 or more for purposes
3 described in (a)(i) of this subsection must include the use of
4 revenue in census tracts of the city or county that have household
5 incomes in the lowest quartile determined by the most currently
6 available census data and areas that experience rates of injury
7 crashes that are above average for the city or county. Funding
8 contributed from traffic safety program revenue must be, at a
9 minimum, proportionate to the share of the population of the county
10 or city who are residents of these low-income communities and
11 communities experiencing high injury crash rates. This share must be
12 directed to investments that provide direct and meaningful traffic
13 safety benefits to these communities. Revenue used to administer,
14 install, operate, and maintain automated traffic safety cameras,
15 including the cost of processing infractions, are excluded from
16 determination of the proportionate share of revenues under this
17 subsection (13)(b); and

18 (ii) The automated traffic safety camera program revenue used by
19 a city or county with a population under 10,000 for traffic safety
20 activities under (a)(i) of this subsection must be informed by the
21 department of health's environmental health disparities map.

22 (c) Except as provided in (d) of this subsection, beginning four
23 years after an automated traffic safety camera authorized under this
24 section is initially placed and in use after the effective date of
25 this section, 25 percent of the noninterest money received for
26 infractions issued by such cameras in excess of the cost to
27 administer, install, operate, and maintain the cameras, including the
28 cost of processing infractions, must be deposited into the Cooper
29 Jones active transportation safety account created in RCW 46.68.480.

30 (d)(i)(A) Jurisdictions with an automated traffic safety camera
31 program in effect before January 1, 2024, may continue to allocate
32 revenue generated from automated traffic safety cameras authorized
33 under sections 3 and 5(2)(c) of this act as determined by the
34 jurisdiction, as well as for the purposes established in (a) through
35 (c) of this subsection, by:

36 (I) Up to a 10 percent increase in the number of traffic safety
37 camera locations authorized to detect violations for automated
38 traffic safety cameras authorized under section 3 of this act; and

1 (II) Up to a 10 percent increase in the number of traffic safety
2 camera locations authorized to detect violations for automated
3 traffic safety cameras authorized under section 5(2)(c) of this act.

4 (B)(I) Any automated traffic safety camera program in effect
5 before January 1, 2024, with fewer than 10 traffic safety camera
6 locations for automated traffic safety cameras authorized under
7 section 3 of this act, which adds automated traffic safety cameras to
8 one additional location for the use of cameras authorized under
9 section 3 of this act, may continue to allocate revenue generated
10 from automated traffic safety cameras authorized under section 3 of
11 this act as determined by the jurisdiction, as well as for the
12 purposes established in (a) through (c) of this subsection.

13 (II) Any automated traffic safety camera program in effect before
14 January 1, 2024, with fewer than 10 traffic safety camera locations
15 for automated traffic safety cameras authorized under section 5(2)(c)
16 of this act as of January 1, 2024, which adds automated traffic
17 safety cameras to one additional location for the use of cameras
18 authorized under section 5(2)(c) of this act, may continue to
19 allocate revenue generated from automated traffic safety cameras
20 authorized under section 5(2)(c) of this act as determined by the
21 jurisdiction, as well as for the purposes established in (a) through
22 (c) of this subsection.

23 (C) For the purposes of this subsection (13)(d)(i), a location
24 is:

25 (I) An intersection for automated traffic safety cameras
26 authorized under section 3 of this act where cameras authorized under
27 section 3 of this act are in use; and

28 (II) A school speed zone for automated traffic safety cameras
29 authorized under section 5(2)(c) of this act where cameras authorized
30 under section 5(2)(c) of this act are in use.

31 (ii) The revenue distribution requirements under (a) through
32 (d)(i) of this subsection do not apply to automated traffic safety
33 camera programs in effect before January 1, 2024, for which an
34 ordinance in effect as of January 1, 2024, directs the manner in
35 which revenue generated from automated traffic safety cameras
36 authorized under section 3 or 5(2)(c) of this act must be used.

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

1 (15) Except as provided in this subsection, registered owners of
2 vehicles who receive notices of infraction for automated traffic
3 safety camera-enforced infractions and are recipients of public
4 assistance under Title 74 RCW or participants in the Washington
5 women, infants, and children program, and who request reduced
6 penalties for infractions detected through the use of automated
7 traffic safety camera violations, must be granted reduced penalty
8 amounts of 50 percent of what would otherwise be assessed for a first
9 automated traffic safety camera violation and for subsequent
10 automated traffic safety camera violations issued within 21 days of
11 issuance of the first automated traffic safety camera violation.
12 Eligibility for medicaid under RCW 74.09.510 is not a qualifying
13 criterion under this subsection. Registered owners of vehicles who
14 receive notices of infraction must be provided with information on
15 their eligibility and the opportunity to apply for a reduction in
16 penalty amounts through the mail or internet.

17 (16) Infractions detected through the use of automated traffic
18 safety cameras are not part of the registered owner's driving record
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions
20 generated by the use of automated traffic safety cameras under this
21 section must be processed in the same manner as parking infractions,
22 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
23 and 46.20.270(2). The amount of the fine issued for an infraction
24 generated through the use of an automated traffic safety camera may
25 not exceed \$145, as adjusted for inflation by the office of financial
26 management every five years, beginning January 1, 2029, based upon
27 changes in the consumer price index during that time period, but may
28 be doubled for a school speed zone infraction generated through the
29 use of an automated traffic safety camera.

30 (17) If the registered owner of the vehicle is a rental car
31 business, the issuing agency must, before a notice of infraction
32 being issued under this section, provide a written notice to the
33 rental car business that a notice of infraction may be issued to the
34 rental car business if the rental car business does not, within 18
35 days of receiving the written notice, provide to the issuing agency
36 by return mail:

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

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

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

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

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

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

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63
21 RCW to read as follows:

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

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

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.63
28 RCW to read as follows:

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

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

- 33 (a) Hospital speed zones;
- 34 (b) Public park speed zones;
- 35 (c) School speed zones;
- 36 (d) School walk zones;

1 (e) Roadway work zones, except that a notice of infraction may
2 only be issued if an automated traffic safety camera captures a speed
3 violation when workers are present; and

4 (f) State highways within city limits that are classified as city
5 streets under chapter 47.24 RCW.

6 (3) In addition to the automated traffic safety cameras that may
7 be authorized for specified zones or roads in subsection (2) of this
8 section, the local legislative authority may authorize the use of one
9 additional automated traffic safety camera per 10,000 population to
10 detect speed violations in locations deemed by the local legislative
11 authority to experience higher crash risks due to excessive vehicle
12 speeds. For automated traffic safety cameras authorized to detect
13 speed violations as part of a pilot program prior to the effective
14 date of this section, the location must be deemed by a local
15 legislative authority to have experienced higher crash risks due to
16 excessive vehicle speeds prior to installation of the automated
17 traffic safety camera.

18 (4) Notices of infraction for automated traffic safety camera-
19 detected speed violations may not be issued to the registered vehicle
20 owner of:

21 (a) A marked fire engine equipped with emergency lights and
22 siren; or

23 (b) An ambulance licensed by the department of health and
24 equipped with emergency lights and siren.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.63
26 RCW to read as follows:

27 (1)(a) Subject to section 2 of this act and as limited in this
28 subsection, automated traffic safety cameras may be used in cities
29 with populations of more than 500,000 residents to detect one or more
30 of the following violations:

31 (i) Stopping when traffic obstructed violations;

32 (ii) Stopping at intersection or crosswalk violations;

33 (iii) Public transportation only lane violations; or

34 (iv) Stopping or traveling in restricted lane violations.

35 (b) Use of automated traffic safety cameras as authorized in this
36 subsection (1) is restricted to the following locations only:
37 Intersections as described in section 3(2) of this act; railroad
38 grade crossings; school speed zones; school walk zones; public park
39 speed zones; hospital speed zones; and midblock on arterials. The use

1 of such automated traffic safety cameras is further limited to the
2 following:

3 (i) The portion of state and local roadways in downtown areas of
4 the city used for office and commercial activities, as well as retail
5 shopping and support services, and that may include mixed residential
6 uses;

7 (ii) The portion of state and local roadways in areas in the city
8 within one-half mile north of the boundary of the area described in
9 (b)(i) of this subsection;

10 (iii) Portions of roadway systems in the city that travel into
11 and out of (b)(ii) of this subsection that are designated by the
12 Washington state department of transportation as noninterstate
13 freeways for up to four miles; and

14 (iv) Portions of roadway systems in the city connected to the
15 portions of the noninterstate freeways identified in (b)(iii) of this
16 subsection that are designated by the Washington state department of
17 transportation as arterial roadways for up to one mile from the
18 intersection of the arterial roadway and the noninterstate freeway.

19 (2) Subject to section 2 of this act, automated traffic safety
20 cameras may also be used in cities with a bus rapid transit corridor
21 or routes to detect public transportation only lane violations.

22 (3) Subject to section 2 of this act, automated traffic safety
23 cameras that are part of a public transportation vehicle-mounted
24 system may be used by a transit authority within a county with a
25 population of more than 1,500,000 residents to detect stopping,
26 standing, or parking in bus stop zone violations if authorized by the
27 local legislative authority with jurisdiction over the transit
28 authority.

29 (4) Subject to section 2 of this act, and in consultation with
30 the department of transportation, automated traffic safety cameras
31 may be used to detect ferry queue violations under RCW 46.61.735.

32 (5) A transit authority may not take disciplinary action
33 regarding a warning or infraction issued pursuant to subsections (1)
34 through (3) of this section against an employee who was operating a
35 public transportation vehicle at the time the violation that was the
36 basis of the warning or infraction was detected.

37 **Sec. 7.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to
38 read as follows:

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

7 (a) Standing, stopping, and parking violations;

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

10 (c) Automated traffic safety camera infractions issued under RCW
11 46.63.030(1)(d); and

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

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

17 (3) The department shall:

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

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

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

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

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

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

4 (5) The department shall:

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

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

10 **Sec. 8.** RCW 46.63.030 and 2023 c 17 s 1 are each amended to read
11 as follows:

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

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

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

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

22 (d) When the infraction is detected through the use of an
23 automated traffic safety camera under ~~((RCW 46.63.170))~~ sections 2
24 through 6 of this act. A trained and authorized civilian employee of
25 a general authority Washington law enforcement agency, as defined in
26 RCW 10.93.020, or an employee of a local public works or
27 transportation department performing under the supervision of a
28 qualified traffic engineer and as designated by a city or county, has
29 the authority to review infractions detected through the use of an
30 automated traffic safety camera under sections 2 through 6 of this
31 act and to issue notices of infraction consistent with section 2(9)
32 of this act. These employees must be sufficiently trained and
33 certified in reviewing infractions and issuing notices of infraction
34 by qualified peace officers or by traffic engineers employed in the
35 jurisdiction's public works or transportation department. Nothing in
36 this subsection impairs decision and effects collective bargaining
37 rights under chapter 41.56 RCW;

38 (e) When the infraction is detected through the use of an
39 automated school bus safety camera under RCW 46.63.180. A trained and

1 authorized civilian employee of a general authority Washington law
2 enforcement agency, as defined in RCW 10.93.020, or an employee of a
3 local public works or transportation department performing under the
4 supervision of a qualified traffic engineer and as designated by a
5 city or county, has the authority to review infractions detected
6 through the use of an automated school bus safety camera under RCW
7 46.63.180 and to issue notices of infraction consistent with RCW
8 46.63.180(1)(b). These employees must be sufficiently trained and
9 certified in reviewing infractions and issuing notices of infraction
10 by qualified peace officers or by traffic engineers employed in the
11 jurisdiction's public works or transportation department. Nothing in
12 this subsection impairs decision and effects collective bargaining
13 rights under chapter 41.56 RCW; or

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

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

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

26 (4) In the case of failure to redeem an abandoned vehicle under
27 RCW 46.55.120, upon receiving a complaint by a registered tow truck
28 operator that has incurred costs in removing, storing, and disposing
29 of an abandoned vehicle, an officer of the law enforcement agency
30 responsible for directing the removal of the vehicle shall send a
31 notice of infraction by certified mail to the last known address of
32 the person responsible under RCW 46.55.105. The notice must be
33 entitled "Littering—Abandoned Vehicle" and give notice of the
34 monetary penalty. The officer shall append to the notice of
35 infraction, on a form prescribed by the department of licensing, a
36 notice indicating the amount of costs incurred as a result of
37 removing, storing, and disposing of the abandoned vehicle, less any
38 amount realized at auction, and a statement that monetary penalties
39 for the infraction will not be considered as having been paid until
40 the monetary penalty payable under this chapter has been paid and the

1 court is satisfied that the person has made restitution in the amount
2 of the deficiency remaining after disposal of the vehicle.

3 **Sec. 9.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
4 read as follows:

5 (1) School districts may install and operate automated school bus
6 safety cameras on school buses to be used for the detection of
7 violations of RCW 46.61.370(1) if the use of the cameras is approved
8 by a vote of the school district board of directors. School districts
9 are not required to take school buses out of service if the buses are
10 not equipped with automated school bus safety cameras or functional
11 automated safety cameras. Further, school districts shall be held
12 harmless from and not liable for any criminal or civil liability
13 arising under the provisions of this section.

14 (a) Automated school bus safety cameras may only take pictures of
15 the vehicle and vehicle license plate and only while an infraction is
16 occurring. The picture must not reveal the face of the driver or of
17 passengers in the vehicle.

18 (b) A notice of infraction must be mailed to the registered owner
19 of the vehicle within (~~fourteen~~) 14 days of the violation, or to
20 the renter of a vehicle within (~~fourteen~~) 14 days of establishing
21 the renter's name and address under subsection (2)(a)(i) of this
22 section. The (~~law enforcement officer issuing the~~) notice of
23 infraction (~~shall~~) must also include a certificate or facsimile of
24 the notice, based upon inspection of photographs, microphotographs,
25 or electronic images produced by an automated school bus safety
26 camera, stating the facts supporting the notice of infraction. This
27 certificate or facsimile is prima facie evidence of the facts
28 contained in it and is admissible in a proceeding charging a
29 violation under this chapter. The photographs, microphotographs, or
30 electronic images evidencing the violation must be available for
31 inspection and admission into evidence in a proceeding to adjudicate
32 the liability for the infraction. A person receiving a notice of
33 infraction based on evidence detected by an automated school bus
34 safety camera may respond to the notice by mail.

35 (c) The registered owner of a vehicle is responsible for an
36 infraction under RCW 46.63.030(1)(e) unless the registered owner
37 overcomes the presumption in RCW 46.63.075, or, in the case of a
38 rental car business, satisfies the conditions under subsection (2) of
39 this section. If appropriate under the circumstances, a renter

1 identified under subsection (2)(a)(i) of this section is responsible
2 for an infraction.

3 (d) Notwithstanding any other provision of law, all photographs,
4 microphotographs, or electronic images prepared under this section
5 are for the exclusive use of (~~law enforcement~~) authorized city or
6 county employees, as specified in RCW 46.63.030(1)(e), in the
7 discharge of duties under this section and are not open to the public
8 and may not be used in a court in a pending action or proceeding
9 unless the action or proceeding relates to a violation under this
10 section. No photograph, microphotograph, or electronic image may be
11 used for any purpose other than enforcement of violations under this
12 section nor retained longer than necessary to enforce this section.

13 (e) If a school district installs and operates an automated
14 school bus safety camera under this section, the compensation paid to
15 the manufacturer or vendor of the equipment used must be based only
16 upon the value of the equipment and services provided or rendered in
17 support of the system, and may not be based upon a portion of the
18 fine or civil penalty imposed or the revenue generated by the
19 equipment. Further, any repair, replacement, or administrative work
20 costs related to installing or repairing automated school bus safety
21 cameras must be solely paid for by the manufacturer or vendor of the
22 cameras. Before entering into a contract with the manufacturer or
23 vendor of the equipment used under this subsection (1)(e), the school
24 district must follow the competitive bid process as outlined in RCW
25 28A.335.190(1).

26 (f) Any revenue collected from infractions detected through the
27 use of automated school bus safety cameras, less the administration
28 and operating costs of the cameras, must be remitted to school
29 districts for school zone safety projects as determined by the school
30 district using the automated school bus safety cameras. The
31 administration and operating costs of the cameras includes infraction
32 enforcement and processing costs that are incurred by local law
33 enforcement or local courts. During the 2013-2015 fiscal biennium,
34 the infraction revenue may also be used for school bus safety
35 projects by those school districts eligible to apply for funding from
36 the school zone safety account appropriation in section 201, chapter
37 306, Laws of 2013.

38 (2)(a) If the registered owner of the vehicle is a rental car
39 business, the (~~law enforcement~~) issuing agency shall, before a
40 notice of infraction is issued under this section, provide a written

1 notice to the rental car business that a notice of infraction may be
2 issued to the rental car business if the rental car business does
3 not, within (~~eighteen~~) 18 days of receiving the written notice,
4 provide to the issuing agency by return mail:

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

8 (ii) A statement under oath that the business is unable to
9 determine who was driving or renting the vehicle at the time the
10 infraction occurred because the vehicle was stolen at the time of the
11 infraction. A statement provided under this subsection (2)(a)(ii)
12 must be accompanied by a copy of a filed police report regarding the
13 vehicle theft; or

14 (iii) In lieu of identifying the vehicle operator, the rental car
15 business may pay the applicable penalty.

16 (b) Timely mailing of a statement under this subsection to the
17 issuing (~~law enforcement~~) agency relieves a rental car business of
18 any liability under this chapter for the notice of infraction.

19 (3) For purposes of this section, "automated school bus safety
20 camera" means a device that is affixed to a school bus that is
21 synchronized to automatically record one or more sequenced
22 photographs, microphotographs, or electronic images of the rear of a
23 vehicle at the time the vehicle is detected for an infraction
24 identified in RCW 46.61.370(1).

25 **Sec. 10.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to
26 read as follows:

27 (1) In a traffic infraction case involving an infraction detected
28 through the use of an automated traffic safety camera under (~~RCW~~
29 ~~46.63.170~~) sections 2 through 6 of this act, detected through the
30 use of a speed safety camera system under RCW 46.63.200, or detected
31 through the use of an automated school bus safety camera under RCW
32 46.63.180, proof that the particular vehicle described in the notice
33 of traffic infraction was in violation of any such provision of
34 sections 2 through 6 of this act or RCW (~~46.63.170~~) 46.63.200(~~7~~)
35 and 46.63.180, together with proof that the person named in the
36 notice of traffic infraction was at the time of the violation the
37 registered owner of the vehicle, constitutes in evidence a prima
38 facie presumption that the registered owner of the vehicle was the

1 person in control of the vehicle at the point where, and for the time
2 during which, the violation occurred.

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

8 **Sec. 11.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to
9 read as follows:

10 The Cooper Jones active transportation safety account is created
11 in the state treasury. All receipts from penalties collected under
12 (~~RCW 46.63.170~~) section 2(13)(c) of this act and funds designated
13 by the legislature shall be deposited into the account. Expenditures
14 from the account may be used only to fund grant projects or programs
15 for bicycle, pedestrian, and nonmotorist safety improvement
16 administered by the Washington traffic safety commission. By December
17 1, 2024, and every two years thereafter, the commission shall report
18 to the transportation committees of the legislature regarding the
19 activities funded from the account. The account is subject to
20 allotment procedures under chapter 43.88 RCW. Moneys in the account
21 may be spent only after appropriation.

22 NEW SECTION. **Sec. 12.** RCW 46.63.170 (Automated traffic safety
23 cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c
24 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013
25 c 306 s 711 are each repealed.

Passed by the House March 5, 2024.

Passed by the Senate February 29, 2024.

Approved by the Governor March 26, 2024.

Filed in Office of Secretary of State March 27, 2024.

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