
SENATE BILL 5757

State of Washington

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By Senators Christian, Holy, Fortunato, McCune, King, Krishnadasan, J. Wilson, Dozier, Torres, Harris, Muzzall, Warnick, Goehner, Wagoner, Short, Gildon, and Chapman

Read first time 02/14/25. Referred to Committee on Transportation.

1 AN ACT Relating to the distribution of automated traffic safety
2 revenue; and amending RCW 46.63.220.

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

4 **Sec. 1.** RCW 46.63.220 and 2024 c 307 s 2 are each amended to
5 read as follows:

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

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

13 (3) The local legislative authority must prepare an analysis of
14 the locations within the jurisdiction where automated traffic safety
15 cameras are proposed to be located before adding traffic safety
16 cameras to a new location or relocating any existing camera to a new
17 location within the jurisdiction. The analysis must include equity
18 considerations including the impact of the camera placement on
19 livability, accessibility, economics, education, and environmental
20 health when identifying where to locate an automated traffic safety
21 camera. The analysis must also show a demonstrated need for traffic

1 cameras based on one or more of the following in the vicinity of the
2 proposed camera location: Travel by vulnerable road users, evidence
3 of vehicles speeding, rates of collision, reports showing near
4 collisions, and anticipated or actual ineffectiveness or
5 infeasibility of other mitigation measures.

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

8 (5) A city may use automated traffic safety cameras to enforce
9 traffic ordinances in this section on state highways that are also
10 classified as city streets under chapter 47.24 RCW. A city government
11 must notify the department of transportation when it installs an
12 automated traffic safety camera to enforce traffic ordinances as
13 authorized in this subsection.

14 (6) (a) At a minimum, a local ordinance adopted pursuant to this
15 section must contain the restrictions described in this section and
16 provisions for public notice and signage. Cities and counties must
17 also post such restrictions and other automated traffic safety camera
18 policies on the city's or county's website. Cities and counties using
19 automated traffic safety cameras before July 24, 2005, are subject to
20 the restrictions described in this section, but are not required to
21 adopt an authorizing ordinance.

22 (b) (i) Cities and counties using automated traffic safety cameras
23 must post an annual report on the city's or county's website of the
24 number of traffic crashes that occurred at each location where an
25 automated traffic safety camera is located, as well as the number of
26 notices of infraction issued for each camera. Beginning January 1,
27 2026, the annual report must include the percentage of revenues
28 received from fines issued from automated traffic safety camera
29 infractions that were used to pay for the costs of the automated
30 traffic safety camera program and must describe the uses of revenues
31 that exceeded the costs of operation and administration of the
32 automated traffic safety camera program by the city or county.

33 (ii) The Washington traffic safety commission must provide an
34 annual report to the transportation committees of the legislature,
35 and post the report to its website for public access, beginning July
36 1, 2026, that includes aggregated information on the use of automated
37 traffic safety cameras in the state that includes an assessment of
38 the impact of their use, information required in city and county
39 annual reports under (b) (i) of this subsection, and information on
40 the number of automated traffic safety cameras in use by type and

1 location, with an analysis of camera placement in the context of area
2 demographics and household incomes. To the extent practicable, the
3 commission must also provide in its annual report the number of
4 traffic accidents, speeding violations, single vehicle accidents,
5 pedestrian accidents, and driving under the influence violations that
6 occurred at each location where an automated traffic safety camera is
7 located in the five years before each camera's authorization and
8 after each camera's authorization. Cities and counties using
9 automated traffic safety cameras must provide the commission with the
10 data it requests for the report required under this subsection in a
11 form and manner specified by the commission.

12 (7) All locations where an automated traffic safety camera is
13 used on roadways or intersections must be clearly marked by placing
14 signs at least 30 days prior to activation of the camera in locations
15 that clearly indicate to a driver either that: (a) The driver is
16 within an area where automated traffic safety cameras are authorized;
17 or (b) the driver is entering an area where violations are enforced
18 by an automated traffic safety camera. The signs must be readily
19 visible to a driver approaching an automated traffic safety camera.
20 Signs placed in automated traffic safety camera locations after June
21 7, 2012, must follow the specifications and guidelines under the
22 manual of uniform traffic control devices for streets and highways as
23 adopted by the department of transportation under chapter 47.36 RCW.
24 All public transportation vehicles utilizing a vehicle-mounted system
25 must post a sign on the rear of the vehicle indicating to drivers
26 that the vehicle is equipped with an automated traffic safety camera
27 to enforce bus stop zone violations.

28 (8) Automated traffic safety cameras may only record images of
29 the vehicle and vehicle license plate and only while an infraction is
30 occurring. The image must not reveal the face of the driver or of
31 passengers in the vehicle. The primary purpose of camera placement is
32 to record images of the vehicle and vehicle license plate when an
33 infraction is occurring. Cities and counties must consider installing
34 automated traffic safety cameras in a manner that minimizes the
35 impact of camera flash on drivers.

36 (9) A notice of infraction must be mailed to the registered owner
37 of the vehicle within 14 days of the violation, or to the renter of a
38 vehicle within 14 days of establishing the renter's name and address
39 under subsection (17) of this section. The notice of infraction must
40 include with it a certificate or facsimile thereof, based upon

1 inspection of photographs, microphotographs, or electronic images
2 produced by an automated traffic safety camera, stating the facts
3 supporting the notice of infraction. This certificate or facsimile is
4 prima facie evidence of the facts contained in it and is admissible
5 in a proceeding charging a violation under this chapter. The
6 photographs, microphotographs, or electronic images evidencing the
7 violation must be available for inspection and admission into
8 evidence in a proceeding to adjudicate the liability for the
9 infraction. A person receiving a notice of infraction based on
10 evidence detected by an automated traffic safety camera may respond
11 to the notice by mail.

12 (10) The registered owner of a vehicle is responsible for an
13 infraction under RCW 46.63.030(1)(d) unless the registered owner
14 overcomes the presumption in RCW 46.63.075, or, in the case of a
15 rental car business, satisfies the conditions under subsection (17)
16 of this section. If appropriate under the circumstances, a renter
17 identified under subsection (17)(a) of this section is responsible
18 for an infraction.

19 (11) Notwithstanding any other provision of law, all photographs,
20 microphotographs, or electronic images, or any other personally
21 identifying data prepared under this section are for the exclusive
22 use of authorized city or county employees, as specified in RCW
23 46.63.030(1)(d), in the discharge of duties under this section and
24 are not open to the public and may not be used in a court in a
25 pending action or proceeding unless the action or proceeding relates
26 to a violation under this section. No photograph, microphotograph, or
27 electronic image, or any other personally identifying data may be
28 used for any purpose other than enforcement of violations under this
29 section nor retained longer than necessary to enforce this section.
30 Transit authorities must provide to the appropriate local
31 jurisdiction that has authorized traffic safety camera use under RCW
32 46.63.260(2) any images or evidence collected establishing that a
33 violation of stopping, standing, or parking in a bus stop zone has
34 occurred for infraction processing purposes consistent with this
35 section.

36 (12) If a county or city has established an automated traffic
37 safety camera program as authorized under this section, the
38 compensation paid to the manufacturer or vendor of the equipment used
39 must be based only upon the value of the equipment and services
40 provided or rendered in support of the system and may not be based

1 upon a portion of the fine or civil penalty imposed or the revenue
2 generated by the equipment. If the contract between the city or
3 county and manufacturer or vendor of the equipment does not provide
4 for performance or quality control measures regarding camera images,
5 the city or county must perform a performance audit of the
6 manufacturer or vendor of the equipment every three years to review
7 and ensure that images produced from automated traffic safety cameras
8 are sufficient for evidentiary purposes as described in subsection
9 (9) of this section.

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

13 (i) Traffic safety activities related to construction and
14 preservation projects and maintenance and operations purposes
15 including, but not limited to, projects designed to implement the
16 complete streets approach as defined in RCW 47.04.010, changes in
17 physical infrastructure to reduce speeds through road design, and
18 changes to improve safety for active transportation users, including
19 improvements to access and safety for road users with mobility,
20 sight, or other disabilities; and

21 (ii) The cost to administer, install, operate, and maintain the
22 automated traffic safety cameras, including the cost of processing
23 infractions.

24 (b) Except as provided in (d) and (e) of this subsection:

25 (i) The automated traffic safety camera program revenue used by a
26 county or city with a population of 10,000 or more for purposes
27 described in (a)(i) of this subsection must include the use of
28 revenue in census tracts of the city or county that have household
29 incomes in the lowest quartile determined by the most currently
30 available census data and areas that experience rates of injury
31 crashes that are above average for the city or county. Funding
32 contributed from traffic safety program revenue must be, at a
33 minimum, proportionate to the share of the population of the county
34 or city who are residents of these low-income communities and
35 communities experiencing high injury crash rates. This share must be
36 directed to investments that provide direct and meaningful traffic
37 safety benefits to these communities. Revenue used to administer,
38 install, operate, and maintain automated traffic safety cameras,
39 including the cost of processing infractions, are excluded from

1 determination of the proportionate share of revenues under this
2 subsection (13) (b); and

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

7 (c) Except as provided in (d) and (e) of this subsection,
8 beginning four years after an automated traffic safety camera
9 authorized under this section is initially placed and in use after
10 June 6, 2024, 25 percent of the noninterest money received for
11 infractions issued by such cameras in excess of the cost to
12 administer, install, operate, and maintain the cameras, including the
13 cost of processing infractions, must be deposited into the Cooper
14 Jones active transportation safety account created in RCW 46.68.480.

15 (d) (i) (A) (~~Jurisdictions~~) Except as provided in (e) of this
16 subsection, jurisdictions with an automated traffic safety camera
17 program in effect before January 1, 2024, may continue to allocate
18 revenue generated from automated traffic safety cameras authorized
19 under RCW 46.63.230 and 46.63.250(2) (c) as determined by the
20 jurisdiction, as well as for the purposes established in (a) through
21 (c) of this subsection, by:

22 (I) Up to a 10 percent increase in the number of traffic safety
23 camera locations authorized to detect violations for automated
24 traffic safety cameras authorized under RCW 46.63.230; and

25 (II) Up to a 10 percent increase in the number of traffic safety
26 camera locations authorized to detect violations for automated
27 traffic safety cameras authorized under RCW 46.63.250(2) (c).

28 (B) (I) Any automated traffic safety camera program in effect
29 before January 1, 2024, with fewer than 10 traffic safety camera
30 locations for automated traffic safety cameras authorized under RCW
31 46.63.230, which adds automated traffic safety cameras to one
32 additional location for the use of cameras authorized under RCW
33 46.63.230, may continue to allocate revenue generated from automated
34 traffic safety cameras authorized under RCW 46.63.230 as determined
35 by the jurisdiction, as well as for the purposes established in (a)
36 through (c) of this subsection.

37 (II) Any automated traffic safety camera program in effect before
38 January 1, 2024, with fewer than 10 traffic safety camera locations
39 for automated traffic safety cameras authorized under RCW
40 46.63.250(2) (c) as of January 1, 2024, which adds automated traffic

1 safety cameras to one additional location for the use of cameras
2 authorized under RCW 46.63.250(2)(c), may continue to allocate
3 revenue generated from automated traffic safety cameras authorized
4 under RCW 46.63.250(2)(c) as determined by the jurisdiction, as well
5 as for the purposes established in (a) through (c) of this
6 subsection.

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

9 (I) An intersection for automated traffic safety cameras
10 authorized under RCW 46.63.230 where cameras authorized under RCW
11 46.63.230 are in use; and

12 (II) A school speed zone for automated traffic safety cameras
13 authorized under RCW 46.63.250(2)(c) where cameras authorized under
14 RCW 46.63.250(2)(c) are in use.

15 (ii) ~~((The))~~ Except as provided in (e) of this subsection, the
16 revenue distribution requirements under (a) through (d)(i) of this
17 subsection do not apply to automated traffic safety camera programs
18 in effect before January 1, 2024, for which an ordinance in effect as
19 of January 1, 2024, directs the manner in which revenue generated
20 from automated traffic safety cameras authorized under RCW 46.63.230
21 or 46.63.250(2)(c) must be used.

22 (e) Fifty percent of all revenue received for infractions issued
23 by an automated traffic safety camera must be deposited in the state
24 motor vehicle fund.

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

29 (15) Except as provided in this subsection, registered owners of
30 vehicles who receive notices of infraction for automated traffic
31 safety camera-enforced infractions and are recipients of public
32 assistance under Title 74 RCW or participants in the Washington
33 women, infants, and children program, and who request reduced
34 penalties for infractions detected through the use of automated
35 traffic safety camera violations, must be granted reduced penalty
36 amounts of 50 percent of what would otherwise be assessed for a first
37 automated traffic safety camera violation and for subsequent
38 automated traffic safety camera violations issued within 21 days of
39 issuance of the first automated traffic safety camera violation.
40 Eligibility for medicaid under RCW 74.09.510 is not a qualifying

1 criterion under this subsection. Registered owners of vehicles who
2 receive notices of infraction must be provided with information on
3 their eligibility and the opportunity to apply for a reduction in
4 penalty amounts through the mail or internet.

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

18 (17) If the registered owner of the vehicle is a rental car
19 business, the issuing agency must, before a notice of infraction
20 being issued under this section, provide a written notice to the
21 rental car business that a notice of infraction may be issued to the
22 rental car business if the rental car business does not, within 18
23 days of receiving the written notice, provide to the issuing agency
24 by return mail:

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

28 (b) A statement under oath that the business is unable to
29 determine who was driving or renting the vehicle at the time the
30 infraction occurred because the vehicle was stolen at the time of the
31 infraction. A statement provided under this subsection must be
32 accompanied by a copy of a filed police report regarding the vehicle
33 theft; or

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

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