
HOUSE BILL 1099

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hurst and Hasegawa

Read first time 01/12/11. Referred to Committee on Transportation.

1 AN ACT Relating to automated traffic safety cameras; amending RCW
2 46.63.170; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature intends to review the
5 original automated traffic safety camera pilot program to address
6 concerns raised by the public about abuses related to the use of
7 automated traffic safety cameras. The legislature is aware that public
8 outcry against abuses by manufacturers and jurisdictions has led to the
9 prohibition or significant restriction of the use of these devices in
10 fifteen states and many other cities. The public outcry has occurred
11 in states that do not have adequate regulation of automated traffic
12 safety cameras. The legislature intends to protect our citizens by
13 enacting responsible regulation for the use of automated traffic safety
14 cameras.

15 **Sec. 2.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
16 read as follows:

17 (1) The use of automated traffic safety cameras for issuance of
18 notices of infraction is subject to the following requirements:

1 (a) The appropriate local legislative authority must first enact an
2 ordinance allowing for their use to detect one or more of the
3 following: Stoplight, railroad crossing, or school speed zone
4 violations. At a minimum, the local ordinance must contain the
5 restrictions described in this section (~~(and)~~), provisions for public
6 notice and signage, and a provision that indicates the maximum number
7 of cameras that may be installed. Cities and counties using automated
8 traffic safety cameras before July 24, 2005, are subject to the
9 restrictions described in this section, but are not required to enact
10 an authorizing ordinance.

11 (b) A local legislative authority that adopts an ordinance allowing
12 for the use of automated traffic safety cameras must submit the
13 ordinance to the voters within its jurisdiction at the next general
14 election. The ordinance must be approved by the voters before
15 automated traffic safety cameras may be used within the jurisdiction.

16 (c) A local jurisdiction may not install more than the maximum
17 number of automated traffic safety cameras that is permitted by
18 ordinance unless the local legislative authority enacts an ordinance
19 that authorizes a specified number of additional automated traffic
20 safety cameras. The local legislative authority must submit the
21 ordinance authorizing the additional automated traffic safety cameras
22 to the voters within its jurisdiction at the next general election.
23 The ordinance must be approved by the voters before additional
24 automated traffic safety cameras may be used within the jurisdiction.

25 (d) Use of automated traffic safety cameras is restricted to two-
26 arterial intersections, railroad crossings, and school speed zones
27 only.

28 (~~(e)~~) (e) When an automated traffic safety camera is used at a
29 two-arterial intersection, the minimum duration of the yellow change
30 interval for the stoplight must be based on the eighty-fifth percentile
31 speed of free-flowing traffic and the kinematic formula published by
32 the institute of traffic engineers. An automated traffic safety camera
33 must provide a minimum of a one-second grace period between the time
34 the signal turns red and the time the first infraction is recorded.

35 (f) During the 2009-2011 fiscal biennium, automated traffic safety
36 cameras may be used to detect speed violations for the purposes of
37 section 201(2), chapter 470, Laws of 2009 if the local legislative

1 authority first enacts an ordinance authorizing the use of cameras to
2 detect speed violations.

3 ~~((d))~~ (g) Automated traffic safety cameras may only take pictures
4 of the vehicle and vehicle license plate and only while an infraction
5 is occurring. The picture must not reveal the face of the driver or of
6 passengers in the vehicle.

7 ~~((e))~~ (h) A notice of infraction must be mailed to the registered
8 owner of the vehicle within fourteen days of the violation, or to the
9 renter of a vehicle within fourteen days of establishing the renter's
10 name and address under subsection (3)(a) of this section. The law
11 enforcement officer issuing the notice of infraction shall include with
12 it a certificate or facsimile thereof, based upon inspection of
13 photographs, microphotographs, or electronic images produced by an
14 automated traffic safety camera, stating the facts supporting the
15 notice of infraction. This certificate or facsimile is prima facie
16 evidence of the facts contained in it and is admissible in a proceeding
17 charging a violation under this chapter. The photographs,
18 microphotographs, or electronic images evidencing the violation must be
19 available for inspection and admission into evidence in a proceeding to
20 adjudicate the liability for the infraction. A person receiving a
21 notice of infraction based on evidence detected by an automated traffic
22 safety camera may respond to the notice by mail.

23 ~~((f))~~ (i) The registered owner of a vehicle is responsible for an
24 infraction under RCW 46.63.030(1)(e) unless the registered owner
25 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
26 car business, satisfies the conditions under subsection (3) of this
27 section. If appropriate under the circumstances, a renter identified
28 under subsection (3)(a) of this section is responsible for an
29 infraction.

30 ~~((g))~~ (j) Notwithstanding any other provision of law, all
31 photographs, microphotographs, or electronic images prepared under this
32 section are for the exclusive use of law enforcement in the discharge
33 of duties under this section and are not open to the public and may not
34 be used in a court in a pending action or proceeding unless the action
35 or proceeding relates to a violation under this section. No
36 photograph, microphotograph, or electronic image may be used for any
37 purpose other than enforcement of violations under this section nor
38 retained longer than necessary to enforce this section.

1 ~~((h))~~ (k) All locations where an automated traffic safety camera
2 is used must be clearly marked by placing signs in locations that
3 clearly indicate to a driver that he or she is entering a zone where
4 traffic laws are enforced by an automated traffic safety camera.

5 ~~((i))~~ (l) If a county or city has established an authorized
6 automated traffic safety camera program under this section, the
7 compensation paid to the manufacturer or vendor of the equipment used
8 must be a fixed rate based only upon the value of the equipment and
9 services provided or rendered in support of the system, and may not be
10 based upon a portion of the fine or civil penalty imposed or the
11 revenue generated by the equipment.

12 (2) Infractions generated by the use of automated traffic safety
13 cameras under this section are traffic infractions. Infractions
14 detected through the use of automated traffic safety cameras are not
15 part of the registered owner's driving record under RCW 46.52.101 and
16 46.52.120. Additionally, infractions generated by the use of automated
17 traffic safety cameras under this section ~~((shall be processed in the~~
18 ~~same manner as parking infractions, including for the purposes of RCW~~
19 ~~3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3)). However, the amount~~
20 ~~of the fine issued for an infraction generated through the use of an~~
21 ~~automated traffic safety camera shall not exceed the amount of a fine~~
22 ~~issued for other parking infractions within the jurisdiction))~~ must not
23 be made available to the registered owner's insurance company or
24 employer.

25 (3) If the registered owner of the vehicle is a rental car
26 business, the law enforcement agency shall, before a notice of
27 infraction being issued under this section, provide a written notice to
28 the rental car business that a notice of infraction may be issued to
29 the rental car business if the rental car business does not, within
30 eighteen days of receiving the written notice, provide to the issuing
31 agency by return mail:

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

35 (b) A statement under oath that the business is unable to determine
36 who was driving or renting the vehicle at the time the infraction
37 occurred because the vehicle was stolen at the time of the infraction.

1 A statement provided under this subsection must be accompanied by a
2 copy of a filed police report regarding the vehicle theft; or

3 (c) In lieu of identifying the vehicle operator, the rental car
4 business may pay the applicable penalty.

5 Timely mailing of this statement to the issuing law enforcement
6 agency relieves a rental car business of any liability under this
7 chapter for the notice of infraction.

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

12 (5) A notice of infraction is not valid under this section unless
13 all of the restrictions in this section have been met.

14 (6) For the purposes of this section, "automated traffic safety
15 camera" means a device that uses a vehicle sensor installed to work in
16 conjunction with an intersection traffic control system, a railroad
17 grade crossing control system, or a speed measuring device, and a
18 camera synchronized to automatically record one or more sequenced
19 photographs, microphotographs, or electronic images of the rear of a
20 motor vehicle at the time the vehicle fails to stop when facing a
21 steady red traffic control signal or an activated railroad grade
22 crossing control signal, or exceeds a speed limit in a school speed
23 zone as detected by a speed measuring device. During the 2009-2011
24 fiscal biennium, an automated traffic safety camera includes a camera
25 used to detect speed violations for the purposes of section 201(2),
26 chapter 470, Laws of 2009.

27 ((+6+)) (7) During the 2009-2011 fiscal biennium, this section does
28 not apply to automated traffic safety cameras for the purposes of
29 section 218(2), chapter 470, Laws of 2009.

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