

SENATE BILL REPORT

SB 5530

As Reported By Senate Committee On:
Law & Justice, February 20, 1995

Title: An act relating to automated traffic enforcement.

Brief Description: Authorizing the use of automated traffic enforcement systems.

Sponsors: Senators Smith, Roach, Rasmussen and Winsley.

Brief History:

Committee Activity: Law & Justice: 2/6/95, 2/20/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Johnson, Long, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: A law enforcement officer may issue a notice of traffic infraction in the following circumstances: (1) when the infraction occurs in the officer's presence; (2) when the officer acts upon the request of another law enforcement officer in whose presence the infraction was committed; and (3) when an investigating officer at the scene of a motor vehicle accident has reason to believe that the driver involved has committed a traffic offense.

It is believed that the language may not authorize law enforcement officers to issue notices of infractions when the infraction was recorded by an automated traffic enforcement system. This language clarifies any ambiguity in this regard.

Summary of Substitute Bill: Automated traffic enforcement system is defined.

City and county law enforcement agencies may not use automated traffic enforcement systems until their local legislative bodies have adopted ordinances allowing their use.

Through the use of an automated traffic enforcement system, law enforcement officers may send notices of infractions to registered owners of speeding motor vehicles. Persons issued a notice of infraction may contest the notice by signing an affidavit under penalty of perjury that he or she was not the driver at the time of infraction. It is a defense to an infraction for a speeding violation recorded by an automated traffic enforcement system if the driver was previously issued an infraction for speeding by an automated traffic enforcement system within 30 days prior and the person has not received notice of any prior speeding infraction by an automated traffic enforcement system. Renting and leasing companies are exempt

from rental and leased vehicle infractions recorded by an automated traffic enforcement system.

Substitute Bill Compared to Original Bill: Safeguards were added to prevent nonviolators from being held responsible for traffic infractions recorded by automated traffic enforcement systems. Additionally, the substitute bill protects people who are issued multiple notices of infractions recorded by automatic traffic enforcement systems but do not receive the notices.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The automated traffic enforcement system is efficient. Statistics from communities where automated traffic enforcement systems have been used indicate a large decrease in traffic accidents, fatalities, injuries and property damage. This is partly due to the elimination of car chases and other contact between officers and violators.

Testimony Against: None.

Testified: Tim Schellberg, Sheriffs and Police (pro); Jackie White, City of Spokane (pro); Kathy Gerke, Assn. of WA Cities (pro).