

5369-S2

Sponsor(s): Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin)

Brief Description: Regulating automated traffic safety cameras.

**SB 5369-S2.E - DIGEST**

(AS OF SENATE 2ND READING 2/12/04)

Declares that the use of automated traffic safety cameras is subject to the following regulations: (1) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Speeding, stoplight, or railroad crossing violations.

(2) Use of automated traffic safety cameras is restricted to construction zones, school zones, two-arterial intersections, railroad crossings, and other areas designated by the Washington state patrol or county or city police as areas of high collision frequency.

(3) Automated traffic safety cameras may take pictures of the vehicle and vehicle license plate and only while an infraction is occurring.

(4) The ordinance enacted by the local legislative authority may provide that automated traffic safety cameras may take pictures of the vehicle, vehicle license plate, and the face of the driver while an infraction is occurring.

(5) The law enforcement agency having jurisdiction shall plainly mark the locations where an automated traffic safety camera is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs must be displayed one hundred yards in advance of placement of the locations where an automated traffic safety camera is used.

(6) A notice of an infraction must be mailed to the registered owner of the vehicle within fourteen days of the infraction occurring.

(7) A person receiving an automated traffic infraction notice based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(8) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(2) unless within fifteen days after notification of the infraction the registered owner furnishes the officials or agents of the municipality that issued the notice of infraction with: (a) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or (b) testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged infraction.

Provides that the city treasurer shall remit monthly ten percent of the noninterest money received under this section for infractions detected by an automated traffic safety camera to the state treasurer.

Requests the Washington state supreme court to amend the

Infraction Rules for Courts of Limited Jurisdiction to conform to this act. Furthermore, the legislature respectfully asks the court to create an automated traffic infraction notice that is consistent with this act.