
SENATE BILL 6526

State of Washington

59th Legislature

2006 Regular Session

By Senators Jacobsen, Mulliken, Berkey, Oke, Weinstein, Poulsen and Eide; by request of Department of Transportation

Read first time 01/13/2006. Referred to Committee on Transportation.

1 AN ACT Relating to the use of automated traffic safety cameras in
2 state highway work zones; and amending RCW 46.63.170.

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

4 **Sec. 1.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read
5 as follows:

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

8 (a) The appropriate local legislative authority must first enact an
9 ordinance allowing for their use to detect one or more of the
10 following: Stoplight, railroad crossing, or school speed zone
11 violations. At a minimum, the local ordinance must contain the
12 restrictions described in this section and provisions for public notice
13 and signage. Cities and counties using automated traffic safety
14 cameras before July 24, 2005, are subject to the restrictions described
15 in this section, but are not required to enact an authorizing
16 ordinance. Infractions issued on state highways are not subject to
17 this subsection (1)(a).

18 (b) The Washington state patrol may issue infractions in work zones
19 on state highways when workers are present.

1 (c) Use of automated traffic safety cameras is restricted to two-
2 arterial intersections, railroad crossings, highway work zones, and
3 school speed zones only.

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

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

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

31 ~~((f))~~ (g) Notwithstanding any other provision of law, all
32 photographs, microphotographs, or electronic images prepared under this
33 section are for the exclusive use of law enforcement in the discharge
34 of duties under this section and are not open to the public and may not
35 be used in a court in a pending action or proceeding unless the action
36 or proceeding relates to a violation under this section. No
37 photograph, microphotograph, or electronic image may be used for any

1 purpose other than enforcement of violations under this section nor
2 retained longer than necessary to enforce this section.

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

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

14 (2) Infractions detected through the use of automated traffic
15 safety cameras are not part of the registered owner's driving record
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
17 by the use of automated traffic safety cameras under this section shall
18 be processed in the same manner as parking infractions, including for
19 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and
20 46.20.270(3). However, the amount of the fine issued for an infraction
21 generated through the use of an automated traffic safety camera shall
22 not exceed the amount of a fine issued for other parking infractions
23 within the jurisdiction, except that the fine issued for work zone
24 infractions must be the same as fines issued for speeding violations in
25 work zones under RCW 46.61.527.

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

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

36 (b) A statement under oath that the business is unable to determine
37 who was driving or renting the vehicle at the time the infraction
38 occurred; or

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

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

6 (4) 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 (5) For the purposes of this section, "automated traffic safety
11 camera" means a device that uses a vehicle sensor installed to work in
12 conjunction with an intersection traffic control system, a railroad
13 grade crossing control system, or a speed measuring device, and a
14 camera synchronized to automatically record one or more sequenced
15 photographs, microphotographs, or electronic images of the rear of a
16 motor vehicle at the time the vehicle fails to stop when facing a
17 steady red traffic control signal or an activated railroad grade
18 crossing control signal, or exceeds a speed limit in a school speed
19 zone or work zone safety area as detected by a speed measuring device.

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