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**SENATE BILL 5789**

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**State of Washington**                      **66th Legislature**                      **2019 Regular Session**

**By** Senators Lias, Nguyen, Saldaña, and Wilson, C.

Read first time 02/01/19. Referred to Committee on Transportation.

1            AN ACT Relating to establishing additional uses for automated  
2 traffic safety cameras for traffic congestion reduction and increased  
3 safety; and amending RCW 46.63.170.

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

5            **Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each  
6 amended to read as follows:

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

9            (a) The appropriate local legislative authority must prepare an  
10 analysis of the locations within the jurisdiction where automated  
11 traffic safety cameras are proposed to be located: (i) Before  
12 enacting an ordinance allowing for the initial use of automated  
13 traffic safety cameras; and (ii) before adding additional cameras or  
14 relocating any existing camera to a new location within the  
15 jurisdiction. Automated traffic safety cameras may be used to detect  
16 one or more of the following: Stoplight(~~(7)~~) violations; railroad  
17 crossing (~~(7—0#)~~) violations; stopping when traffic obstructed  
18 violations; stopping at intersection or crosswalk violations; public  
19 transportation only lane violations; stopping, standing, or parking  
20 violations at locations restricted for emergency response vehicle  
21 entry or exit or the boarding or disembarking of public

1 transportation vehicles, including public ferries; school speed zone  
2 violations; or speed violations subject to (c) of this subsection. At  
3 a minimum, the local ordinance must contain the restrictions  
4 described in this section and provisions for public notice and  
5 signage. Cities and counties using automated traffic safety cameras  
6 before July 24, 2005, are subject to the restrictions described in  
7 this section, but are not required to enact an authorizing ordinance.  
8 Beginning one year after June 7, 2012, cities and counties using  
9 automated traffic safety cameras must post an annual report of the  
10 number of traffic accidents that occurred at each location where an  
11 automated traffic safety camera is located as well as the number of  
12 notices of infraction issued for each camera and any other relevant  
13 information about the automated traffic safety cameras that the city  
14 or county deems appropriate on the city's or county's web site.

15 (b) Except as provided in (c) of this subsection, use of  
16 automated traffic safety cameras is restricted to the following  
17 locations only: (i) Intersections of two arterials with traffic  
18 control signals that have yellow change interval durations in  
19 accordance with RCW 47.36.022, which interval durations may not be  
20 reduced after placement of the camera; (ii) midblock on arterials;  
21 (iii) railroad crossings; and (~~(iii)~~) (iv) school speed zones.

22 (c) Any city west of the Cascade mountains with a population of  
23 more than one hundred ninety-five thousand located in a county with a  
24 population of fewer than one million five hundred thousand may  
25 operate an automated traffic safety camera to detect speed violations  
26 subject to the following limitations:

27 (i) A city may only operate one such automated traffic safety  
28 camera within its respective jurisdiction; and

29 (ii) The use and location of the automated traffic safety camera  
30 must have first been authorized by the Washington state legislature  
31 as a pilot project for at least one full year.

32 (d) Automated traffic safety cameras may only take pictures of  
33 the vehicle and vehicle license plate and only while an infraction is  
34 occurring. The picture must not reveal the face of the driver or of  
35 passengers in the vehicle. The primary purpose of camera placement is  
36 to take pictures of the vehicle and vehicle license plate when an  
37 infraction is occurring. Cities and counties shall consider  
38 installing cameras in a manner that minimizes the impact of camera  
39 flash on drivers.

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

17 (f) The registered owner of a vehicle is responsible for an  
18 infraction under RCW 46.63.030(1)(d) unless the registered owner  
19 overcomes the presumption in RCW 46.63.075, or, in the case of a  
20 rental car business, satisfies the conditions under subsection (3) of  
21 this section. If appropriate under the circumstances, a renter  
22 identified under subsection (3)(a) of this section is responsible for  
23 an infraction.

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

33 (h) All locations where an automated traffic safety camera is  
34 used must be clearly marked at least thirty days prior to activation  
35 of the camera by placing signs in locations that clearly indicate to  
36 a driver that he or she is entering a zone where traffic laws are  
37 enforced by an automated traffic safety camera. Signs placed in  
38 automated traffic safety camera locations after June 7, 2012, must  
39 follow the specifications and guidelines under the manual of uniform

1 traffic control devices for streets and highways as adopted by the  
2 department of transportation under chapter 47.36 RCW.

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

10 (j) As used in this subsection (1), "public transportation  
11 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,  
12 ferry boat, or any other device, vessel, or vehicle that is owned or  
13 operated by a transit authority or an entity providing service on  
14 behalf of a transit authority that is used for the purpose of  
15 carrying passengers and that operates on established routes. "Transit  
16 authority" has the meaning provided in RCW 9.91.025.

17 (2) Infractions detected through the use of automated traffic  
18 safety cameras are not part of the registered owner's driving record  
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions  
20 generated by the use of automated traffic safety cameras under this  
21 section shall be processed in the same manner as parking infractions,  
22 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,  
23 and 46.20.270(2). The amount of the fine issued for an infraction  
24 generated through the use of an automated traffic safety camera shall  
25 not exceed the amount of a fine issued for other parking infractions  
26 within the jurisdiction. However, the amount of the fine issued for a  
27 traffic control signal violation detected through the use of an  
28 automated traffic safety camera shall not exceed the monetary penalty  
29 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,  
30 including all applicable statutory assessments.

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

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

1 (b) A statement under oath that the business is unable to  
2 determine who was driving or renting the vehicle at the time the  
3 infraction occurred because the vehicle was stolen at the time of the  
4 infraction. A statement provided under this subsection must be  
5 accompanied by a copy of a filed police report regarding the vehicle  
6 theft; or

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

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

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

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

26 ~~((6) During the 2011-2013 and 2013-2015 fiscal biennia, this~~  
27 ~~section does not apply to automated traffic safety cameras for the~~  
28 ~~purposes of section 216(5), chapter 367, Laws of 2011 and section~~  
29 ~~216(6), chapter 306, Laws of 2013.))~~

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