
HOUSE BILL 1969

State of Washington

67th Legislature

2022 Regular Session

By Representative Fey

1 AN ACT Relating to authorizing the limited use of automated
2 traffic safety cameras for speed violations outside of school speed
3 zones; amending RCW 46.63.170 and 46.63.170; providing an effective
4 date; and providing an expiration date.

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

6 **Sec. 1.** RCW 46.63.170 and 2020 c 224 s 1 are each amended to
7 read as follows:

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

10 (a) Except for proposed locations used solely for the pilot
11 program purposes permitted under subsection (6) of this section, the
12 appropriate local legislative authority must prepare an analysis of
13 the locations within the jurisdiction where automated traffic safety
14 cameras are proposed to be located: (i) Before enacting an ordinance
15 allowing for the initial use of automated traffic safety cameras; and
16 (ii) before adding additional cameras or relocating any existing
17 camera to a new location within the jurisdiction. Automated traffic
18 safety cameras may be used to detect one or more of the following:
19 Stoplight, railroad crossing, or school speed zone violations; speed
20 violations subject to (c) or (d) of this subsection; or violations
21 included in subsection (6) of this section for the duration of the

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

14 (b) Except as provided in (c) and (d) of this subsection and
15 subsection (6) of this section, use of automated traffic safety
16 cameras is restricted to the following locations only: (i)
17 Intersections of two or more arterials with traffic control signals
18 that have yellow change interval durations in accordance with RCW
19 47.36.022, which interval durations may not be reduced after
20 placement of the camera; (ii) railroad crossings; and (iii) school
21 speed zones.

22 (c) Any city west of the Cascade mountains with a population of
23 more than (~~one hundred ninety-five thousand~~) 195,000 located in a
24 county with a population of fewer than (~~one million five hundred~~
25 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
26 to detect speed violations 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) (i) Cities may operate at least one automated traffic safety
33 camera under this subsection to detect speed violations, subject to
34 the requirements of (d) (ii) of this subsection. Cities may operate
35 one additional automated traffic safety camera to detect speed
36 violations for every 10,000 residents included in the city's
37 population. Cameras must be placed in locations that comply with one
38 of the following:

39 (A) The location has been identified as a priority location in a
40 local road safety plan that a city has submitted to the Washington

1 state department of transportation and where other speed reduction
2 measures are not feasible or have not been sufficiently effective at
3 reducing travel speed;

4 (B) The location has a significantly higher rate of collisions
5 than the city average in a period of at least three years prior to
6 installation and other speed reduction measures are not feasible or
7 have not been sufficiently effective at reducing travel speed;

8 (C) The location is in an area within the city limits designated
9 by local ordinance as a zone subject to specified restrictions and
10 penalties on racing and race attendance; or

11 (D) The location is within 300 feet of the border of a park or
12 community center property.

13 (ii) (A) A city locating an automated traffic safety camera under
14 this subsection (1) (d) must complete an equity analysis that
15 evaluates livability, accessibility, economics, education, and
16 environmental health, and shall consider the outcome of that analysis
17 when identifying where to locate an automated traffic safety camera.

18 (B) Automated traffic safety cameras must be placed in a manner
19 that limits drivers from diverting to alternative roads to avoid an
20 automated traffic safety camera.

21 (e) Automated traffic safety cameras may only take pictures of
22 the vehicle and vehicle license plate and only while an infraction is
23 occurring. The picture must not reveal the face of the driver or of
24 passengers in the vehicle. The primary purpose of camera placement is
25 to take pictures of the vehicle and vehicle license plate when an
26 infraction is occurring. Cities and counties shall consider
27 installing cameras in a manner that minimizes the impact of camera
28 flash on drivers.

29 ((e)) (f) A notice of infraction must be mailed to the
30 registered owner of the vehicle within ((fourteen)) 14 days of the
31 violation, or to the renter of a vehicle within ((fourteen)) 14 days
32 of establishing the renter's name and address under subsection (3) (a)
33 of this section. The law enforcement officer issuing the notice of
34 infraction shall include with it a certificate or facsimile thereof,
35 based upon inspection of photographs, microphotographs, or electronic
36 images produced by an automated traffic safety camera, stating the
37 facts supporting the notice of infraction. This certificate or
38 facsimile is prima facie evidence of the facts contained in it and is
39 admissible in a proceeding charging a violation under this chapter.
40 The photographs, microphotographs, or electronic images evidencing

1 the violation must be available for inspection and admission into
2 evidence in a proceeding to adjudicate the liability for the
3 infraction. A person receiving a notice of infraction based on
4 evidence detected by an automated traffic safety camera may respond
5 to the notice by mail.

6 ~~((f))~~ (g) The registered owner of a vehicle is responsible for
7 an infraction under RCW 46.63.030(1)(d) unless the registered owner
8 overcomes the presumption in RCW 46.63.075, or, in the case of a
9 rental car business, satisfies the conditions under subsection (3) of
10 this section. If appropriate under the circumstances, a renter
11 identified under subsection (3)(a) of this section is responsible for
12 an infraction.

13 ~~((g))~~ (h) Notwithstanding any other provision of law, all
14 photographs, microphotographs, or electronic images, or any other
15 personally identifying data prepared under this section are for the
16 exclusive use of law enforcement in the discharge of duties under
17 this section and are not open to the public and may not be used in a
18 court in a pending action or proceeding unless the action or
19 proceeding relates to a violation under this section. No photograph,
20 microphotograph, or electronic image, or any other personally
21 identifying data may be used for any purpose other than enforcement
22 of violations under this section nor retained longer than necessary
23 to enforce this section.

24 ~~((h))~~ (i) All locations where an automated traffic safety
25 camera is used must be clearly marked at least ~~((thirty))~~ 30 days
26 prior to activation of the camera by placing signs in locations that
27 clearly indicate to a driver that he or she is entering a zone where
28 traffic laws are enforced by an automated traffic safety camera.
29 Signs placed in automated traffic safety camera locations after June
30 7, 2012, must follow the specifications and guidelines under the
31 manual of uniform traffic control devices for streets and highways as
32 adopted by the department of transportation under chapter 47.36 RCW.

33 ~~((i))~~ (j) If a county or city has established an authorized
34 automated traffic safety camera program under this section, the
35 compensation paid to the manufacturer or vendor of the equipment used
36 must be based only upon the value of the equipment and services
37 provided or rendered in support of the system, and may not be based
38 upon a portion of the fine or civil penalty imposed or the revenue
39 generated by the equipment.

1 (k) If a city is operating an automated traffic safety camera to
2 detect speed violations under (c) or (d) of this subsection, the city
3 shall remit monthly to the state 50 percent of the noninterest money
4 received for infractions issued by those cameras excess of the cost
5 to administer, install, operate, and maintain the automated traffic
6 safety cameras, including the cost of processing infractions. Money
7 remitted under this subsection to the state treasurer shall be
8 deposited in the Cooper Jones active transportation safety account
9 created in RCW 46.68.480. The remaining 50 percent retained by the
10 city must be used only for improvements to transportation that
11 support equitable access and mobility for persons with disabilities.

12 (2) Infractions detected through the use of automated traffic
13 safety cameras are not part of the registered owner's driving record
14 under RCW 46.52.101 and 46.52.120. Additionally, infractions
15 generated by the use of automated traffic safety cameras under this
16 section shall be processed in the same manner as parking infractions,
17 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
18 and 46.20.270(2). Except as provided otherwise in subsection (6) of
19 this section, the amount of the fine issued for an infraction
20 generated through the use of an automated traffic safety camera shall
21 not exceed the amount of a fine issued for other parking infractions
22 within the jurisdiction. However, the amount of the fine issued for a
23 traffic control signal violation detected through the use of an
24 automated traffic safety camera shall not exceed the monetary penalty
25 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
26 including all applicable statutory assessments.

27 (3) If the registered owner of the vehicle is a rental car
28 business, the law enforcement agency shall, before a notice of
29 infraction being issued under this section, provide a written notice
30 to the rental car business that a notice of infraction may be issued
31 to the rental car business if the rental car business does not,
32 within (~~eighteen~~) 18 days of receiving the written notice, provide
33 to the issuing agency by return mail:

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

37 (b) A statement under oath that the business is unable to
38 determine who was driving or renting the vehicle at the time the
39 infraction occurred because the vehicle was stolen at the time of the
40 infraction. A statement provided under this subsection must be

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

22 (b) For the purposes of the pilot program authorized under
23 subsection (6) of this section, "automated traffic safety camera"
24 also includes a device used to detect stopping at intersection or
25 crosswalk violations; stopping when traffic obstructed violations;
26 public transportation only lane violations; and stopping or traveling
27 in restricted lane violations. The device, including all technology
28 defined under "automated traffic safety camera," must not reveal the
29 face of the driver or the passengers in vehicles, and must not use
30 any facial recognition technology in real time or after capturing any
31 information. If the face of any individual in a crosswalk or
32 otherwise within the frame is incidentally captured, it may not be
33 made available to the public nor used for any purpose including, but
34 not limited to, any law enforcement action, except in a pending
35 action or proceeding related to a violation under this section.

36 (6)(a)(i) A city with a population greater than (~~five hundred~~
37 ~~thousand~~) 500,000 may adopt an ordinance creating a pilot program
38 authorizing automated traffic safety cameras to be used to detect one
39 or more of the following violations: Stopping when traffic obstructed
40 violations; stopping at intersection or crosswalk violations; public

1 transportation only lane violations; and stopping or traveling in
2 restricted lane violations. Under the pilot program, stopping at
3 intersection or crosswalk violations may only be enforced at the
4 (~~twenty~~) 20 intersections where the city would most like to address
5 safety concerns related to stopping at intersection or crosswalk
6 violations. At a minimum, the local ordinance must contain the
7 restrictions described in this section and provisions for public
8 notice and signage.

9 (ii) Except where specifically exempted, all of the rules and
10 restrictions applicable to the use of automated traffic safety
11 cameras in this section apply to the use of automated traffic safety
12 cameras in the pilot program established in this subsection (6).

13 (iii) As used in this subsection (6), "public transportation
14 vehicle" means any motor vehicle, streetcar, train, trolley vehicle,
15 ferry boat, or any other device, vessel, or vehicle that is owned or
16 operated by a transit authority or an entity providing service on
17 behalf of a transit authority that is used for the purpose of
18 carrying passengers and that operates on established routes. "Transit
19 authority" has the meaning provided in RCW 9.91.025.

20 (b) Use of automated traffic safety cameras as authorized in this
21 subsection (6) is restricted to the following locations only:
22 Locations authorized in subsection (1)(b) of this section; and
23 midblock on arterials. Additionally, the use of automated traffic
24 safety cameras as authorized in this subsection (6) is further
25 limited to the following:

26 (i) The portion of state and local roadways in downtown areas of
27 the city used for office and commercial activities, as well as retail
28 shopping and support services, and that may include mixed residential
29 uses;

30 (ii) The portion of state and local roadways in areas in the city
31 within one-half mile north of the boundary of the area described in
32 (b)(i) of this subsection;

33 (iii) Portions of roadway systems in the city that travel into
34 and out of (b)(ii) of this subsection that are designated by the
35 Washington state department of transportation as noninterstate
36 freeways for up to four miles; and

37 (iv) Portions of roadway systems in the city connected to the
38 portions of the noninterstate freeways identified in (b)(iii) of this
39 subsection that are designated by the Washington state department of

1 transportation as arterial roadways for up to one mile from the
2 intersection of the arterial roadway and the noninterstate freeway.

3 (c) However, automated traffic safety cameras may not be used on
4 an on-ramp to an interstate.

5 (d) From June 11, 2020, through December 31, 2020, a warning
6 notice with no penalty must be issued to the registered owner of the
7 vehicle for a violation generated through the use of an automated
8 traffic safety camera authorized in this subsection (6). Beginning
9 January 1, 2021, a notice of infraction must be issued, in a manner
10 consistent with subsections (1) ~~((+e))~~ (f) and (3) of this section,
11 for a violation generated through the use of an automated traffic
12 safety camera authorized in this subsection (6). However, the penalty
13 for the violation may not exceed ~~((seventy-five dollars))~~ \$75.

14 (e) For infractions issued as authorized in this subsection (6),
15 a city with a pilot program shall remit monthly to the state
16 ~~((fifty))~~ 50 percent of the noninterest money received under this
17 subsection (6) in excess of the cost to install, operate, and
18 maintain the automated traffic safety cameras for use in the pilot
19 program. Money remitted under this subsection to the state treasurer
20 shall be deposited in the Cooper Jones active transportation safety
21 account created in RCW 46.68.480. The remaining ~~((fifty))~~ 50 percent
22 retained by the city must be used only for improvements to
23 transportation that support equitable access and mobility for persons
24 with disabilities.

25 (f) A transit authority may not take disciplinary action,
26 regarding a warning or infraction issued pursuant to this subsection
27 (6), against an employee who was operating a public transportation
28 vehicle at the time the violation that was the basis of the warning
29 or infraction was detected.

30 (g) A city that implements a pilot program under this subsection
31 (6) must provide a preliminary report to the transportation
32 committees of the legislature by June 30, 2022, and a final report by
33 January 1, 2023, on the pilot program that includes the locations
34 chosen for the automated traffic safety cameras used in the pilot
35 program, the number of warnings and traffic infractions issued under
36 the pilot program, the number of traffic infractions issued with
37 respect to vehicles registered outside of the county in which the
38 city is located, the infrastructure improvements made using the
39 penalty moneys as required under (e) of this subsection, an equity
40 analysis that includes any disproportionate impacts, safety, and on-

1 time performance statistics related to the impact on driver behavior
2 of the use of automated traffic safety cameras in the pilot program,
3 and any recommendations on the use of automated traffic safety
4 cameras to enforce the violations that these cameras were authorized
5 to detect under the pilot program.

6 **Sec. 2.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each
7 amended to read as follows:

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

10 (a) The appropriate local legislative authority must prepare an
11 analysis of the locations within the jurisdiction where automated
12 traffic safety cameras are proposed to be located: (i) Before
13 enacting an ordinance allowing for the initial use of automated
14 traffic safety cameras; and (ii) before adding additional cameras or
15 relocating any existing camera to a new location within the
16 jurisdiction. Automated traffic safety cameras may be used to detect
17 one or more of the following: Stoplight, railroad crossing, or school
18 speed zone violations; or speed violations subject to (c) or (d) of
19 this subsection. At a minimum, the local ordinance must contain the
20 restrictions described in this section and provisions for public
21 notice and signage. Cities and counties using automated traffic
22 safety cameras before July 24, 2005, are subject to the restrictions
23 described in this section, but are not required to enact an
24 authorizing ordinance. Beginning one year after June 7, 2012, cities
25 and counties using automated traffic safety cameras must post an
26 annual report of the number of traffic accidents that occurred at
27 each location where an automated traffic safety camera is located as
28 well as the number of notices of infraction issued for each camera
29 and any other relevant information about the automated traffic safety
30 cameras that the city or county deems appropriate on the city's or
31 county's website.

32 (b) Except as provided in (c) and (d) of this subsection, use of
33 automated traffic safety cameras is restricted to the following
34 locations only: (i) Intersections of two arterials with traffic
35 control signals that have yellow change interval durations in
36 accordance with RCW 47.36.022, which interval durations may not be
37 reduced after placement of the camera; (ii) railroad crossings; and
38 (iii) school speed zones.

1 (c) Any city west of the Cascade mountains with a population of
2 more than (~~one hundred ninety-five thousand~~) 195,000 located in a
3 county with a population of fewer than (~~one million five hundred~~
4 ~~thousand~~) 1,500,000 may operate an automated traffic safety camera
5 to detect speed violations subject to the following limitations:

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

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

11 (d)(i) Cities may operate at least one automated traffic safety
12 camera under this subsection to detect speed violations, subject to
13 the requirements of (d)(ii) of this subsection. Cities may operate
14 one additional automated traffic safety camera to detect speed
15 violations for every 10,000 residents included in the city's
16 population. Cameras must be placed in locations that comply with one
17 of the following:

18 (A) The location has been identified as a priority location in a
19 local road safety plan that a city has submitted to the Washington
20 state department of transportation and where other speed reduction
21 measures are not feasible or have not been sufficiently effective at
22 reducing travel speed;

23 (B) The location has a significantly higher rate of collisions
24 than the city average in a period of at least three years prior to
25 installation and other speed reduction measures are not feasible or
26 have not been sufficiently effective at reducing travel speed;

27 (C) The location is in an area within the city limits designated
28 by local ordinance as a zone subject to specified restrictions and
29 penalties on racing and race attendance; or

30 (D) The location is within 300 feet of the border of a park or
31 community center property.

32 (ii)(A) A city locating an automated traffic safety camera under
33 this subsection (1)(d) must complete an equity analysis that
34 evaluates livability, accessibility, economics, education, and
35 environmental health, and shall consider the outcome of that analysis
36 when identifying where to locate an automated traffic safety camera.

37 (B) Automated traffic safety cameras must be placed in a manner
38 that limits drivers from diverting to alternative roads to avoid an
39 automated traffic safety camera.

1 (e) Automated traffic safety cameras may only take pictures of
2 the vehicle and vehicle license plate and only while an infraction is
3 occurring. The picture must not reveal the face of the driver or of
4 passengers in the vehicle. The primary purpose of camera placement is
5 to take pictures of the vehicle and vehicle license plate when an
6 infraction is occurring. Cities and counties shall consider
7 installing cameras in a manner that minimizes the impact of camera
8 flash on drivers.

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

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

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

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

3 ~~((h))~~ (i) All locations where an automated traffic safety
4 camera is used must be clearly marked at least ~~((thirty))~~ 30 days
5 prior to activation of the camera by placing signs in locations that
6 clearly indicate to a driver that he or she is entering a zone where
7 traffic laws are enforced by an automated traffic safety camera.
8 Signs placed in automated traffic safety camera locations after June
9 7, 2012, must follow the specifications and guidelines under the
10 manual of uniform traffic control devices for streets and highways as
11 adopted by the department of transportation under chapter 47.36 RCW.

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

19 (k) If a city is operating an automated traffic safety camera to
20 detect speed violations under (c) or (d) of this subsection, the city
21 shall remit monthly to the state 50 percent of the noninterest money
22 received for infractions issued by those cameras excess of the cost
23 to administer, install, operate, and maintain the automated traffic
24 safety cameras, including the cost of processing infractions. Money
25 remitted under this subsection to the state treasurer shall be
26 deposited in the Cooper Jones active transportation safety account
27 created in RCW 46.68.480. The remaining 50 percent retained by the
28 city must be used only for improvements to transportation that
29 support equitable access and mobility for persons with disabilities.

30 (2) Infractions detected through the use of automated traffic
31 safety cameras are not part of the registered owner's driving record
32 under RCW 46.52.101 and 46.52.120. Additionally, infractions
33 generated by the use of automated traffic safety cameras under this
34 section shall be processed in the same manner as parking infractions,
35 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
36 and 46.20.270(2). The amount of the fine issued for an infraction
37 generated through the use of an automated traffic safety camera shall
38 not exceed the amount of a fine issued for other parking infractions
39 within the jurisdiction. However, the amount of the fine issued for a
40 traffic control signal violation detected through the use of an

1 automated traffic safety camera shall not exceed the monetary penalty
2 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
3 including all applicable statutory assessments.

4 (3) If the registered owner of the vehicle is a rental car
5 business, the law enforcement agency shall, before a notice of
6 infraction being issued under this section, provide a written notice
7 to the rental car business that a notice of infraction may be issued
8 to the rental car business if the rental car business does not,
9 within (~~eighteen~~) 18 days of receiving the written notice, provide
10 to the issuing agency by return mail:

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

14 (b) A statement under oath that the business is unable to
15 determine who was driving or renting the vehicle at the time the
16 infraction occurred because the vehicle was stolen at the time of the
17 infraction. A statement provided under this subsection must be
18 accompanied by a copy of a filed police report regarding the vehicle
19 theft; or

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

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

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

29 (5) For the purposes of this section, "automated traffic safety
30 camera" means a device that uses a vehicle sensor installed to work
31 in conjunction with an intersection traffic control system, a
32 railroad grade crossing control system, or a speed measuring device,
33 and a camera synchronized to automatically record one or more
34 sequenced photographs, microphotographs, or electronic images of the
35 rear of a motor vehicle at the time the vehicle fails to stop when
36 facing a steady red traffic control signal or an activated railroad
37 grade crossing control signal, or exceeds a speed limit as detected
38 by a speed measuring device.

39 (6) During the 2011-2013 and 2013-2015 fiscal biennia, this
40 section does not apply to automated traffic safety cameras for the

1 purposes of section 216(5), chapter 367, Laws of 2011 and section
2 216(6), chapter 306, Laws of 2013.

3 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect June
4 30, 2023.

5 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30,
6 2023.

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