
SENATE BILL 5707

State of Washington

67th Legislature

2022 Regular Session

By Senators Saldaña and Pedersen

Prefiled 01/06/22.

1 AN ACT Relating to extending additional uses for automated
2 traffic safety cameras for traffic congestion reduction and increased
3 safety; amending RCW 46.63.170; amending 2020 c 224 s 3 (uncodified);
4 and providing expiration dates.

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) of this subsection; or violations included
21 in subsection (6) of this section for the duration of the pilot

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

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

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

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

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

39 (e) A notice of infraction must be mailed to the registered owner
40 of the vehicle within fourteen days of the violation, or to the

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

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

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

32 (h) All locations where an automated traffic safety camera is
33 used must be clearly marked at least thirty days prior to activation
34 of the camera by placing signs in locations that clearly indicate to
35 a driver that he or she is entering a zone where traffic laws are
36 enforced by an automated traffic safety camera. Signs placed in
37 automated traffic safety camera locations after June 7, 2012, must
38 follow the specifications and guidelines under the manual of uniform
39 traffic control devices for streets and highways as adopted by the
40 department of transportation under chapter 47.36 RCW.

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

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

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

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

33 (b) A statement under oath that the business is unable to
34 determine who was driving or renting the vehicle at the time the
35 infraction occurred because the vehicle was stolen at the time of the
36 infraction. A statement provided under this subsection must be
37 accompanied by a copy of a filed police report regarding the vehicle
38 theft; or

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

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

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

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

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

32 (6)(a)(i) A city with a population greater than five hundred
33 thousand may adopt an ordinance creating a pilot program authorizing
34 automated traffic safety cameras to be used to detect one or more of
35 the following violations: Stopping when traffic obstructed
36 violations; stopping at intersection or crosswalk violations; public
37 transportation only lane violations; and stopping or traveling in
38 restricted lane violations. Under the pilot program, stopping at
39 intersection or crosswalk violations may only be enforced at the
40 twenty intersections where the city would most like to address safety

1 concerns related to stopping at intersection or crosswalk violations.
2 At a minimum, the local ordinance must contain the restrictions
3 described in this section and provisions for public notice and
4 signage.

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

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

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

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

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

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

33 (iv) Portions of roadway systems in the city connected to the
34 portions of the noninterstate freeways identified in (b)(iii) of this
35 subsection that are designated by the Washington state department of
36 transportation as arterial roadways for up to one mile from the
37 intersection of the arterial roadway and the noninterstate freeway.

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

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

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

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

25 (g) A city that implements a pilot program under this subsection
26 (6) must provide a preliminary report to the transportation
27 committees of the legislature by June 30, ((2022)) 2024, and a final
28 report by January 1, ((2023)) 2025, on the pilot program that
29 includes the locations chosen for the automated traffic safety
30 cameras used in the pilot program, the number of warnings and traffic
31 infractions issued under the pilot program, the number of traffic
32 infractions issued with respect to vehicles registered outside of the
33 county in which the city is located, the infrastructure improvements
34 made using the penalty moneys as required under (e) of this
35 subsection, an equity analysis that includes any disproportionate
36 impacts, safety, and on-time performance statistics related to the
37 impact on driver behavior of the use of automated traffic safety
38 cameras in the pilot program, and any recommendations on the use of
39 automated traffic safety cameras to enforce the violations that these
40 cameras were authorized to detect under the pilot program.

1 **Sec. 2.** 2020 c 224 s 3 (uncodified) is amended to read as
2 follows:

3 Section 1 of this act expires June 30, (~~2023~~) 2025.

4 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30,
5 2025.

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