

**Let The Voters Decide on Automatic Ticketing Cameras in Washington**

AN ACT Relating to letting the voters decide on automatic ticketing cameras in Washington; amending RCW 46.63.170; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

**POLICIES AND PURPOSES**

NEW SECTION.     **Sec. 1.**     The people have a right to decide whether they support for-profit camera surveillance or not. Automatic ticketing cameras are a taxation-through-citation scam and so must be subjected to public discussion, public debate, and a public vote. Obnoxious ticketing cameras by for-profit out-of-state companies must receive the consent of the governed. This measure requires governments to ask voters' permission before imposing automatic ticketing cameras.

**VOTER APPROVAL FOR AUTOMATIC TICKETING CAMERAS**

**Sec. 2.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to read as follows:

(1) The use of (~~automated traffic safety cameras~~) automatic ticketing cameras called red-light cameras and speed cameras and other for-profit camera surveillance for issuance of notices of infraction are subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance that is only valid if approved by a vote of the people at an election in that jurisdiction subject to the requirements of allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using (~~automated traffic safety cameras~~) automatic ticketing cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Any government using automatic ticketing cameras before the effective date of this act must remove all their cameras no later than thirty days following the effective date of this act unless the voters in that jurisdiction approve a ballot measure prior to June 30, 2011, that endorses the continuation of the use of automatic ticketing cameras. To qualify for this exception, the ballot title for such a ballot measure must be written substantially as follows:

Proposition X concerns automatic ticketing cameras. This measure would allow the city/county/governmental-entity of ... and for-profit companies contracted with city/county/governmental-entity to continue using automatic ticketing cameras, allow for their expansion without limitation, and charge vehicle owners \$... for tickets. Should this measure be approved or rejected? Yes No.

(b) Use of (~~automated traffic safety cameras~~) automatic ticketing cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, (~~automated traffic safety cameras~~) automatic ticketing cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations subject to the voter approval requirements in (a) of this subsection (1).

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

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

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

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

(h) All locations where an (~~automated traffic safety camera~~) automatic ticketing camera is used must be clearly marked by placing signs in 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 cameras~~) automatic ticketing cameras.

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

(2) Infractions detected through the use of (~~automated traffic safety cameras~~) automatic ticketing cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of (~~automated traffic safety cameras~~) automatic ticketing cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an (~~automated traffic safety cameras~~) automatic ticketing cameras shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice

to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

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

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

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

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

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

(5) For the purposes of this section, (~~automated traffic safety cameras~~) "automatic ticketing cameras" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an (~~automated traffic safety cameras~~) automatic ticketing cameras includes a camera used to

detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section, except (a) of this subsection (1), does not apply to (~~automated traffic safety cameras~~) automatic ticketing cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

(7) Any governmental entity that seeks voter approval under subsection 1 must utilize a ballot title for the proposition that reads substantially as follows: Proposition X concerns automatic ticketing cameras. This measure would allow the city/county/governmental-entity of ... and for-profit companies contracted with city/county/governmental-entity to use automatic ticketing cameras, allow for their expansion without limitation, and charge vehicle owners \$... for tickets. Should this measure be approved or rejected? Yes No.

#### MISCELLANEOUS

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5.** This act is called the "Let The Voters Decide on Automatic Ticketing Cameras in Washington."

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