

Chapter 10.13

AUTOMATED TRAFFIC SAFETY CAMERAS

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10.13.010 Definitions.

A. “Automated traffic safety camera” means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic 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 exceeds a speed limit as detected by a speed measuring device.

B. “School Speed Zone” shall have the same meaning as described in RCW 46.61.440(1) and (2).

10.13.020 Authorized use of automated traffic safety cameras.

A. Pursuant to the authority provided for by Chapter 46.63 RCW, the city is authorized to use automated traffic safety cameras and related automated systems in order to detect, record, enforce, and prosecute school speed zone violations.

B. City law enforcement officers and persons commissioned by the Snoqualmie police chief are authorized to use automated traffic cameras and related automated systems to detect and record the image of: (1) school speed zone violations; and (2) speed zone violations on any roadway identified as a school walk zone as defined by RCW 46.63.210 however, pictures of the vehicle and the vehicle license plate may be taken only while an infraction is occurring, and the picture shall not reveal the face of the driver or of any passengers in the vehicle.

C. Before adding additional cameras or relocating any existing camera to a new location, an analysis of the locations where automatic traffic safety cameras are proposed must be presented to the city council for approval.

10.13.030 Limitation on photos – Use of photos.

A. Limitation on photos. Automated traffic safety 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.

B. Use of photos. 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.

10.13.040 Prima Facie Presumption

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter, proof that the particular vehicle described in the notice of traffic infraction was involved in the violation, together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

B. This presumption may be overcome only if the registered owner, under oath, states in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody or control of some person other than the registered owner.

10.13.050 Infraction processing – Responsibilities.

A. In general. Infractions detected through the use of automated traffic safety 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 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(2).

B. Notice of infraction. A notice of infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection (D) 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, 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 section. Any citation or notice of infraction issued pursuant to this section may be initiated by electronic signature of the issuing police officer. 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 may respond to the notice by mail.

C. Registered owner responsible – Rental car business. The registered owner of a vehicle is responsible for an infraction issued pursuant to this section unless the registered owner overcomes the presumption in subsection (E) of this section, or, in the case of a rental car business, satisfies the conditions under subsection (D) of this section. If appropriate under the circumstances, a renter identified under subsection (D) of this section is responsible for an infraction.

D. Rental cars. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is 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 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. 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
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

E. Timely mailing of the statements described in subsections (D)(1) or (D)(2) of this section to the issuing law enforcement agency relieves a rental car business of any liability under this section for the notice of infraction.

10.13.060 Infraction – Penalty.

A. Infractions detected through the use of automated traffic safety cameras shall be processed in the same manner as parking infractions.

B. The fine for an infraction detected under authority of this chapter shall be a base monetary penalty of \$145.00.

C. Provided that the fine for an infraction detected under authority of this chapter for school speed zone cameras shall be as follows:

1. A base monetary penalty of \$145.00 for the first offense, unless subsection (C)(3) of this section applies;

2. A base monetary penalty of \$290.00 for repeat offenses; and

3. A base monetary penalty of \$290.00 for any offense in excess of 11 miles per hour over the posted school zone speed limit.

D. In addition to the fines provided herein, a violator may be assessed any costs and assessments as required or permitted by state law or court rule.

E. The base monetary fine for all infractions shall automatically be adjusted for inflation every five years, beginning January 1, 2029, based on the changes in the consumer price index as calculated by the State Office of Financial Management for that time period.

F. Registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance under RCW Title 74 or participants in the Washington Women, Infants, and Children (WIC) program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, must be granted reduced penalty amounts of 50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation. Eligibility for Medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. Registered owners of vehicles who receive notices of infraction must be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

10.13.070 Signs – Payment to vendor – Alternative enforcement.

A. School zones must be signed. All locations where an automated traffic safety camera is used must be clearly marked at least 30 days prior to activation of the camera 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 camera.

B. Payment made to vendor. The compensation paid by the city to the manufacturer or vendor of the automated traffic safety camera equipment 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.

10.13.080 Nonexclusive enforcement.

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 pursuant to RCW 46.63.030(1)(a), (b), or (c).