
SENATE BILL 6008

State of Washington

55th Legislature

1997 Regular Session

By Senator Stevens

Read first time 02/26/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to safety of school children; amending RCW
2 46.61.370, 46.61.385, and 10.31.100; reenacting and amending RCW
3 46.63.020; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the safety of our
6 children is of paramount concern. The legislature further finds that
7 drivers often do not obey crossing guards and signs on school buses if
8 police officers are not present. This behavior endangers our children.
9 Therefore, it is the intent of the legislature to allow an officer to
10 enforce these laws even if the officer does not personally witness the
11 commission of the crime.

12 **Sec. 2.** RCW 46.61.370 and 1990 c 241 s 8 are each amended to read
13 as follows:

14 (1) The driver of a vehicle upon overtaking or meeting from either
15 direction any school bus which has stopped on the roadway for the
16 purpose of receiving or discharging any school children shall stop the
17 vehicle before reaching such school bus when there is in operation on
18 said school bus a visual signal as specified in RCW 46.37.190 and said

1 driver shall not proceed until such school bus resumes motion or the
2 visual signals are no longer activated.

3 (2) The driver of a vehicle upon a highway divided into separate
4 roadways as provided in RCW 46.61.150 need not stop upon meeting a
5 school bus which is proceeding in the opposite direction and is stopped
6 for the purpose of receiving or discharging school children.

7 (3) The driver of a vehicle upon a highway with three or more
8 marked traffic lanes need not stop upon meeting a school bus which is
9 proceeding in the opposite direction and is stopped for the purpose of
10 receiving or discharging school children.

11 (4) The driver of a school bus shall actuate the visual signals
12 required by RCW 46.37.190 only when such bus is stopped on the roadway
13 for the purpose of receiving or discharging school children.

14 (5) The driver of a school bus may stop completely off the roadway
15 for the purpose of receiving or discharging school children only when
16 the school children do not have to cross the roadway. The school bus
17 driver shall actuate the hazard warning lamps as defined in RCW
18 46.37.215 before loading or unloading school children at such stops.

19 (6) A violation of this section is a misdemeanor punishable under
20 chapter 9A.20 RCW.

21 **Sec. 3.** RCW 46.61.385 and 1990 c 33 s 585 are each amended to read
22 as follows:

23 (1) The superintendent of public instruction, through the
24 superintendent of schools of any school district, or other officer or
25 board performing like functions with respect to the schools of any
26 other educational administrative district, may cause to be appointed
27 voluntary adult recruits as supervisors and, from the student body of
28 any public or private school or institution of learning, students, who
29 shall be known as members of the "school patrol" and who shall serve
30 without compensation and at the pleasure of the authority making the
31 appointment.

32 (2) The members of such school patrol shall wear an appropriate
33 designation or insignia identifying them as members of the school
34 patrol when in performance of their duties, and they may display "stop"
35 or other proper traffic directional signs or signals at school
36 crossings or other points where school children are crossing or about
37 to cross a public highway, but members of the school patrol and their

1 supervisors shall be subordinate to and obey the orders of any peace
2 officer present and having jurisdiction.

3 (3) School districts, at their discretion, may hire sufficient
4 numbers of adults to serve as supervisors. Such adults shall be
5 subordinate to and obey the orders of any peace officer present and
6 having jurisdiction.

7 (4) Any school district having a school patrol may purchase
8 uniforms and other appropriate insignia, traffic signs and other
9 appropriate materials, all to be used by members of such school patrol
10 while in performance of their duties, and may pay for the same out of
11 the general fund of the district.

12 (5) It shall be unlawful for the operator of any vehicle to fail to
13 stop his vehicle when directed to do so by a school patrol sign or
14 signal displayed by a member of the school patrol engaged in the
15 performance of his duty and wearing or displaying appropriate insignia,
16 and it shall further be unlawful for the operator of a vehicle to
17 disregard any other reasonable directions of a member of the school
18 patrol when acting in performance of his duties as such. A violation
19 of this subsection is a misdemeanor punishable under chapter 9A.20 RCW.

20 (6) School districts may expend funds from the general fund of the
21 district to pay premiums for life and accident policies covering the
22 members of the school patrol in their district while engaged in the
23 performance of their school patrol duties.

24 (7) Members of the school patrol shall be considered as employees
25 for the purposes of RCW 28A.400.370.

26 **Sec. 4.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c
27 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and
28 amended to read as follows:

29 Failure to perform any act required or the performance of any act
30 prohibited by this title or an equivalent administrative regulation or
31 local law, ordinance, regulation, or resolution relating to traffic
32 including parking, standing, stopping, and pedestrian offenses, is
33 designated as a traffic infraction and may not be classified as a
34 criminal offense, except for an offense contained in the following
35 provisions of this title or a violation of an equivalent administrative
36 regulation or local law, ordinance, regulation, or resolution:

- 1 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
2 vehicle while under the influence of intoxicating liquor or a
3 controlled substance;
- 4 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- 5 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
6 while under the influence of intoxicating liquor or narcotics or
7 habit-forming drugs or in a manner endangering the person of another;
- 8 (4) RCW 46.10.130 relating to the operation of snowmobiles;
- 9 (5) Chapter 46.12 RCW relating to certificates of ownership and
10 registration and markings indicating that a vehicle has been destroyed
11 or declared a total loss;
- 12 (6) RCW 46.16.010 relating to initial registration of motor
13 vehicles;
- 14 (7) RCW 46.16.011 relating to permitting unauthorized persons to
15 drive;
- 16 (8) RCW 46.16.160 relating to vehicle trip permits;
- 17 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
18 acquisition of a special placard or license plate for disabled persons'
19 parking;
- 20 (10) RCW 46.20.021 relating to driving without a valid driver's
21 license, unless the person cited for the violation provided the citing
22 officer with an expired driver's license or other valid identifying
23 documentation under RCW 46.20.035 at the time of the stop and was not
24 in violation of RCW 46.20.342(1) or 46.20.420, in which case the
25 violation is an infraction;
- 26 (11) RCW 46.20.091 relating to false statements regarding a
27 driver's license or instruction permit;
- 28 (12) RCW 46.20.336 relating to the unlawful possession and use of
29 a driver's license;
- 30 (13) RCW 46.20.342 relating to driving with a suspended or revoked
31 license or status;
- 32 (14) RCW 46.20.410 relating to the violation of restrictions of an
33 occupational driver's license;
- 34 (15) RCW 46.20.420 relating to the operation of a motor vehicle
35 with a suspended or revoked license;
- 36 (16) RCW 46.20.750 relating to assisting another person to start a
37 vehicle equipped with an ignition interlock device;
- 38 (17) RCW 46.25.170 relating to commercial driver's licenses;
- 39 (18) Chapter 46.29 RCW relating to financial responsibility;

1 (19) RCW 46.30.040 relating to providing false evidence of
2 financial responsibility;
3 (20) RCW 46.37.435 relating to wrongful installation of
4 sunscreening material;
5 (21) RCW 46.44.180 relating to operation of mobile home pilot
6 vehicles;
7 (22) RCW 46.48.175 relating to the transportation of dangerous
8 articles;
9 (23) RCW 46.52.010 relating to duty on striking an unattended car
10 or other property;
11 (24) RCW 46.52.020 relating to duty in case of injury to or death
12 of a person or damage to an attended vehicle;
13 (25) RCW 46.52.090 relating to reports by repairmen, storagemen,
14 and appraisers;
15 (26) RCW 46.52.100 relating to driving under the influence of
16 liquor or drugs;
17 (27) RCW 46.52.130 relating to confidentiality of the driving
18 record to be furnished to an insurance company, an employer, and an
19 alcohol/drug assessment or treatment agency;
20 (28) RCW 46.55.020 relating to engaging in the activities of a
21 registered tow truck operator without a registration certificate;
22 (29) RCW 46.55.035 relating to prohibited practices by tow truck
23 operators;
24 (30) RCW 46.61.015 relating to obedience to police officers,
25 flagmen, or fire fighters;
26 (31) RCW 46.61.020 relating to refusal to give information to or
27 cooperate with an officer;
28 (32) RCW 46.61.022 relating to failure to stop and give
29 identification to an officer;
30 (33) RCW 46.61.024 relating to attempting to elude pursuing police
31 vehicles;
32 (34) RCW 46.61.370 relating to failure to stop for a school bus;
33 (35) RCW 46.61.385(5) relating to failure to stop for a school
34 patrol;
35 (36) RCW 46.61.500 relating to reckless driving;
36 ((+35+)) (37) RCW 46.61.502 and 46.61.504 relating to persons under
37 the influence of intoxicating liquor or drugs;
38 ((+36+)) (38) RCW 46.61.503 relating to a person under age twenty-
39 one driving a motor vehicle after consuming alcohol;

1 (~~(37)~~) (39) RCW 46.61.520 relating to vehicular homicide by motor
2 vehicle;
3 (~~(38)~~) (40) RCW 46.61.522 relating to vehicular assault;
4 (~~(39)~~) (41) RCW 46.61.525(1) relating to first degree negligent
5 driving;
6 (~~(40)~~) (42) RCW 46.61.527(4) relating to reckless endangerment of
7 roadway workers;
8 (~~(41)~~) (43) RCW 46.61.530 relating to racing of vehicles on
9 highways;
10 (~~(42)~~) (44) RCW 46.61.685 relating to leaving children in an
11 unattended vehicle with the motor running;
12 (~~(43)~~) (45) RCW 46.64.010 relating to unlawful cancellation of or
13 attempt to cancel a traffic citation;
14 (~~(44)~~) (46) RCW 46.64.048 relating to attempting, aiding,
15 abetting, coercing, and committing crimes;
16 (~~(45)~~) (47) Chapter 46.65 RCW relating to habitual traffic
17 offenders;
18 (~~(46)~~) (48) RCW 46.68.010 relating to false statements made to
19 obtain a refund;
20 (~~(47)~~) (49) Chapter 46.70 RCW relating to unfair motor vehicle
21 business practices, except where that chapter provides for the
22 assessment of monetary penalties of a civil nature;
23 (~~(48)~~) (50) Chapter 46.72 RCW relating to the transportation of
24 passengers in for hire vehicles;
25 (~~(49)~~) (51) RCW 46.72A.060 relating to limousine carrier
26 insurance;
27 (~~(50)~~) (52) RCW 46.72A.070 relating to operation of a limousine
28 without a vehicle certificate;
29 (~~(51)~~) (53) RCW 46.72A.080 relating to false advertising by a
30 limousine carrier;
31 (~~(52)~~) (54) Chapter 46.80 RCW relating to motor vehicle wreckers;
32 (~~(53)~~) (55) Chapter 46.82 RCW relating to driver's training
33 schools;
34 (~~(54)~~) (56) RCW 46.87.260 relating to alteration or forgery of a
35 cab card, letter of authority, or other temporary authority issued
36 under chapter 46.87 RCW;
37 (~~(55)~~) (57) RCW 46.87.290 relating to operation of an
38 unregistered or unlicensed vehicle under chapter 46.87 RCW.

1 **Sec. 5.** RCW 10.31.100 and 1996 c 248 s 4 are each amended to read
2 as follows:

3 A police officer having probable cause to believe that a person has
4 committed or is committing a felony shall have the authority to arrest
5 the person without a warrant. A police officer may arrest a person
6 without a warrant for committing a misdemeanor or gross misdemeanor
7 only when the offense is committed in the presence of the officer,
8 except as provided in subsections (1) through (10) of this section.

9 (1) Any police officer having probable cause to believe that a
10 person has committed or is committing a misdemeanor or gross
11 misdemeanor, involving physical harm or threats of harm to any person
12 or property or the unlawful taking of property or involving the use or
13 possession of cannabis, or involving the acquisition, possession, or
14 consumption of alcohol by a person under the age of twenty-one years
15 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
16 or 9A.52.080, shall have the authority to arrest the person.

17 (2) A police officer shall arrest and take into custody, pending
18 release on bail, personal recognizance, or court order, a person
19 without a warrant when the officer has probable cause to believe that:

20 (a) An order has been issued of which the person has knowledge
21 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
22 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
23 restraining the person and the person has violated the terms of the
24 order restraining the person from acts or threats of violence or
25 restraining the person from going onto the grounds of or entering a
26 residence, workplace, school, or day care or, in the case of an order
27 issued under RCW 26.44.063, imposing any other restrictions or
28 conditions upon the person; or

29 (b) The person is sixteen years or older and within the preceding
30 four hours has assaulted a family or household member as defined in RCW
31 10.99.020 and the officer believes: (i) A felonious assault has
32 occurred; (ii) an assault has occurred which has resulted in bodily
33 injury to the victim, whether the injury is observable by the
34 responding officer or not; or (iii) that any physical action has
35 occurred which was intended to cause another person reasonably to fear
36 imminent serious bodily injury or death. Bodily injury means physical
37 pain, illness, or an impairment of physical condition. When the
38 officer has probable cause to believe that family or household members
39 have assaulted each other, the officer is not required to arrest both

1 persons. The officer shall arrest the person whom the officer believes
2 to be the primary physical aggressor. In making this determination,
3 the officer shall make every reasonable effort to consider: (i) The
4 intent to protect victims of domestic violence under RCW 10.99.010;
5 (ii) the comparative extent of injuries inflicted or serious threats
6 creating fear of physical injury; and (iii) the history of domestic
7 violence between the persons involved.

8 (3) Any police officer having probable cause to believe that a
9 person has committed or is committing a violation of any of the
10 following traffic laws shall have the authority to arrest the person:

11 (a) RCW 46.52.010, relating to duty on striking an unattended car
12 or other property;

13 (b) RCW 46.52.020, relating to duty in case of injury to or death
14 of a person or damage to an attended vehicle;

15 (c) RCW 46.61.370, relating to failure to stop for a school bus;

16 (d) RCW 46.61.385(5), relating to failure to stop for a school
17 patrol;

18 (e) RCW 46.61.500 or 46.61.530, relating to reckless driving or
19 racing of vehicles;

20 ~~((d))~~ (f) RCW 46.61.502 or 46.61.504, relating to persons under
21 the influence of intoxicating liquor or drugs;

22 ~~((e))~~ (g) RCW 46.20.342, relating to driving a motor vehicle
23 while operator's license is suspended or revoked;

24 ~~((f))~~ (h) RCW 46.61.525, relating to operating a motor vehicle in
25 a negligent manner.

26 (4) A law enforcement officer investigating at the scene of a motor
27 vehicle accident may arrest the driver of a motor vehicle involved in
28 the accident if the officer has probable cause to believe that the
29 driver has committed in connection with the accident a violation of any
30 traffic law or regulation.

31 (5) Any police officer having probable cause to believe that a
32 person has committed or is committing a violation of RCW 88.12.025
33 shall have the authority to arrest the person.

34 (6) An officer may act upon the request of a law enforcement
35 officer in whose presence a traffic infraction was committed, to stop,
36 detain, arrest, or issue a notice of traffic infraction to the driver
37 who is believed to have committed the infraction. The request by the
38 witnessing officer shall give an officer the authority to take
39 appropriate action under the laws of the state of Washington.

1 (7) Any police officer having probable cause to believe that a
2 person has committed or is committing any act of indecent exposure, as
3 defined in RCW 9A.88.010, may arrest the person.

4 (8) A police officer may arrest and take into custody, pending
5 release on bail, personal recognizance, or court order, a person
6 without a warrant when the officer has probable cause to believe that
7 an order has been issued of which the person has knowledge under
8 chapter 10.14 RCW and the person has violated the terms of that order.

9 (9) Any police officer having probable cause to believe that a
10 person has, within twenty-four hours of the alleged violation,
11 committed a violation of RCW 9A.50.020 may arrest such person.

12 (10) A police officer having probable cause to believe that a
13 person illegally possesses or illegally has possessed a firearm or
14 other dangerous weapon on private or public elementary or secondary
15 school premises shall have the authority to arrest the person.

16 For purposes of this subsection, the term "firearm" has the meaning
17 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
18 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

19 (11) Except as specifically provided in subsections (2), (3), (4),
20 and (6) of this section, nothing in this section extends or otherwise
21 affects the powers of arrest prescribed in Title 46 RCW.

22 (12) No police officer may be held criminally or civilly liable for
23 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
24 officer acts in good faith and without malice.

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