
HOUSE BILL 1427

State of Washington 61st Legislature 2009 Regular Session

By Representatives Hunt, Johnson, Finn, and Armstrong

Read first time 01/21/09. Referred to Committee on Transportation.

1 AN ACT Relating to a pilot program using automated school bus stop
2 signal cameras; amending RCW 46.63.030 and 46.63.075; creating a new
3 section; prescribing penalties; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** (1) The office of the superintendent of
6 public instruction, in conjunction with two school districts located
7 west of the crest of the Cascade mountains, two school districts
8 located east of the crest of the Cascade mountains, and appropriate
9 local legislative authorities, shall establish a pilot program to
10 evaluate the frequency of violations of RCW 46.61.370 and the deterrent
11 effect of automated school bus stop signal cameras.

12 (2) "Automated school bus stop signal camera" means a camera,
13 synchronized to work in conjunction with a school bus stop signal, that
14 automatically records one or more sequenced photographs,
15 microphotographs, or electronic images of the front or the rear of a
16 motor vehicle at the time the vehicle passes a stopped school bus on
17 which a stop signal has been actuated.

18 (3) A notice of infraction predicated upon photographs or images

1 taken by an automated school bus stop signal camera is subject to the
2 requirements in this subsection.

3 (a) The appropriate local legislative authority must first enact an
4 ordinance allowing for its use to detect violations of RCW 46.61.370.
5 At a minimum, the local ordinance must contain the restrictions
6 described in this section and provisions for public notice and signage.

7 (b) All school buses equipped with an automated school bus stop
8 signal camera shall be posted with a sign indicating the use of such a
9 camera to enforce RCW 46.61.370.

10 (c) Automated school bus stop signal cameras may only record
11 photographs or images of the vehicle and vehicle license plate and only
12 while the vehicle is passing a stopped school bus. Recorded
13 photographs and images must not reveal the face of the driver or of
14 passengers in the vehicle.

15 (d) Recorded photographs and images of vehicles and vehicle license
16 plates shall include on their face, the date and time, the speed of the
17 school bus, and an indicator as to whether the school bus stop signal
18 was actuated.

19 (e) A notice of infraction must be mailed to the registered owner
20 of the vehicle within fourteen days of the violation, or to the renter
21 of a vehicle within fourteen days of establishing the renter's name and
22 address under subsection (5)(a) of this section. The law enforcement
23 officer issuing the notice of infraction shall include with it a
24 certificate or facsimile thereof, based upon inspection of photographs,
25 microphotographs, or electronic images produced by an automated school
26 bus stop signal camera, stating the facts supporting the notice of
27 infraction. This certificate or facsimile is prima facie evidence of
28 the facts contained in it and is admissible in a proceeding charging a
29 violation of RCW 46.61.370. The photographs or images evidencing the
30 violation must be available for inspection and admission into evidence
31 in a proceeding to adjudicate the liability for the infraction. A
32 person receiving a notice of infraction based on evidence detected by
33 an automated school bus stop signal camera may respond to the notice by
34 mail.

35 (f) The registered owner of a vehicle is responsible for an
36 infraction unless the registered owner overcomes the presumption in RCW
37 46.63.075, or, in the case of a rental car business, satisfies the

1 conditions under subsection (5) of this section. If appropriate under
2 the circumstances, a renter identified under subsection (5)(a) of this
3 section is responsible for an infraction.

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

13 (h) The compensation paid to the manufacturer or vendor of the
14 automated school bus stop signal camera used must be based only upon
15 the value of the equipment and services provided or rendered in support
16 of the system, and may not be based upon a portion of the fine or civil
17 penalty imposed or the revenue generated by the equipment.

18 (4) Infractions detected through the use of automated school bus
19 stop signal cameras are not part of the registered owner's driving
20 record under RCW 46.52.101 and 46.52.120. Additionally, infractions
21 generated by the use of automated school bus stop signal cameras under
22 this section shall be processed in the same manner as parking
23 infractions, including for the purposes of RCW 3.50.100, 35.20.220,
24 46.16.216, and 46.20.270(3). The amount of the fine issued for an
25 infraction generated through the use of an automated school bus stop
26 signal camera shall not exceed the amount of a fine issued for other
27 parking infractions within the jurisdiction. One-half of the fines
28 collected shall be remitted to the school district.

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

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

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

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

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

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

16 (7) The automated school bus stop signal pilot program shall be
17 conducted from January 1, 2010, through June 30, 2011. By December 1,
18 2011, the office of the superintendent of public instruction shall
19 report, to the appropriate committees of the legislature, its findings
20 on the frequency of violations of RCW 46.61.370 and the deterrent
21 effect of automated school bus stop signal cameras and its
22 recommendations on the advisability of continuing the program and
23 extending it to additional school districts.

24 (8) This section expires December 1, 2011.

25 **Sec. 2.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
26 as follows:

27 (1) A law enforcement officer has the authority to issue a notice
28 of traffic infraction:

29 (a) When the infraction is committed in the officer's presence;

30 (b) When the officer is acting upon the request of a law
31 enforcement officer in whose presence the traffic infraction was
32 committed;

33 (c) If an officer investigating at the scene of a motor vehicle
34 accident has reasonable cause to believe that the driver of a motor
35 vehicle involved in the accident has committed a traffic infraction;

36 (d) When the infraction is detected through the use of a photo
37 enforcement system under RCW 46.63.160; ((~~or~~))

1 (e) When the infraction is detected through the use of an automated
2 traffic safety camera under RCW 46.63.170; or

3 (f) When the infraction occurs on or before June 30, 2011, and is
4 detected through the use of an automated school bus stop signal camera
5 under section 1, chapter . . . , Laws of 2009 (section 1 of this act).

6 (2) A court may issue a notice of traffic infraction upon receipt
7 of a written statement of the officer that there is reasonable cause to
8 believe that an infraction was committed.

9 (3) If any motor vehicle without a driver is found parked,
10 standing, or stopped in violation of this title or an equivalent
11 administrative regulation or local law, ordinance, regulation, or
12 resolution, the officer finding the vehicle shall take its registration
13 number and may take any other information displayed on the vehicle
14 which may identify its user, and shall conspicuously affix to the
15 vehicle a notice of traffic infraction.

16 (4) In the case of failure to redeem an abandoned vehicle under RCW
17 46.55.120, upon receiving a complaint by a registered tow truck
18 operator that has incurred costs in removing, storing, and disposing of
19 an abandoned vehicle, an officer of the law enforcement agency
20 responsible for directing the removal of the vehicle shall send a
21 notice of infraction by certified mail to the last known address of the
22 person responsible under RCW 46.55.105. The notice must be entitled
23 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
24 The officer shall append to the notice of infraction, on a form
25 prescribed by the department of licensing, a notice indicating the
26 amount of costs incurred as a result of removing, storing, and
27 disposing of the abandoned vehicle, less any amount realized at
28 auction, and a statement that monetary penalties for the infraction
29 will not be considered as having been paid until the monetary penalty
30 payable under this chapter has been paid and the court is satisfied
31 that the person has made restitution in the amount of the deficiency
32 remaining after disposal of the vehicle.

33 **Sec. 3.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
34 as follows:

35 (1) In a traffic infraction case involving an infraction detected
36 through the use of a photo enforcement system under RCW 46.63.160, or
37 detected through the use of an automated traffic safety camera under

1 RCW 46.63.170, or detected on or before June 30, 2011, through the use
2 of an automated school bus stop signal camera under section 1, chapter
3 . . . , Laws of 2009 (section 1 of this act), proof that the particular
4 vehicle described in the notice of traffic infraction was in violation
5 of any such provision of RCW 46.63.160 or 46.63.170, or, until June 30,
6 2011, section 1, chapter . . . , Laws of 2009 (section 1 of this act)
7 together with proof that the person named in the notice of traffic
8 infraction was at the time of the violation the registered owner of the
9 vehicle, constitutes in evidence a prima facie presumption that the
10 registered owner of the vehicle was the person in control of the
11 vehicle at the point where, and for the time during which, the
12 violation occurred.

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

18 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act expire December
19 1, 2011.

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