
SUBSTITUTE HOUSE BILL 2739

State of Washington

61st Legislature

2010 Regular Session

By House Transportation (originally sponsored by Representatives Simpson, Pearson, Lias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen, and Chase)

READ FIRST TIME 02/08/10.

1 AN ACT Relating to the enforcement of certain school or playground
2 crosswalk violations; amending RCW 46.61.235, 46.61.245, 46.61.261, and
3 46.61.440; adding a new section to chapter 46.61 RCW; prescribing
4 penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 46.61.235 and 2000 c 85 s 1 are each amended to read
7 as follows:

8 (1) The operator of an approaching vehicle shall stop and remain
9 stopped to allow a pedestrian or bicycle to cross the roadway within an
10 unmarked or marked crosswalk when the pedestrian or bicycle is upon or
11 within one lane of the half of the roadway upon which the vehicle is
12 traveling or onto which it is turning. For purposes of this section
13 "half of the roadway" means all traffic lanes carrying traffic in one
14 direction of travel, and includes the entire width of a one-way
15 roadway.

16 (2) No pedestrian or bicycle shall suddenly leave a curb or other
17 place of safety and walk, run, or otherwise move into the path of a
18 vehicle which is so close that it is impossible for the driver to stop.

1 (3) Subsection (1) of this section does not apply under the
2 conditions stated in RCW 46.61.240(2).

3 (4) Whenever any vehicle is stopped at a marked crosswalk or at any
4 unmarked crosswalk at an intersection to permit a pedestrian or bicycle
5 to cross the roadway, the driver of any other vehicle approaching from
6 the rear shall not overtake and pass such stopped vehicle.

7 (5)(a) If a person is found to have committed an infraction under
8 this section within a school, playground, or crosswalk speed zone
9 created under RCW 46.61.440, the person must be assessed a monetary
10 penalty equal to twice the penalty assessed under RCW 46.63.110. The
11 penalty may not be waived, reduced, or suspended.

12 (b) Fifty percent of the moneys collected under this subsection
13 must be deposited into the school zone safety account.

14 **Sec. 2.** RCW 46.61.245 and 1965 ex.s. c 155 s 36 are each amended
15 to read as follows:

16 (1) Notwithstanding the foregoing provisions of this chapter every
17 driver of a vehicle shall exercise due care to avoid colliding with any
18 pedestrian upon any roadway and shall give warning by sounding the horn
19 when necessary and shall exercise proper precaution upon observing any
20 child or any obviously confused or incapacitated person upon a roadway.

21 (2)(a) If a person is found to have committed an infraction under
22 this section within a school, playground, or crosswalk speed zone
23 created under RCW 46.61.440, the person must be assessed a monetary
24 penalty equal to twice the penalty assessed under RCW 46.63.110. The
25 penalty may not be waived, reduced, or suspended.

26 (b) Fifty percent of the moneys collected under this subsection
27 must be deposited into the school zone safety account.

28 **Sec. 3.** RCW 46.61.261 and 2000 c 85 s 2 are each amended to read
29 as follows:

30 (1) The driver of a vehicle shall yield the right-of-way to any
31 pedestrian or bicycle on a sidewalk. The rider of a bicycle shall
32 yield the right-of-way to a pedestrian on a sidewalk or crosswalk.

33 (2)(a) If a person is found to have committed an infraction under
34 this section within a school, playground, or crosswalk speed zone
35 created under RCW 46.61.440, the person must be assessed a monetary

1 penalty equal to twice the penalty assessed under RCW 46.63.110. The
2 penalty may not be waived, reduced, or suspended.

3 (b) Fifty percent of the moneys collected under this subsection
4 must be deposited into the school zone safety account.

5 **Sec. 4.** RCW 46.61.440 and 2003 c 192 s 1 are each amended to read
6 as follows:

7 (1) Subject to RCW 46.61.400(1), and except in those instances
8 where a lower maximum lawful speed is provided by this chapter or
9 otherwise, it shall be unlawful for the operator of any vehicle to
10 operate the same at a speed in excess of twenty miles per hour when
11 operating any vehicle upon a highway either inside or outside an
12 incorporated city or town when passing any marked school or playground
13 crosswalk when such marked crosswalk is fully posted with standard
14 school speed limit signs or standard playground speed limit signs. The
15 speed zone at the crosswalk shall extend three hundred feet in either
16 direction from the marked crosswalk.

17 (2) A county or incorporated city or town may create a school or
18 playground speed zone on a highway bordering a marked school or
19 playground, in which zone it is unlawful for a person to operate a
20 vehicle at a speed in excess of twenty miles per hour. The school or
21 playground speed zone may extend three hundred feet from the border of
22 the school or playground property; however, the speed zone may only
23 include area consistent with active school or playground use.

24 (3) A person found to have committed any infraction relating to
25 speed restrictions within a school or playground speed zone shall be
26 assessed a monetary penalty equal to twice the penalty assessed under
27 RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

28 (4) School districts may erect signs that comply with the uniform
29 state standards adopted and designated by the department of
30 transportation under RCW 47.36.030, informing motorists of the
31 increased monetary penalties assessed for violations of RCW 46.61.235,
32 46.61.245, or 46.61.261 within a school, playground, or crosswalk speed
33 zone created under subsection (1) or (2) of this section.

34 (5) The school zone safety account is created in the custody of the
35 state treasurer. Fifty percent of the moneys collected under
36 subsection (3) of this section and the moneys collected under RCW
37 46.61.235(5), 46.61.245(2), or 46.61.261(2) shall be deposited into the

1 account. Expenditures from the account may be used only by the
2 Washington traffic safety commission solely to fund projects in local
3 communities to improve school zone safety, pupil transportation safety,
4 and student safety in school bus loading and unloading areas. Only the
5 director of the traffic safety commission or the director's designee
6 may authorize expenditures from the account. The account is subject to
7 allotment procedures under chapter 43.88 RCW, but no appropriation is
8 required for expenditures until July 1, 1999, after which date moneys
9 in the account may be spent only after appropriation.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW
11 to read as follows:

12 (1) A crossing guard who is eighteen years of age or older and
13 observes a violation of RCW 46.61.235(5), 46.61.245(2), or 46.61.261(2)
14 may prepare a written report on a form provided by the state patrol or
15 another law enforcement agency indicating that a violation has
16 occurred. A crossing guard or school official may deliver the report
17 to a law enforcement officer of the state, county, or municipality in
18 which the violation occurred, but not more than seventy-two hours after
19 the violation occurred. The crossing guard must include in the report
20 the time and location at which the violation occurred, the vehicle
21 license plate number, and a description of the vehicle involved in the
22 violation.

23 (2) The law enforcement officer may initiate an investigation of
24 the reported violation after receiving the report described in
25 subsection (1) of this section by contacting the owner of the motor
26 vehicle involved in the reported violation and requesting the owner to
27 supply information identifying the driver. If, after an investigation,
28 the law enforcement officer is able to identify the driver and has
29 reasonable cause to believe a violation of RCW 46.61.235(5),
30 46.61.245(2), or 46.61.261(2) has occurred, the law enforcement officer
31 shall prepare a notice of traffic infraction and have it served upon
32 the driver of the vehicle.

33 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2010.

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