
HOUSE BILL 2739

State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson, Pearson, Lias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen, and Chase

Read first time 01/13/10. Referred to Committee on Transportation.

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

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

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

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

18 (2) A county or incorporated city or town may create a school or
19 playground speed zone on a highway bordering a marked school or

1 playground, in which zone it is unlawful for a person to operate a
2 vehicle at a speed in excess of twenty miles per hour. The school or
3 playground speed zone may extend three hundred feet from the border of
4 the school or playground property; however, the speed zone may only
5 include area consistent with active school or playground use.

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

10 (4)(a) A person found to have committed an infraction under RCW
11 46.61.235, 46.61.245, or 46.61.261 within a school, crosswalk, or
12 playground speed zone created under subsection (1) or (2) of this
13 section must be assessed a monetary penalty equal to twice the penalty
14 assessed under RCW 46.63.110. This penalty may not be waived, reduced,
15 or suspended.

16 (b) School districts may erect signs that comply with the uniform
17 state standards adopted and designated by the department of
18 transportation under RCW 47.36.030, informing motorists of the monetary
19 penalty assessed under (a) of this subsection.

20 (5) The school zone safety account is created in the custody of the
21 state treasurer. Fifty percent of the moneys collected under
22 subsection (3) or (4) of this section shall be deposited into the
23 account. Expenditures from the account may be used only by the
24 Washington traffic safety commission solely to fund projects in local
25 communities to improve school zone safety, pupil transportation safety,
26 and student safety in school bus loading and unloading areas. Only the
27 director of the traffic safety commission or the director's designee
28 may authorize expenditures from the account. The account is subject to
29 allotment procedures under chapter 43.88 RCW, but no appropriation is
30 required for expenditures until July 1, 1999, after which date moneys
31 in the account may be spent only after appropriation.

32 NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW
33 to read as follows:

34 (1) A crossing guard who observes a violation of RCW 46.61.440(4)
35 may prepare a written report on a form provided by the state patrol or
36 another law enforcement agency indicating that a violation has
37 occurred. A crossing guard or school official may deliver the report

1 to a law enforcement officer of the state, county, or municipality in
2 which the violation occurred, but not more than seventy-two hours after
3 the violation occurred. The crossing guard must include in the report
4 the time and location at which the violation occurred, the vehicle
5 license plate number, and a description of the vehicle involved in the
6 violation.

7 (2) The law enforcement officer may initiate an investigation of
8 the reported violation after receiving the report described in
9 subsection (1) of this section by contacting the owner of the motor
10 vehicle involved in the reported violation and requesting the owner to
11 supply information identifying the driver. If, after an investigation,
12 the law enforcement officer is able to identify the driver and has
13 reasonable cause to believe a violation of RCW 46.61.440(4) has
14 occurred, the law enforcement officer shall prepare a notice of traffic
15 infraction and have it served upon the driver of the vehicle.

16 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

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