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SENATE BILL 6363

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State of Washington

61st Legislature

2010 Regular Session

By Senators Marr, King, Haugen, Brandland, Kauffman, Delvin, Eide, Shin, and McAuliffe

Read first time 01/13/10. Referred to Committee on Early Learning & K-12 Education.

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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