

SSB 5540 - H COMM AMD
By Committee on Transportation

ADOPTED 04/05/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the safe
4 transportation of children to and from school is a shared
5 responsibility of the school district and the driving public. In order
6 to increase public awareness of their responsibility, it is the intent
7 of the legislature that the state superintendent of public instruction
8 coordinate with school districts and any other relevant agencies who
9 voluntarily choose to participate in a national stop arm violation day
10 annually between March 1st and May 15th.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW
12 to read as follows:

13 (1) School districts may install and operate automated school bus
14 safety cameras on school buses to be used for the detection of
15 violations of RCW 46.61.370(1) if the use of the cameras is approved by
16 a vote of the school district board of directors. School districts are
17 not required to take school buses out of service if the buses are not
18 equipped with automated school bus safety cameras or functional
19 automated safety cameras. Further, school districts shall be held
20 harmless from and not liable for any criminal or civil liability
21 arising under the provisions of this section.

22 (a) Automated school bus safety cameras may only take pictures of
23 the vehicle and vehicle license plate and only while an infraction is
24 occurring. The picture must not reveal the face of the driver or of
25 passengers in the vehicle.

26 (b) A notice of infraction must be mailed to the registered owner
27 of the vehicle within fourteen days of the violation, or to the renter
28 of a vehicle within fourteen days of establishing the renter's name and
29 address under subsection (2)(a)(i) of this section. The law

1 enforcement officer issuing the notice of infraction shall include a
2 certificate or facsimile of the notice, based upon inspection of
3 photographs, microphotographs, or electronic images produced by an
4 automated school bus safety camera, stating the facts supporting the
5 notice of infraction. This certificate or facsimile is prima facie
6 evidence of the facts contained in it and is admissible in a proceeding
7 charging a violation under this chapter. The photographs,
8 microphotographs, or electronic images evidencing the violation must be
9 available for inspection and admission into evidence in a proceeding to
10 adjudicate the liability for the infraction. A person receiving a
11 notice of infraction based on evidence detected by an automated school
12 bus safety camera may respond to the notice by mail.

13 (c) The registered owner of a vehicle is responsible for an
14 infraction under RCW 46.63.030(1)(e) unless the registered owner
15 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
16 car business, satisfies the conditions under subsection (2) of this
17 section. If appropriate under the circumstances, a renter identified
18 under subsection (2)(a)(i) of this section is responsible for an
19 infraction.

20 (d) Notwithstanding any other provision of law, all photographs,
21 microphotographs, or electronic images prepared under this section are
22 for the exclusive use of law enforcement in the discharge of duties
23 under this section and are not open to the public and may not be used
24 in a court in a pending action or proceeding unless the action or
25 proceeding relates to a violation under this section. No photograph,
26 microphotograph, or electronic image may be used for any purpose other
27 than enforcement of violations under this section nor retained longer
28 than necessary to enforce this section.

29 (e) If a school district installs and operates an automated school
30 bus safety camera under this section, the compensation paid to the
31 manufacturer or vendor of the equipment used must be based only upon
32 the value of the equipment and services provided or rendered in support
33 of the system, and may not be based upon a portion of the fine or civil
34 penalty imposed or the revenue generated by the equipment. Further,
35 any repair, replacement, or administrative work costs related to
36 installing or repairing automated school bus safety cameras must be
37 solely paid for by the manufacturer or vendor of the cameras. Before

1 entering into a contract with the manufacturer or vendor of the
2 equipment used under this subsection (1)(e), the school district must
3 follow the competitive bid process as outlined in RCW 28A.335.190(1).

4 (f) Any revenue collected from infractions detected through the use
5 of automated school bus safety cameras, less the administration and
6 operating costs of the cameras, must be remitted to school districts
7 for school zone safety projects as determined by the school district
8 using the automated school bus safety cameras. The administration and
9 operating costs of the cameras includes infraction enforcement and
10 processing costs that are incurred by local law enforcement or local
11 courts.

12 (2)(a) If the registered owner of the vehicle is a rental car
13 business, the law enforcement agency shall, before a notice of
14 infraction is issued under this section, provide a written notice to
15 the rental car business that a notice of infraction may be issued to
16 the rental car business if the rental car business does not, within
17 eighteen days of receiving the written notice, provide to the issuing
18 agency by return mail:

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

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

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

30 (b) Timely mailing of a statement under this subsection to the
31 issuing law enforcement agency relieves a rental car business of any
32 liability under this chapter for the notice of infraction.

33 (3) For purposes of this section, "automated school bus safety
34 camera" means a device that is affixed to a school bus that is
35 synchronized to automatically record one or more sequenced photographs,
36 microphotographs, or electronic images of the rear of a vehicle at the
37 time the vehicle is detected for an infraction identified in RCW
38 46.61.370(1).

1 **Sec. 3.** RCW 46.61.370 and 1997 c 80 s 1 are each amended to read
2 as follows:

3 (1) The driver of a vehicle upon overtaking or meeting from either
4 direction any school bus which has stopped on the roadway for the
5 purpose of receiving or discharging any school children shall stop the
6 vehicle before reaching such school bus when there is in operation on
7 said school bus a visual signal as specified in RCW 46.37.190 and said
8 driver shall not proceed until such school bus resumes motion or the
9 visual signals are no longer activated.

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

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

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

21 (5) The driver of a school bus may stop completely off the roadway
22 for the purpose of receiving or discharging school children only when
23 the school children do not have to cross the roadway. The school bus
24 driver shall actuate the hazard warning lamps as defined in RCW
25 46.37.215 before loading or unloading school children at such stops.

26 (6) Except as provided in subsection (7) of this section, a person
27 found to have committed an infraction of subsection (1) of this section
28 shall be assessed a monetary penalty equal to twice the total penalty
29 assessed under RCW 46.63.110. This penalty may not be waived, reduced,
30 or suspended. Fifty percent of the money so collected shall be
31 deposited into the school zone safety account in the custody of the
32 state treasurer and disbursed in accordance with RCW 46.61.440((+3))
33 (5).

34 (7) An infraction of subsection (1) of this section detected
35 through the use of an automated school bus safety camera under section
36 2 of this act is not a part of the registered owner's driving record
37 under RCW 46.52.101 and 46.52.120, and must be processed in the same
38 manner as parking infractions, including for the purposes of RCW

1 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount
2 of the fine issued for a violation of this section detected through the
3 use of an automated school bus safety camera shall not exceed twice the
4 monetary penalty for a violation of this section as provided under RCW
5 46.63.110.

6 **Sec. 4.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
7 as follows:

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

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

11 (b) When the officer is acting upon the request of a law
12 enforcement officer in whose presence the traffic infraction was
13 committed;

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

17 (d) When the infraction is detected through the use of a photo
18 enforcement system under RCW 46.63.160; (~~(e)~~)

19 (e) When the infraction is detected through the use of an automated
20 school bus safety camera under section 2 of this act; or

21 (f) When the infraction is detected through the use of an automated
22 traffic safety camera under RCW 46.63.170.

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

26 (3) If any motor vehicle without a driver is found parked,
27 standing, or stopped in violation of this title or an equivalent
28 administrative regulation or local law, ordinance, regulation, or
29 resolution, the officer finding the vehicle shall take its registration
30 number and may take any other information displayed on the vehicle
31 which may identify its user, and shall conspicuously affix to the
32 vehicle a notice of traffic infraction.

33 (4) In the case of failure to redeem an abandoned vehicle under RCW
34 46.55.120, upon receiving a complaint by a registered tow truck
35 operator that has incurred costs in removing, storing, and disposing of
36 an abandoned vehicle, an officer of the law enforcement agency
37 responsible for directing the removal of the vehicle shall send a

1 notice of infraction by certified mail to the last known address of the
2 person responsible under RCW 46.55.105. The notice must be entitled
3 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
4 The officer shall append to the notice of infraction, on a form
5 prescribed by the department of licensing, a notice indicating the
6 amount of costs incurred as a result of removing, storing, and
7 disposing of the abandoned vehicle, less any amount realized at
8 auction, and a statement that monetary penalties for the infraction
9 will not be considered as having been paid until the monetary penalty
10 payable under this chapter has been paid and the court is satisfied
11 that the person has made restitution in the amount of the deficiency
12 remaining after disposal of the vehicle.

13 **Sec. 5.** RCW 46.63.030 and 2010 c 249 s 5 are each amended to read
14 as follows:

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

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

18 (b) When the officer is acting upon the request of a law
19 enforcement officer in whose presence the traffic infraction was
20 committed;

21 (c) If an officer investigating at the scene of a motor vehicle
22 accident has reasonable cause to believe that the driver of a motor
23 vehicle involved in the accident has committed a traffic infraction;
24 (~~(e)~~)

25 (d) When the infraction is detected through the use of an automated
26 traffic safety camera under RCW 46.63.170; or

27 (e) When the infraction is detected through the use of an automated
28 school bus safety camera under section 2 of this act.

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

32 (3) If any motor vehicle without a driver is found parked,
33 standing, or stopped in violation of this title or an equivalent
34 administrative regulation or local law, ordinance, regulation, or
35 resolution, the officer finding the vehicle shall take its registration
36 number and may take any other information displayed on the vehicle

1 which may identify its user, and shall conspicuously affix to the
2 vehicle a notice of traffic infraction.

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

20 **Sec. 6.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
21 as follows:

22 (1) In a traffic infraction case involving an infraction detected
23 through the use of a photo enforcement system under RCW 46.63.160,
24 (~~(or)~~) detected through the use of an automated traffic safety camera
25 under RCW 46.63.170, or detected through the use of an automated school
26 bus safety camera under section 2 of this act, proof that the
27 particular vehicle described in the notice of traffic infraction was in
28 violation of any such provision of RCW 46.63.160 or 46.63.170, together
29 with proof that the person named in the notice of traffic infraction
30 was at the time of the violation the registered owner of the vehicle,
31 constitutes in evidence a prima facie presumption that the registered
32 owner of the vehicle was the person in control of the vehicle at the
33 point where, and for the time during which, the violation occurred.

34 (2) This presumption may be overcome only if the registered owner
35 states, under oath, in a written statement to the court or in testimony
36 before the court that the vehicle involved was, at the time, stolen or

1 in the care, custody, or control of some person other than the
2 registered owner.

3 **Sec. 7.** RCW 46.63.075 and 2010 c 249 s 7 are each amended to read
4 as follows:

5 (1) In a traffic infraction case involving an infraction detected
6 through the use of an automated traffic safety camera under RCW
7 46.63.170 or detected through the use of an automated school bus safety
8 camera under section 2 of this act, proof that the particular vehicle
9 described in the notice of traffic infraction was in violation of any
10 such provision of RCW 46.63.170, together with proof that the person
11 named in the notice of traffic infraction was at the time of the
12 violation the registered owner of the vehicle, constitutes in evidence
13 a prima facie presumption that the registered owner of the vehicle was
14 the person in control of the vehicle at the point where, and for the
15 time during which, the violation occurred.

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

21 **Sec. 8.** RCW 46.16A.120 and 2010 c 161 s 430 are each amended to
22 read as follows:

23 (1) Each court and government agency located in this state having
24 jurisdiction over standing, stopping, and parking violations, the use
25 of a photo enforcement system under RCW 46.63.160, ~~((and))~~ the use of
26 automated traffic safety cameras under RCW 46.63.170, and the use of
27 automated school bus safety cameras under section 2 of this act may
28 forward to the department any outstanding:

- 29 (a) Standing, stopping, and parking violations;
30 (b) Photo enforcement infractions issued under RCW 46.63.030(1)(d);
31 ~~((and))~~
32 (c) Automated traffic safety camera infractions issued under RCW
33 46.63.030(1)~~((+e))~~ (f); and
34 (d) Automated school bus safety camera infractions issued under RCW
35 46.63.030(1)(e).

1 (2) Violations and infractions described in subsection (1) of this
2 section must be reported to the department in the manner described in
3 RCW 46.20.270(3).

4 (3) The department shall:

5 (a) Record the violations and infractions on the matching vehicle
6 records; and

7 (b) Send notice approximately one hundred twenty days in advance of
8 the current vehicle registration expiration date to the registered
9 owner listing the dates and jurisdictions in which the violations
10 occurred, the amounts of unpaid fines and penalties, and the surcharge
11 to be collected. Only those violations and infractions received by the
12 department one hundred twenty days or more before the current vehicle
13 registration expiration date will be included in the notice.
14 Violations and infractions received by the department later than one
15 hundred twenty days before the current vehicle registration expiration
16 date that are not satisfied will be delayed until the next vehicle
17 registration expiration date.

18 (4) The department, county auditor or other agent, or subagent
19 appointed by the director shall not renew a vehicle registration if
20 there are any outstanding standing, stopping, and parking violations,
21 and other infractions issued under RCW 46.63.030(1)(d) for the vehicle
22 unless:

23 (a) The outstanding(~~(7)~~) standing, (~~(stopping,)~~) stopping, or
24 parking violations were received by the department within one hundred
25 twenty days before the current vehicle registration expiration;

26 (b) There is a change in registered ownership; or

27 (c) The registered owner presents proof of payment of each
28 violation and infraction provided in this section and the registered
29 owner pays the surcharge required under RCW 46.17.030.

30 (5) The department shall:

31 (a) Forward a change in registered ownership information to the
32 court or government agency who reported the outstanding violations or
33 infractions; and

34 (b) Remove the outstanding violations and infractions from the
35 vehicle record.

36 **Sec. 9.** RCW 46.16A.120 and 2010 c 249 s 10 are each amended to
37 read as follows:

1 ~~((1) To renew a vehicle license, an applicant shall satisfy all~~
2 ~~listed standing, stopping, and parking violations, and civil penalties~~
3 ~~issued under RCW 46.63.160 for the vehicle incurred while the vehicle~~
4 ~~was registered in the applicant's name and forwarded to the department~~
5 ~~pursuant to RCW 46.20.270(3). For the purposes of this section,~~
6 ~~"listed" standing, stopping, and parking violations, and civil~~
7 ~~penalties issued under RCW 46.63.160 include only those violations for~~
8 ~~which notice has been received from state or local agencies or courts~~
9 ~~by the department one hundred twenty days or more before the date the~~
10 ~~vehicle license expires and that are placed on the records of the~~
11 ~~department. Notice of such violations received by the department later~~
12 ~~than one hundred twenty days before that date that are not satisfied~~
13 ~~shall be considered by the department in connection with any~~
14 ~~applications for license renewal in any subsequent license year. The~~
15 ~~renewal application may be processed by the department or its agents~~
16 ~~only if the applicant:~~

17 ~~(a) Presents a preprinted renewal application showing no listed~~
18 ~~standing, stopping, or parking violations, or civil penalties issued~~
19 ~~under RCW 46.63.160, or in the absence of such presentation, the agent~~
20 ~~verifies the information that would be contained on the preprinted~~
21 ~~renewal application; or~~

22 ~~(b) If listed standing, stopping, or parking violations, or civil~~
23 ~~penalties issued under RCW 46.63.160 exist, presents proof of payment~~
24 ~~and pays a fifteen dollar surcharge.~~

25 ~~(2) The surcharge shall be allocated as follows:~~

26 ~~(a) Ten dollars shall be deposited in the motor vehicle fund to be~~
27 ~~used exclusively for the administrative costs of the department of~~
28 ~~licensing; and~~

29 ~~(b) Five dollars shall be retained by the agent handling the~~
30 ~~renewal application to be used by the agent for the administration of~~
31 ~~this section.~~

32 ~~(3) If there is a change in the registered owner of the vehicle,~~
33 ~~the department shall forward the information regarding the change to~~
34 ~~the state or local charging jurisdiction and release any hold on the~~
35 ~~renewal of the vehicle license resulting from parking violations or~~
36 ~~civil penalties issued under RCW 46.63.160 incurred while the~~
37 ~~certificate of license registration was in a previous registered~~
38 ~~owner's name.~~

1 ~~(4) The department shall send to all registered owners of vehicles~~
2 ~~who have been reported to have outstanding listed parking violations or~~
3 ~~civil penalties issued under RCW 46.63.160, at the time of renewal, a~~
4 ~~statement setting out the dates and jurisdictions in which the~~
5 ~~violations occurred as well as the amounts of unpaid fines and~~
6 ~~penalties relating to them and the surcharge to be collected.))~~

7 (1) Each court and government agency located in this state having
8 jurisdiction over standing, stopping, and parking violations, the use
9 of a photo toll system under RCW 46.63.160, the use of automated
10 traffic safety cameras under RCW 46.63.170, and the use of automated
11 school bus safety cameras under section 2 of this act may forward to
12 the department any outstanding:

13 (a) Standing, stopping, and parking violations;

14 (b) Civil penalties for toll nonpayment detected through the use of
15 photo toll systems issued under RCW 46.63.160;

16 (c) Automated traffic safety camera infractions issued under RCW
17 46.63.030(1)(d); and

18 (d) Automated school bus safety camera infractions issued under RCW
19 46.63.160(1)(e).

20 (2) Violations, civil penalties, and infractions described in
21 subsection (1) of this section must be reported to the department in
22 the manner described in RCW 46.20.270(3).

23 (3) The department shall:

24 (a) Record the violations, civil penalties, and infractions on the
25 matching vehicle records; and

26 (b) Send notice approximately one hundred twenty days in advance of
27 the current vehicle registration expiration date to the registered
28 owner listing the dates and jurisdictions in which the violations,
29 civil penalties, and infractions occurred, the amounts of unpaid fines
30 and penalties, and the surcharge to be collected. Only those
31 violations, civil penalties, and infractions received by the department
32 one hundred twenty days or more before the current vehicle registration
33 expiration date will be included in the notice. Violations, civil
34 penalties, and infractions received by the department later than one
35 hundred twenty days before the current vehicle registration expiration
36 date that are not satisfied will be delayed until the next vehicle
37 registration expiration date.

1 (4) The department, county auditor or other agent, or subagent
2 appointed by the director shall not renew a vehicle registration if
3 there are any outstanding standing, stopping, and parking violations,
4 and other civil penalties issued under RCW 46.63.160 for the vehicle
5 unless:

6 (a) The outstanding standing, stopping, or parking violations and
7 civil penalties were received by the department within one hundred
8 twenty days before the current vehicle registration expiration;

9 (b) There is a change in registered ownership; or

10 (c) The registered owner presents proof of payment of each
11 violation, civil penalty, and infraction provided in this section and
12 the registered owner pays the surcharge required under RCW 46.17.030.

13 (5) The department shall:

14 (a) Forward a change in registered ownership information to the
15 court or government agency who reported the outstanding violations,
16 civil penalties, or infractions; and

17 (b) Remove the outstanding violations, civil penalties, and
18 infractions from the vehicle record.

19 NEW SECTION. Sec. 10. Sections 5, 7, and 9 of this act take
20 effect upon certification by the secretary of transportation that the
21 new statewide tolling operations center and photo toll system are fully
22 operational. A notice of certification must be filed with the code
23 reviser for publication in the state register. If a certificate is not
24 issued by the secretary of transportation by December 1, 2012, sections
25 5, 7, and 9 of this act are null and void."

26 Correct the title.

EFFECT: (1) Requires a vote of the school district board of
directors to approve the use of automated school bus safety cameras
before a school district may install and operate the cameras to detect
vehicles that fail to stop for a school bus that displays a stop
signal.

(2) Allows revenue collected from infractions detected through the
use of automated school bus safety cameras to be used for infraction
enforcement and processing costs incurred by local law enforcement or
local courts.

(3) Allows the monetary penalty for failure to stop for a school bus that displays a stop signal to be up to twice the amount permitted under the penalty schedule when the infraction is generated by an automated school bus safety camera.

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