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**SUBSTITUTE SENATE BILL 5540**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Hobbs, Delvin, King, and Hewitt)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to automated school bus safety cameras; amending  
2 RCW 46.61.370, 46.63.030, 46.63.030, 46.63.075, 46.63.075, 46.16A.120,  
3 and 46.16A.120; adding a new section to chapter 46.63 RCW; creating a  
4 new section; prescribing penalties; and providing a contingent  
5 effective date.

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

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

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

17 (1) School districts may install and operate automated school bus  
18 safety cameras on school buses to be used for the detection of

1 violations of RCW 46.61.370(1). School districts are not required to  
2 take school buses out of service if the buses are not equipped with  
3 automated school bus safety cameras or functional automated safety  
4 cameras. Further, school districts shall be held harmless from and not  
5 liable for any criminal or civil liability arising under the provisions  
6 of this section.

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

11 (b) A notice of infraction must be mailed to the registered owner  
12 of the vehicle within fourteen days of the violation, or to the renter  
13 of a vehicle within fourteen days of establishing the renter's name and  
14 address under subsection (2)(a)(i) of this section. The law  
15 enforcement officer issuing the notice of infraction shall include a  
16 certificate or facsimile of the notice, based upon inspection of  
17 photographs, microphotographs, or electronic images produced by an  
18 automated school bus safety camera, stating the facts supporting the  
19 notice of infraction. This certificate or facsimile is prima facie  
20 evidence of the facts contained in it and is admissible in a proceeding  
21 charging a violation under this chapter. The photographs,  
22 microphotographs, or electronic images evidencing the violation must be  
23 available for inspection and admission into evidence in a proceeding to  
24 adjudicate the liability for the infraction. A person receiving a  
25 notice of infraction based on evidence detected by an automated school  
26 bus safety camera may respond to the notice by mail.

27 (c) The registered owner of a vehicle is responsible for an  
28 infraction under RCW 46.63.030(1)(e) unless the registered owner  
29 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
30 car business, satisfies the conditions under subsection (2) of this  
31 section. If appropriate under the circumstances, a renter identified  
32 under subsection (2)(a)(i) of this section is responsible for an  
33 infraction.

34 (d) Notwithstanding any other provision of law, all photographs,  
35 microphotographs, or electronic images prepared under this section are  
36 for the exclusive use of law enforcement in the discharge of duties  
37 under this section and are not open to the public and may not be used  
38 in a court in a pending action or proceeding unless the action or

1 proceeding relates to a violation under this section. No photograph,  
2 microphotograph, or electronic image may be used for any purpose other  
3 than enforcement of violations under this section nor retained longer  
4 than necessary to enforce this section.

5 (e) If a school district installs and operates an automated school  
6 bus safety camera under this section, the compensation paid to the  
7 manufacturer or vendor of the equipment used must be based only upon  
8 the value of the equipment and services provided or rendered in support  
9 of the system, and may not be based upon a portion of the fine or civil  
10 penalty imposed or the revenue generated by the equipment. Further,  
11 any repair, replacement, or administrative work costs related to  
12 installing or repairing automated school bus safety cameras must be  
13 solely paid for by the manufacturer or vendor of the cameras. Before  
14 entering into a contract with the manufacturer or vendor of the  
15 equipment used under this subsection (1)(e), the school district must  
16 follow the competitive bid process as outlined in RCW 28A.335.190(1).

17 (f) Any revenue collected from infractions detected through the use  
18 of automated school bus safety cameras, less the administration and  
19 operating costs of the cameras, must be remitted to school districts  
20 for school zone safety projects as determined by the school district  
21 using the automated school bus safety cameras.

22 (2)(a) If the registered owner of the vehicle is a rental car  
23 business, the law enforcement agency shall, before a notice of  
24 infraction is issued under this section, provide a written notice to  
25 the rental car business that a notice of infraction may be issued to  
26 the rental car business if the rental car business does not, within  
27 eighteen days of receiving the written notice, provide to the issuing  
28 agency by return mail:

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

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

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

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

6 (3) For purposes of this section, "automated school bus safety  
7 camera" means a device that is affixed to a school bus that is  
8 synchronized to automatically record one or more sequenced photographs,  
9 microphotographs, or electronic images of the rear of a vehicle at the  
10 time the vehicle is detected for an infraction identified in RCW  
11 46.61.370(1).

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

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

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

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

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

32 (5) The driver of a school bus may stop completely off the roadway  
33 for the purpose of receiving or discharging school children only when  
34 the school children do not have to cross the roadway. The school bus  
35 driver shall actuate the hazard warning lamps as defined in RCW  
36 46.37.215 before loading or unloading school children at such stops.

1       (6) Except as provided in subsection (7) of this section, a person  
2 found to have committed an infraction of subsection (1) of this section  
3 shall be assessed a monetary penalty equal to twice the total penalty  
4 assessed under RCW 46.63.110. This penalty may not be waived, reduced,  
5 or suspended. Fifty percent of the money so collected shall be  
6 deposited into the school zone safety account in the custody of the  
7 state treasurer and disbursed in accordance with RCW 46.61.440(~~(+3)~~)  
8 (5).

9       (7) An infraction of subsection (1) of this section detected  
10 through the use of an automated school bus safety camera under section  
11 2 of this act is not a part of the registered owner's driving record  
12 under RCW 46.52.101 and 46.52.120, and must be processed in the same  
13 manner as parking infractions, including for the purposes of RCW  
14 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount  
15 of the fine issued for a violation of this section detected through the  
16 use of an automated school bus safety camera shall not exceed the  
17 monetary penalty for a violation of this section as provided under RCW  
18 46.63.110.

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

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

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

24       (b) When the officer is acting upon the request of a law  
25 enforcement officer in whose presence the traffic infraction was  
26 committed;

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

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

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

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

36       (2) A court may issue a notice of traffic infraction upon receipt

1 of a written statement of the officer that there is reasonable cause to  
2 believe that an infraction was committed.

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

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

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

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

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

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

35 (c) If an officer investigating at the scene of a motor vehicle  
36 accident has reasonable cause to believe that the driver of a motor

1 vehicle involved in the accident has committed a traffic infraction;  
2 ((or))

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

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

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

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

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

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

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

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

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

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

18 (1) In a traffic infraction case involving an infraction detected  
19 through the use of an automated traffic safety camera under RCW  
20 46.63.170 or detected through the use of an automated school bus safety  
21 camera under section 2 of this act, proof that the particular vehicle  
22 described in the notice of traffic infraction was in violation of any  
23 such provision of RCW 46.63.170, together with proof that the person  
24 named in the notice of traffic infraction was at the time of the  
25 violation the registered owner of the vehicle, constitutes in evidence  
26 a prima facie presumption that the registered owner of the vehicle was  
27 the person in control of the vehicle at the point where, and for the  
28 time during which, the violation occurred.

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

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

36 (1) Each court and government agency located in this state having

1 jurisdiction over standing, stopping, and parking violations, the use  
2 of a photo enforcement system under RCW 46.63.160, (~~and~~) the use of  
3 automated traffic safety cameras under RCW 46.63.170, and the use of  
4 automated school bus safety cameras under section 2 of this act may  
5 forward to the department any outstanding:

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

7 (b) Photo enforcement infractions issued under RCW 46.63.030(1)(d);  
8 (~~and~~)

9 (c) Automated traffic safety camera infractions issued under RCW  
10 46.63.030(1)(~~e~~) (f); and

11 (d) Automated school bus safety camera infractions issued under RCW  
12 46.63.030(1)(e).

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

16 (3) The department shall:

17 (a) Record the violations and infractions on the matching vehicle  
18 records; and

19 (b) Send notice approximately one hundred twenty days in advance of  
20 the current vehicle registration expiration date to the registered  
21 owner listing the dates and jurisdictions in which the violations  
22 occurred, the amounts of unpaid fines and penalties, and the surcharge  
23 to be collected. Only those violations and infractions received by the  
24 department one hundred twenty days or more before the current vehicle  
25 registration expiration date will be included in the notice.  
26 Violations and infractions received by the department later than one  
27 hundred twenty days before the current vehicle registration expiration  
28 date that are not satisfied will be delayed until the next vehicle  
29 registration expiration date.

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

35 (a) The outstanding(~~r~~) standing, (~~(stopping, r)~~) stopping, or  
36 parking violations were received by the department within one hundred  
37 twenty days before the current vehicle registration expiration;

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

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

4 (5) The department shall:

5 (a) Forward a change in registered ownership information to the  
6 court or government agency who reported the outstanding violations or  
7 infractions; and

8 (b) Remove the outstanding violations and infractions from the  
9 vehicle record.

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

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

28 ~~(a) Presents a preprinted renewal application showing no listed~~  
29 ~~standing, stopping, or parking violations, or civil penalties issued~~  
30 ~~under RCW 46.63.160, or in the absence of such presentation, the agent~~  
31 ~~verifies the information that would be contained on the preprinted~~  
32 ~~renewal application; or~~

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

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

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

4       ~~(b) Five dollars shall be retained by the agent handling the~~  
5 ~~renewal application to be used by the agent for the administration of~~  
6 ~~this section.~~

7       ~~(3) If there is a change in the registered owner of the vehicle,~~  
8 ~~the department shall forward the information regarding the change to~~  
9 ~~the state or local charging jurisdiction and release any hold on the~~  
10 ~~renewal of the vehicle license resulting from parking violations or~~  
11 ~~civil penalties issued under RCW 46.63.160 incurred while the~~  
12 ~~certificate of license registration was in a previous registered~~  
13 ~~owner's name.~~

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

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

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

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

29       (c) Automated traffic safety camera infractions issued under RCW  
30 46.63.030(1)(d); and

31       (d) Automated school bus safety camera infractions issued under RCW  
32 46.63.160(1)(e).

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

36       (3) The department shall:

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

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

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

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

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

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

25       (5) The department shall:

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

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

31       NEW SECTION. Sec. 10. Sections 5, 7, and 9 of this act take  
32 effect upon certification by the secretary of transportation that the  
33 new statewide tolling operations center and photo toll system are fully  
34 operational. A notice of certification must be filed with the code  
35 reviser for publication in the state register. If a certificate is not

1 issued by the secretary of transportation by December 1, 2012, sections  
2 5, 7, and 9 of this act are null and void.

--- END ---