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SENATE BILL 5540

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Hobbs, Delvin, King, and Hewitt

Read first time 01/28/11. Referred to Committee on Transportation.

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

1 safety cameras on school buses to be used for the detection of  
2 violations of RCW 46.61.370(1).

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

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

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

30 (d) Notwithstanding any other provision of law, all photographs,  
31 microphotographs, or electronic images prepared under this section are  
32 for the exclusive use of law enforcement in the discharge of duties  
33 under this section and are not open to the public and may not be used  
34 in a court in a pending action or proceeding unless the action or  
35 proceeding relates to a violation under this section. No photograph,  
36 microphotograph, or electronic image may be used for any purpose other  
37 than enforcement of violations under this section nor retained longer  
38 than necessary to enforce this section.

1 (e) If a school district installs and operates an automated school  
2 bus safety camera under this section, the compensation paid to the  
3 manufacturer or vendor of the equipment used must be based only upon  
4 the value of the equipment and services provided or rendered in support  
5 of the system, and may not be based upon a portion of the fine or civil  
6 penalty imposed or the revenue generated by the equipment. Before  
7 entering into a contract with the manufacturer or vendor of the  
8 equipment used under this subsection (1)(e), the school district must  
9 follow the competitive bid process as outlined in RCW 28A.335.190(1).

10 (f) Any revenue collected from infractions detected through the use  
11 of automated school bus safety cameras, less the administration and  
12 operating costs of the cameras, must be used for school zone safety  
13 projects as determined by the school district using the automated  
14 school bus safety cameras.

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

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

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

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

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

36 (3) For purposes of this section, "automated school bus safety  
37 camera" means a device that is affixed to a school bus that is  
38 synchronized to automatically record one or more sequenced photographs,

1 microphotographs, or electronic images of the rear of a vehicle at the  
2 time the vehicle is detected for an infraction identified in RCW  
3 46.61.370(1).

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

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

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

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

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

24 (5) The driver of a school bus may stop completely off the roadway  
25 for the purpose of receiving or discharging school children only when  
26 the school children do not have to cross the roadway. The school bus  
27 driver shall actuate the hazard warning lamps as defined in RCW  
28 46.37.215 before loading or unloading school children at such stops.

29 (6) Except as provided in subsection (7) of this section, a person  
30 found to have committed an infraction of subsection (1) of this section  
31 shall be assessed a monetary penalty equal to twice the total penalty  
32 assessed under RCW 46.63.110. This penalty may not be waived, reduced,  
33 or suspended. Fifty percent of the money so collected shall be  
34 deposited into the school zone safety account in the custody of the  
35 state treasurer and disbursed in accordance with RCW 46.61.440(~~(+3)~~)  
36 (5).

1       (7) An infraction of subsection (1) of this section detected  
2 through the use of an automated school bus safety camera under section  
3 2 of this act is not a part of the registered owner's driving record  
4 under RCW 46.52.101 and 46.52.120, and must be processed in the same  
5 manner as parking infractions, including for the purposes of RCW  
6 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount  
7 of the fine issued for an infraction detected through the use of an  
8 automated school bus safety camera may not exceed the amount of a fine  
9 issued for other parking infractions within the jurisdiction.

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

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

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

15       (b) When the officer is acting upon the request of a law  
16 enforcement officer in whose presence the traffic infraction was  
17 committed;

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

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

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

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

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

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

1 (4) In the case of failure to redeem an abandoned vehicle under RCW  
2 46.55.120, upon receiving a complaint by a registered tow truck  
3 operator that has incurred costs in removing, storing, and disposing of  
4 an abandoned vehicle, an officer of the law enforcement agency  
5 responsible for directing the removal of the vehicle shall send a  
6 notice of infraction by certified mail to the last known address of the  
7 person responsible under RCW 46.55.105. The notice must be entitled  
8 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.  
9 The officer shall append to the notice of infraction, on a form  
10 prescribed by the department of licensing, a notice indicating the  
11 amount of costs incurred as a result of removing, storing, and  
12 disposing of the abandoned vehicle, less any amount realized at  
13 auction, and a statement that monetary penalties for the infraction  
14 will not be considered as having been paid until the monetary penalty  
15 payable under this chapter has been paid and the court is satisfied  
16 that the person has made restitution in the amount of the deficiency  
17 remaining after disposal of the vehicle.

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

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

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

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

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

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

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

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

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

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

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

27 (1) In a traffic infraction case involving an infraction detected  
28 through the use of a photo enforcement system under RCW 46.63.160,  
29 (~~(or)~~) detected through the use of an automated traffic safety camera  
30 under RCW 46.63.170, or detected through the use of an automated school  
31 bus safety camera under section 2 of this act, proof that the  
32 particular vehicle described in the notice of traffic infraction was in  
33 violation of any such provision of RCW 46.63.160 or 46.63.170, together  
34 with proof that the person named in the notice of traffic infraction  
35 was at the time of the violation the registered owner of the vehicle,  
36 constitutes in evidence a prima facie presumption that the registered

1 owner of the vehicle was the person in control of the vehicle at the  
2 point where, and for the time during which, the violation occurred.

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

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

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

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

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

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

- 34 (a) Standing, stopping, and parking violations;
- 35 (b) Photo enforcement infractions issued under RCW 46.63.030(1)(d);
- 36 ~~((and))~~



1 (c) Automated traffic safety camera infractions issued under RCW  
2 46.63.030(1)(~~(e)~~) (f); and

3 (d) Automated school bus safety camera infractions issued under RCW  
4 46.63.030(1)(e).

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

8 (3) The department shall:

9 (a) Record the violations and infractions on the matching vehicle  
10 records; and

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

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

27 (a) The outstanding(~~(r)~~) standing, (~~(f-stopping, r)~~) stopping, or  
28 parking violations were received by the department within one hundred  
29 twenty days before the current vehicle registration expiration;

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

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

34 (5) The department shall:

35 (a) Forward a change in registered ownership information to the  
36 court or government agency who reported the outstanding violations or  
37 infractions; and

1 (b) Remove the outstanding violations and infractions from the  
2 vehicle record.

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

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

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

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

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

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

33 ~~(b) Five dollars shall be retained by the agent handling the~~  
34 ~~renewal application to be used by the agent for the administration of~~  
35 ~~this section.~~

36 ~~(3) If there is a change in the registered owner of the vehicle,~~  
37 ~~the department shall forward the information regarding the change to~~

1 ~~the state or local charging jurisdiction and release any hold on the~~  
2 ~~renewal of the vehicle license resulting from parking violations or~~  
3 ~~civil penalties issued under RCW 46.63.160 incurred while the~~  
4 ~~certificate of license registration was in a previous registered~~  
5 ~~owner's name.~~

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

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

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

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

21 (c) Automated traffic safety camera infractions issued under RCW  
22 46.63.030(1)(d); and

23 (d) Automated school bus safety camera infractions issued under RCW  
24 46.63.160(1)(e).

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

28 (3) The department shall:

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

31 (b) Send notice approximately one hundred twenty days in advance of  
32 the current vehicle registration expiration date to the registered  
33 owner listing the dates and jurisdictions in which the violations,  
34 civil penalties, and infractions occurred, the amounts of unpaid fines  
35 and penalties, and the surcharge to be collected. Only those  
36 violations, civil penalties, and infractions received by the department  
37 one hundred twenty days or more before the current vehicle registration  
38 expiration date will be included in the notice. Violations, civil

1 penalties, and infractions received by the department later than one  
2 hundred twenty days before the current vehicle registration expiration  
3 date that are not satisfied will be delayed until the next vehicle  
4 registration expiration date.

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

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

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

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

17 (5) The department shall:

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

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

23 NEW SECTION. Sec. 10. Sections 5, 7, and 9 of this act take  
24 effect upon certification by the secretary of transportation that the  
25 new statewide tolling operations center and photo toll system are fully  
26 operational. A notice of certification must be filed with the code  
27 reviser for publication in the state register. If a certificate is not  
28 issued by the secretary of transportation by December 1, 2012, sections  
29 5, 7, and 9 of this act are null and void.

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