
SUBSTITUTE HOUSE BILL 1246

State of Washington

65th Legislature

2018 Regular Session

By House Education (originally sponsored by Representatives McCabe, Orwall, Johnson, Kirby, McBride, Dye, Kilduff, Gregerson, Wylie, Haler, Appleton, Senn, and Muri)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to school bus safety; amending RCW 28A.160.010,
2 28A.160.205, 46.37.510, and 46.63.180; reenacting and amending RCW
3 43.84.092; adding a new section to chapter 46.37 RCW; adding a new
4 section to chapter 46.68 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.37
7 RCW to read as follows:

8 Beginning September 1, 2019, every school bus must, in addition
9 to any other equipment required under this chapter, be equipped with
10 an automated school bus safety camera. For purposes of this section,
11 "automated school bus safety camera" means a device that is affixed
12 to a school bus that is synchronized to automatically record one or
13 more sequenced photographs, microphotographs, or electronic images of
14 the rear of a vehicle at the time the vehicle is detected for an
15 infraction identified in RCW 46.61.370(1).

16 **Sec. 2.** RCW 28A.160.010 and 1990 c 33 s 132 are each amended to
17 read as follows:

18 (1) The operation of each local school district's student
19 transportation program is declared to be the responsibility of the
20 respective board of directors, and each board of directors shall

1 determine such matters as which individual students shall be
2 transported and what routes shall be most efficiently utilized. State
3 moneys allocated to local districts for student transportation shall
4 be spent only for student transportation activities, but need not be
5 spent by the local district in the same manner as calculated and
6 allocated by the state.

7 (2)(a) A school district is authorized to provide for the
8 transportation of students enrolled in the school or schools of the
9 district both in the case of students who reside within the
10 boundaries of the district and of students who reside outside the
11 boundaries of the district.

12 (b)(i) School districts shall require passengers in school buses
13 equipped with seat belts to wear the belts, in a properly adjusted
14 manner, whenever the school bus is in motion.

15 (ii) School districts, school district employees, school district
16 volunteers, educational service districts, educational service
17 district employees, and commercial chartered bus services hired by a
18 district to provide for the transportation of students, including
19 employees of these providers, shall be held harmless from and not
20 liable for any criminal or civil liability arising under the
21 provisions of this subsection (2)(b).

22 (3) When children are transported from one school district to
23 another the board of directors of the respective districts may enter
24 into a written contract providing for a division of the cost of such
25 transportation between the districts.

26 (4) School districts may use school buses and drivers hired by
27 the district or commercial chartered bus service for the
28 transportation of school children and the school employees necessary
29 for their supervision to and from any school activities within or
30 without the school district during or after school hours and whether
31 or not a required school activity, so long as the school board has
32 officially designated it as a school activity. For any extra-
33 curricular uses, the school board shall charge an amount sufficient
34 to reimburse the district for its cost.

35 (5) In addition to the right to contract for the use of buses
36 provided in RCW 28A.160.080 and 28A.160.090, any school district may
37 contract to furnish the use of school buses of that district to other
38 users who are engaged in conducting an educational or recreational
39 program supported wholly or in part by tax funds or programs for
40 elderly persons at times when those buses are not needed by that

1 district and under such terms as will fully reimburse such school
2 district for all costs related or incident thereto: PROVIDED,
3 HOWEVER, That no such use of school district buses shall be permitted
4 except where other public or private transportation certificated or
5 licensed by the Washington utilities and transportation commission is
6 not reasonably available to the user: PROVIDED FURTHER, That no user
7 shall be required to accept any charter bus for services which the
8 user believes might place the health or safety of the children or
9 elderly persons in jeopardy.

10 (6) Whenever any persons are transported by the school district
11 in its own motor vehicles and by its own employees, the board may
12 provide insurance to protect the district against loss, whether by
13 reason of theft, fire or property damage to the motor vehicle or by
14 reason of liability of the district to persons from the operation of
15 such motor vehicle.

16 (7) The board may provide insurance by contract purchase for
17 payment of hospital and medical expenses for the benefit of persons
18 injured while they are on, getting on, or getting off any vehicles
19 enumerated herein without respect to any fault or liability on the
20 part of the school district or operator. This insurance may be
21 provided without cost to the persons notwithstanding the provisions
22 of RCW 28A.400.350.

23 (8) If the transportation of children or elderly persons is
24 arranged for by contract of the district with some person, the board
25 may require such contractor to procure such insurance as the board
26 deems advisable.

27 **Sec. 3.** RCW 28A.160.205 and 2007 c 348 s 101 are each amended to
28 read as follows:

29 (1) The office of the superintendent of public instruction shall
30 implement a school bus replacement incentive program. As part of the
31 program, the office shall fund up to ten percent of the cost of a new
32 (~~(2007 or later model year school bus that meets the 2007 federal~~
33 ~~motor vehicle emission control standards and is purchased by a school~~
34 ~~district by no later than June 30, 2009)) school bus, provided that
35 the new bus is replacing a 1994 or older school bus or the oldest bus
36 in the school district's fleet. Replacement of the oldest buses must
37 be given highest priority. Such incentive funds received under this
38 subsection must be deposited into the school district's
39 transportation vehicle fund established in RCW 28A.160.130.~~

1 (2) The office of the superintendent of public instruction shall
2 ensure that buses being replaced through this program are surplused
3 under RCW 28A.335.180. As part of the surplus process, school
4 districts must provide written documentation to the office of the
5 superintendent of public instruction demonstrating that buses being
6 replaced are scrapped and not purchased for road use. The
7 documentation must include bus make, model, year, vehicle
8 identification number, engine make, engine serial number, and salvage
9 yard receipts; and must demonstrate that the engine and body of the
10 bus being replaced has been rendered unusable.

11 (3) The office of the superintendent of public instruction may
12 adopt any rules necessary for the implementation of chapter 348, Laws
13 of 2007 and this act.

14 **Sec. 4.** RCW 46.37.510 and 1987 c 330 s 729 are each amended to
15 read as follows:

16 (1) No person may sell any automobile manufactured or assembled
17 after January 1, 1964, nor may any owner cause such vehicle to be
18 registered thereafter under the provisions of chapter 46.12 RCW
19 unless such motor car or automobile is equipped with automobile seat
20 belts installed for use on the front seats thereof which are of a
21 type and installed in a manner conforming to rules adopted by the
22 state patrol. Where registration is for transfer from an out-of-state
23 license, the applicant shall be informed of this section by the
24 issuing agent and has thirty days to comply. The state patrol shall
25 adopt and enforce standards as to what constitutes adequate and safe
26 seat belts and for the fastening and installation of them. Such
27 standards shall not be below those specified as minimum requirements
28 by the Society of Automotive Engineers on June 13, 1963.

29 (2) Every passenger car manufactured or assembled after January
30 1, 1965, shall be equipped with at least two lap-type safety belt
31 assemblies for use in the front seating positions.

32 (3) Every passenger car manufactured or assembled after January
33 1, 1968, shall be equipped with a lap-type safety belt assembly for
34 each permanent passenger seating position. This requirement shall not
35 apply to police vehicles.

36 (4) Every passenger car manufactured or assembled after January
37 1, 1968, shall be equipped with at least two shoulder harness-type
38 safety belt assemblies for use in the front seating positions.

1 (5) Every school bus manufactured or assembled after September 1,
2 2019, shall be equipped with a shoulder harness-type safety belt
3 assembly for each passenger position. The superintendent of public
4 instruction shall include specifications for the belt assembly in the
5 competitive quote process required under RCW 28A.160.195.

6 (6) The state patrol shall excuse specified types of motor
7 vehicles or seating positions within any motor vehicle from the
8 requirements imposed by subsections (1), (2), and (3) of this section
9 when compliance would be impractical.

10 ~~((+6+))~~ (7) No person may distribute, have for sale, offer for
11 sale, or sell any safety belt or shoulder harness for use in motor
12 vehicles unless it meets current minimum standards and specifications
13 conforming to rules adopted by the state patrol or the United States
14 department of transportation.

15 **Sec. 5.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
16 read as follows:

17 (1) By September 1, 2019, school districts ((may)) must install
18 and operate automated school bus safety cameras as defined in section
19 1 of this act on school buses to be used for the detection of
20 violations of RCW 46.61.370(1) ((if the use of the cameras is
21 approved by a vote of the school district board of directors)).
22 School districts are not required to take school buses out of service
23 if the ~~((buses are not equipped with))~~ automated school bus safety
24 cameras ~~((or functional automated safety cameras))~~ are nonfunctional;
25 however, each school district must ensure that the nonfunctional
26 camera is returned to functioning condition as soon as practicable.
27 Further, school districts shall be held harmless from and not liable
28 for any criminal or civil liability arising under the provisions of
29 this section.

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

34 (b) A notice of infraction must be mailed to the registered owner
35 of the vehicle within fourteen days of the violation, or to the
36 renter of a vehicle within fourteen days of establishing the renter's
37 name and address under subsection (2)(a)(i) of this section. The law
38 enforcement officer issuing the notice of infraction shall include a
39 certificate or facsimile of the notice, based upon inspection of

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

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

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

27 (e) (~~(1f)~~) When a school district installs and operates an
28 automated school bus safety camera under this section, the
29 compensation paid to the manufacturer or vendor of the equipment used
30 must be based only upon the value of the equipment and services
31 provided or rendered in support of the system, and may not be based
32 upon a portion of the fine or civil penalty imposed or the revenue
33 generated by the equipment. Further, any repair, replacement, or
34 administrative work costs related to installing or repairing
35 automated school bus safety cameras must be solely paid for by the
36 manufacturer or vendor of the cameras. (~~Before entering~~) When a
37 school district enters into a contract with the manufacturer or
38 vendor of the equipment used under this subsection (1)(e), the school
39 district must follow the competitive bid process as outlined in RCW
40 28A.335.190(1).

1 (f) Except as provided otherwise in this subsection (1)(f) and
2 subsections (3) and (4) of this section, any revenue collected from
3 infractions detected through the use of automated school bus safety
4 cameras, less the administration and operating costs of the cameras,
5 must be remitted to school districts for school zone safety projects
6 as determined by the school district using the automated school bus
7 safety cameras. The administration and operating costs of the cameras
8 includes infraction enforcement and processing costs that are
9 incurred by local law enforcement or local courts. During the
10 2013-2015 fiscal biennium, the infraction revenue may also be used
11 for school bus safety projects by those school districts eligible to
12 apply for funding from the school zone safety account appropriation
13 in section 201, chapter 306, Laws of 2013.

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

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

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

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

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

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

1 safety camera system contract before the effective date of this
2 section must continue to receive funds from use of the safety camera
3 systems that the school district has installed and may transfer the
4 district's share of the funds to the district's transportation
5 vehicle fund established under RCW 28A.160.130 in addition to using
6 the funds for school zone safety projects.

7 (4) For any school district that installs automated school bus
8 safety cameras on or after the effective date of this section, any
9 revenue collected from infractions detected through the use of
10 automated school bus safety cameras, less the administration and
11 operating costs of the cameras, must be distributed as follows: (a)
12 One-third to the school bus safety account created in section 6 of
13 this act; (b) one-third to the law enforcement agency issuing the
14 infraction; and (c) one-third to the court processing the infraction.

15 NEW SECTION. Sec. 6. A new section is added to chapter 46.68
16 RCW to read as follows:

17 The school bus safety account is created in the state treasury.
18 All receipts from RCW 46.63.180(4)(a) must be deposited into the
19 account. Moneys in the account may be spent only after appropriation.
20 Between the effective date of this section and July 31, 2023: The
21 first ten million dollars in expenditures from the account for each
22 year must be transferred to the general fund to pay for the cost of
23 school bus safety belt systems; and any remaining expenditures must
24 be used for the school bus replacement incentives under RCW
25 28A.160.205. Beginning August 1, 2023, expenditures from the account
26 may only be used for school bus incentives under RCW 28A.160.205.

27 **Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
28 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
29 read as follows:

30 (1) All earnings of investments of surplus balances in the state
31 treasury shall be deposited to the treasury income account, which
32 account is hereby established in the state treasury.

33 (2) The treasury income account shall be utilized to pay or
34 receive funds associated with federal programs as required by the
35 federal cash management improvement act of 1990. The treasury income
36 account is subject in all respects to chapter 43.88 RCW, but no
37 appropriation is required for refunds or allocations of interest
38 earnings required by the cash management improvement act. Refunds of

1 interest to the federal treasury required under the cash management
2 improvement act fall under RCW 43.88.180 and shall not require
3 appropriation. The office of financial management shall determine the
4 amounts due to or from the federal government pursuant to the cash
5 management improvement act. The office of financial management may
6 direct transfers of funds between accounts as deemed necessary to
7 implement the provisions of the cash management improvement act, and
8 this subsection. Refunds or allocations shall occur prior to the
9 distributions of earnings set forth in subsection (4) of this
10 section.

11 (3) Except for the provisions of RCW 43.84.160, the treasury
12 income account may be utilized for the payment of purchased banking
13 services on behalf of treasury funds including, but not limited to,
14 depository, safekeeping, and disbursement functions for the state
15 treasury and affected state agencies. The treasury income account is
16 subject in all respects to chapter 43.88 RCW, but no appropriation is
17 required for payments to financial institutions. Payments shall occur
18 prior to distribution of earnings set forth in subsection (4) of this
19 section.

20 (4) Monthly, the state treasurer shall distribute the earnings
21 credited to the treasury income account. The state treasurer shall
22 credit the general fund with all the earnings credited to the
23 treasury income account except:

24 (a) The following accounts and funds shall receive their
25 proportionate share of earnings based upon each account's and fund's
26 average daily balance for the period: The aeronautics account, the
27 aircraft search and rescue account, the Alaskan Way viaduct
28 replacement project account, the brownfield redevelopment trust fund
29 account, the budget stabilization account, the capital vessel
30 replacement account, the capitol building construction account, the
31 Cedar River channel construction and operation account, the Central
32 Washington University capital projects account, the charitable,
33 educational, penal and reformatory institutions account, the Chehalis
34 basin account, the cleanup settlement account, the Columbia river
35 basin water supply development account, the Columbia river basin
36 taxable bond water supply development account, the Columbia river
37 basin water supply revenue recovery account, the common school
38 construction fund, the community forest trust account, the connecting
39 Washington account, the county arterial preservation account, the
40 county criminal justice assistance account, the deferred compensation

1 administrative account, the deferred compensation principal account,
2 the department of licensing services account, the department of
3 retirement systems expense account, the developmental disabilities
4 community trust account, the diesel idle reduction account, the
5 drinking water assistance account, the drinking water assistance
6 administrative account, the early learning facilities development
7 account, the early learning facilities revolving account, the Eastern
8 Washington University capital projects account, the Interstate 405
9 express toll lanes operations account, the education construction
10 fund, the education legacy trust account, the election account, the
11 electric vehicle charging infrastructure account, the energy freedom
12 account, the energy recovery act account, the essential rail
13 assistance account, The Evergreen State College capital projects
14 account, the federal forest revolving account, the ferry bond
15 retirement fund, the freight mobility investment account, the freight
16 mobility multimodal account, the grade crossing protective fund, the
17 public health services account, the high capacity transportation
18 account, the state higher education construction account, the higher
19 education construction account, the highway bond retirement fund, the
20 highway infrastructure account, the highway safety fund, the high
21 occupancy toll lanes operations account, the hospital safety net
22 assessment fund, the industrial insurance premium refund account, the
23 judges' retirement account, the judicial retirement administrative
24 account, the judicial retirement principal account, the local
25 leasehold excise tax account, the local real estate excise tax
26 account, the local sales and use tax account, the marine resources
27 stewardship trust account, the medical aid account, the mobile home
28 park relocation fund, the money-purchase retirement savings
29 administrative account, the money-purchase retirement savings
30 principal account, the motor vehicle fund, the motorcycle safety
31 education account, the multimodal transportation account, the
32 multiuse roadway safety account, the municipal criminal justice
33 assistance account, the natural resources deposit account, the oyster
34 reserve land account, the pension funding stabilization account, the
35 perpetual surveillance and maintenance account, the pollution
36 liability insurance agency underground storage tank revolving
37 account, the public employees' retirement system plan 1 account, the
38 public employees' retirement system combined plan 2 and plan 3
39 account, the public facilities construction loan revolving account
40 beginning July 1, 2004, the public health supplemental account, the

1 public works assistance account, the Puget Sound capital construction
2 account, the Puget Sound ferry operations account, the Puget Sound
3 taxpayer accountability account, the real estate appraiser commission
4 account, the recreational vehicle account, the regional mobility
5 grant program account, the resource management cost account, the
6 rural arterial trust account, the rural mobility grant program
7 account, the rural Washington loan fund, the school bus safety
8 account, the sexual assault prevention and response account, the site
9 closure account, the skilled nursing facility safety net trust fund,
10 the small city pavement and sidewalk account, the special category C
11 account, the special wildlife account, the state employees' insurance
12 account, the state employees' insurance reserve account, the state
13 investment board expense account, the state investment board
14 commingled trust fund accounts, the state patrol highway account, the
15 state route number 520 civil penalties account, the state route
16 number 520 corridor account, the state wildlife account, the
17 supplemental pension account, the Tacoma Narrows toll bridge account,
18 the teachers' retirement system plan 1 account, the teachers'
19 retirement system combined plan 2 and plan 3 account, the tobacco
20 prevention and control account, the tobacco settlement account, the
21 toll facility bond retirement account, the transportation 2003
22 account (nickel account), the transportation equipment fund, the
23 transportation future funding program account, the transportation
24 improvement account, the transportation improvement board bond
25 retirement account, the transportation infrastructure account, the
26 transportation partnership account, the traumatic brain injury
27 account, the tuition recovery trust fund, the University of
28 Washington bond retirement fund, the University of Washington
29 building account, the volunteer firefighters' and reserve officers'
30 relief and pension principal fund, the volunteer firefighters' and
31 reserve officers' administrative fund, the Washington judicial
32 retirement system account, the Washington law enforcement officers'
33 and firefighters' system plan 1 retirement account, the Washington
34 law enforcement officers' and firefighters' system plan 2 retirement
35 account, the Washington public safety employees' plan 2 retirement
36 account, the Washington school employees' retirement system combined
37 plan 2 and 3 account, the Washington state health insurance pool
38 account, the Washington state patrol retirement account, the
39 Washington State University building account, the Washington State
40 University bond retirement fund, the water pollution control

1 revolving administration account, the water pollution control
2 revolving fund, the Western Washington University capital projects
3 account, the Yakima integrated plan implementation account, the
4 Yakima integrated plan implementation revenue recovery account, and
5 the Yakima integrated plan implementation taxable bond account.
6 Earnings derived from investing balances of the agricultural
7 permanent fund, the normal school permanent fund, the permanent
8 common school fund, the scientific permanent fund, the state
9 university permanent fund, and the state reclamation revolving
10 account shall be allocated to their respective beneficiary accounts.

11 (b) Any state agency that has independent authority over accounts
12 or funds not statutorily required to be held in the state treasury
13 that deposits funds into a fund or account in the state treasury
14 pursuant to an agreement with the office of the state treasurer shall
15 receive its proportionate share of earnings based upon each account's
16 or fund's average daily balance for the period.

17 (5) In conformance with Article II, section 37 of the state
18 Constitution, no treasury accounts or funds shall be allocated
19 earnings without the specific affirmative directive of this section.

20 NEW SECTION. **Sec. 8.** This act takes effect August 1, 2018.

--- END ---