
SUBSTITUTE SENATE BILL 5540

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,~~) 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.

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