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**SENATE BILL 5743**

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**State of Washington****63rd Legislature****2013 Regular Session****By** Senators Hobbs, King, and Eide

Read first time 02/13/13. Referred to Committee on Transportation.

1       AN ACT Relating to the use of revenue from automated school bus  
2 safety camera infractions; and amending RCW 46.63.180.

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

4       **Sec. 1.** RCW 46.63.180 and 2011 c 375 s 2 are each amended to read  
5 as follows:

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

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

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

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

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

33      (e) If a school district installs and operates an automated school  
34 bus safety camera under this section, the compensation paid to the  
35 manufacturer or vendor of the equipment used must be based only upon  
36 the value of the equipment and services provided or rendered in support  
37 of the system, and may not be based upon a portion of the fine or civil  
penalty imposed or the revenue generated by the equipment. Further,

1 any repair, replacement, or administrative work costs related to  
2 installing or repairing automated school bus safety cameras must be  
3 solely paid for by the manufacturer or vendor of the cameras. Before  
4 entering into a contract with the manufacturer or vendor of the  
5 equipment used under this subsection (1)(e), the school district must  
6 follow the competitive bid process as outlined in RCW 28A.335.190(1).

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

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).

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