
SENATE BILL 5770

State of Washington

66th Legislature

2019 Regular Session

By Senators Palumbo, Kuderer, and Wilson, C.

Read first time 01/31/19. Referred to Committee on Transportation.

1 AN ACT Relating to increasing the penalties for failing to stop
2 for a school bus displaying red flashing lights; amending RCW
3 46.61.370, 46.63.180, 46.63.110, 3.62.090, and 2.68.040; prescribing
4 penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 46.61.370 and 2011 c 375 s 3 are each amended to
7 read as follows:

8 (1) The driver of a vehicle upon overtaking or meeting from
9 either direction any school bus which has stopped on the roadway for
10 the purpose of receiving or discharging any school children shall
11 stop the vehicle before reaching such school bus when there is in
12 operation on said school bus a visual signal as specified in RCW
13 46.37.190 and said driver shall not proceed until such school bus
14 resumes motion or the visual signals are no longer activated.

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

19 (3) The driver of a vehicle upon a highway with three or more
20 marked traffic lanes need not stop upon meeting a school bus which is

1 proceeding in the opposite direction and is stopped for the purpose
2 of receiving or discharging school children.

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

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

12 (~~(6) ((Except as provided in subsection (7) of this section,))~~) (a)
13 A person found to have committed an infraction of subsection (1) of
14 this section shall be assessed a base monetary penalty (~~(equal to~~
15 ~~twice the total penalty assessed under RCW 46.63.110)) of two hundred
16 twenty-five dollars. This penalty may not be waived, reduced, or
17 suspended. Fifty percent of the money so collected shall be deposited
18 into the school zone safety account in the custody of the state
19 treasurer and disbursed in accordance with RCW 46.61.440(5).~~

20 (b) Additionally, a person found to have committed a violation of
21 subsection (1) of this section: (i) Where there has been no prior
22 violation, shall have his or her license, permit to drive, or any
23 nonresident driving privilege, suspended by the department for ninety
24 days; (ii) where there has been one prior violation, shall have his
25 or her license, permit to drive, or any nonresident driving
26 privilege, suspended by the department for one year; or (iii) where
27 there have been two or more prior violations, shall have his or her
28 license, permit to drive, or any nonresident driving privilege,
29 permanently revoked by the department.

30 (~~(7) ((An infraction))~~) (a) A person found to have committed a
31 violation of subsection (1) of this section detected through the use
32 of an automated school bus safety camera as authorized by a school
33 district under RCW 46.63.180 (~~(is not a part of the registered~~
34 ~~owner's driving record under RCW 46.52.101 and 46.52.120, and must be~~
35 ~~processed in the same manner as parking infractions, including for~~
36 ~~the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and~~
37 ~~46.20.270(3).~~ However, the amount of the fine issued for a violation
38 of this section detected through the use of an automated school bus
39 safety camera shall not exceed twice the)) shall be assessed a
40 monetary penalty (~~(for a violation of this section as provided under~~

1 ~~RCW 46.63.110~~) of five hundred dollars. This penalty may not be
2 waived, reduced, or suspended. Monetary penalties collected shall be
3 remitted to the school district in which the infraction was detected.
4 The monetary penalties may be remitted to the school district's
5 agent.

6 (b) Additionally, a person found to have committed a violation of
7 subsection (1) of this section detected through the use of an
8 automated school bus safety camera as authorized by a school district
9 under RCW 46.63.110 is subject to the following penalty: (i) Where
10 there has been no prior violation, shall have his or her license,
11 permit to drive, or any nonresident driving privilege, suspended by
12 the department for ninety days; (ii) where there has been one prior
13 violation, shall have his or her license, permit to drive, or any
14 nonresident driving privilege, suspended by the department for one
15 year; or (iii) where there have been two or more prior violations,
16 shall have his or her license, permit to drive, or any nonresident
17 driving privilege, permanently revoked by the department.

18 **Sec. 2.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to
19 read as follows:

20 (1) School districts may install and operate automated school bus
21 safety cameras on school buses to be used for the detection of
22 violations of RCW 46.61.370(1) if the use of the cameras is approved
23 by a vote of the school district board of directors. School districts
24 are not required to take school buses out of service if the buses are
25 not equipped with automated school bus safety cameras or functional
26 automated safety cameras. Further, school districts shall be held
27 harmless from and not liable for any criminal or civil liability
28 arising under the provisions of this section. The penalty for a
29 violation of RCW 46.61.370(1) detected by an automated school bus
30 safety camera is provided in RCW 46.61.370(7).

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

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

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

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

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

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

1 district must follow the competitive bid process as outlined in RCW
2 28A.335.190(1).

3 (f) Any revenue collected from infractions detected through the
4 use of automated school bus safety cameras (~~(, less the administration~~
5 ~~and operating costs of the cameras,)~~) must be remitted to school
6 districts, or the district's agent, for school zone safety projects
7 as determined by the school district using the automated school bus
8 safety cameras. The moneys the school district receives from
9 infractions detected through the use of automated school bus safety
10 cameras may also be used to cover the cost of administration and
11 operating costs of the camera. The administration and operating costs
12 of the cameras includes infraction enforcement and processing costs
13 that are incurred by local law enforcement or local courts. During
14 the 2013-2015 fiscal biennium, the infraction revenue may also be
15 used for school bus safety projects by those school districts
16 eligible to apply for funding from the school zone safety account
17 appropriation in section 201, chapter 306, Laws of 2013.

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

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

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

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

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

39 (3) For purposes of this section, "automated school bus safety
40 camera" means a device that is affixed to a school bus that is

1 synchronized to automatically record one or more sequenced
2 photographs, microphotographs, or electronic images of the rear of a
3 vehicle at the time the vehicle is detected for an infraction
4 identified in RCW 46.61.370(1).

5 **Sec. 3.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
6 as follows:

7 (1) A person found to have committed a traffic infraction shall
8 be assessed a monetary penalty. No penalty may exceed two hundred and
9 fifty dollars for each offense unless authorized by this chapter or
10 title.

11 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
12 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
13 is five hundred dollars for each offense. No penalty assessed under
14 this subsection (2) may be reduced.

15 (3) The supreme court shall prescribe by rule a schedule of
16 monetary penalties for designated traffic infractions. This rule
17 shall also specify the conditions under which local courts may
18 exercise discretion in assessing fines and penalties for traffic
19 infractions. The legislature respectfully requests the supreme court
20 to adjust this schedule every two years for inflation.

21 (4) There shall be a penalty of twenty-five dollars for failure
22 to respond to a notice of traffic infraction except where the
23 infraction relates to parking as defined by local law, ordinance,
24 regulation, or resolution or failure to pay a monetary penalty
25 imposed pursuant to this chapter. A local legislative body may set a
26 monetary penalty not to exceed twenty-five dollars for failure to
27 respond to a notice of traffic infraction relating to parking as
28 defined by local law, ordinance, regulation, or resolution. The local
29 court, whether a municipal, police, or district court, shall impose
30 the monetary penalty set by the local legislative body.

31 (5) Monetary penalties provided for in chapter 46.70 RCW which
32 are civil in nature and penalties which may be assessed for
33 violations of chapter 46.44 RCW relating to size, weight, and load of
34 motor vehicles are not subject to the limitation on the amount of
35 monetary penalties which may be imposed pursuant to this chapter.

36 (6) Whenever a monetary penalty, fee, cost, assessment, or other
37 monetary obligation is imposed by a court under this chapter, it is
38 immediately payable and is enforceable as a civil judgment under
39 Title 6 RCW. If the court determines, in its discretion, that a

1 person is not able to pay a monetary obligation in full, and not more
2 than one year has passed since the later of July 1, 2005, or the date
3 the monetary obligation initially became due and payable, the court
4 shall enter into a payment plan with the person, unless the person
5 has previously been granted a payment plan with respect to the same
6 monetary obligation, or unless the person is in noncompliance of any
7 existing or prior payment plan, in which case the court may, at its
8 discretion, implement a payment plan. If the court has notified the
9 department that the person has failed to pay or comply and the person
10 has subsequently entered into a payment plan and made an initial
11 payment, the court shall notify the department that the infraction
12 has been adjudicated, and the department shall rescind any suspension
13 of the person's driver's license or driver's privilege based on
14 failure to respond to that infraction. "Payment plan," as used in
15 this section, means a plan that requires reasonable payments based on
16 the financial ability of the person to pay. The person may
17 voluntarily pay an amount at any time in addition to the payments
18 required under the payment plan.

19 (a) If a payment required to be made under the payment plan is
20 delinquent or the person fails to complete a community restitution
21 program on or before the time established under the payment plan,
22 unless the court determines good cause therefor and adjusts the
23 payment plan or the community restitution plan accordingly, the court
24 may refer the unpaid monetary penalty, fee, cost, assessment, or
25 other monetary obligation for civil enforcement until all monetary
26 obligations, including those imposed under subsections (3) and (4) of
27 this section, have been paid, and court authorized community
28 restitution has been completed, or until the court has entered into a
29 new time payment or community restitution agreement with the person.
30 For those infractions subject to suspension under RCW 46.20.289, the
31 court shall notify the department of the person's failure to meet the
32 conditions of the plan, and the department shall suspend the person's
33 driver's license or driving privileges.

34 (b) If a person has not entered into a payment plan with the
35 court and has not paid the monetary obligation in full on or before
36 the time established for payment, the court may refer the unpaid
37 monetary penalty, fee, cost, assessment, or other monetary obligation
38 to a collections agency until all monetary obligations have been
39 paid, including those imposed under subsections (3) and (4) of this
40 section, or until the person has entered into a payment plan under

1 this section. For those infractions subject to suspension under RCW
2 46.20.289, the court shall notify the department of the person's
3 delinquency, and the department shall suspend the person's driver's
4 license or driving privileges.

5 (c) If the payment plan is to be administered by the court, the
6 court may assess the person a reasonable administrative fee to be
7 wholly retained by the city or county with jurisdiction. The
8 administrative fee shall not exceed ten dollars per infraction or
9 twenty-five dollars per payment plan, whichever is less.

10 (d) Nothing in this section precludes a court from contracting
11 with outside entities to administer its payment plan system. When
12 outside entities are used for the administration of a payment plan,
13 the court may assess the person a reasonable fee for such
14 administrative services, which fee may be calculated on a periodic,
15 percentage, or other basis.

16 (e) If a court authorized community restitution program for
17 offenders is available in the jurisdiction, the court may allow
18 conversion of all or part of the monetary obligations due under this
19 section to court authorized community restitution in lieu of time
20 payments if the person is unable to make reasonable time payments.

21 (7) In addition to any other penalties imposed under this section
22 and not subject to the limitation of subsection (1) of this section,
23 a person found to have committed a traffic infraction shall be
24 assessed:

25 (a) A fee of five dollars per infraction. Under no circumstances
26 shall this fee be reduced or waived. Revenue from this fee shall be
27 forwarded to the state treasurer for deposit in the emergency medical
28 services and trauma care system trust account under RCW 70.168.040;

29 (b) A fee of ten dollars per infraction. Under no circumstances
30 shall this fee be reduced or waived. Revenue from this fee shall be
31 forwarded to the state treasurer for deposit in the Washington auto
32 theft prevention authority account; and

33 (c) A fee of two dollars per infraction. Revenue from this fee
34 shall be forwarded to the state treasurer for deposit in the
35 traumatic brain injury account established in RCW 74.31.060.

36 (8)(a) In addition to any other penalties imposed under this
37 section and not subject to the limitation of subsection (1) of this
38 section, a person found to have committed a traffic infraction other
39 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
40 penalty of twenty dollars. The court may not reduce, waive, or

1 suspend the additional penalty unless the court finds the offender to
2 be indigent. If a court authorized community restitution program for
3 offenders is available in the jurisdiction, the court shall allow
4 offenders to offset all or a part of the penalty due under this
5 subsection (8) by participation in the court authorized community
6 restitution program.

7 (b) Eight dollars and fifty cents of the additional penalty under
8 (a) of this subsection shall be remitted to the state treasurer. The
9 remaining revenue from the additional penalty must be remitted under
10 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
11 under this subsection to the state treasurer must be deposited in the
12 state general fund. The balance of the revenue received by the county
13 or city treasurer under this subsection must be deposited into the
14 county or city current expense fund. Moneys retained by the city or
15 county under this subsection shall constitute reimbursement for any
16 liabilities under RCW 43.135.060.

17 (9) If a legal proceeding, such as garnishment, has commenced to
18 collect any delinquent amount owed by the person for any penalty
19 imposed by the court under this section, the court may, at its
20 discretion, enter into a payment plan.

21 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
22 hundred fifty dollars for the first violation; (b) five hundred
23 dollars for the second violation; and (c) seven hundred fifty dollars
24 for each violation thereafter.

25 (11) The fees identified in subsections (7) and (8) of this
26 section do not apply to an infraction detected through the use of an
27 automated school bus safety camera as authorized by a school district
28 under RCW 46.63.180.

29 **Sec. 4.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read
30 as follows:

31 (1) There shall be assessed and collected in addition to any
32 fines, forfeitures, or penalties assessed, other than for parking
33 infractions, by all courts organized under Title 3 or 35 RCW a public
34 safety and education assessment equal to seventy percent of such
35 fines, forfeitures, or penalties, which shall be remitted as provided
36 in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required
37 by this section shall not be suspended or waived by the court.

38 (2) There shall be assessed and collected in addition to any
39 fines, forfeitures, or penalties assessed, other than for parking

1 infractions and for fines levied under RCW 46.61.5055, and in
2 addition to the public safety and education assessment required under
3 subsection (1) of this section, by all courts organized under Title 3
4 or 35 RCW, an additional public safety and education assessment equal
5 to fifty percent of the public safety and education assessment
6 required under subsection (1) of this section, which shall be
7 remitted to the state treasurer and deposited as provided in RCW
8 43.08.250. The additional assessment required by this subsection
9 shall not be suspended or waived by the court.

10 (3) This section does not apply to the fee imposed under RCW
11 46.63.110(7), the penalty imposed under RCW 46.63.110(8), an
12 infraction detected through the use of an automated school bus safety
13 camera as authorized by a school district under RCW 46.63.180, or the
14 penalty assessment imposed under RCW 10.99.080.

15 **Sec. 5.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
16 as follows:

17 (1) To support the judicial information system account provided
18 for in RCW 2.68.020, the supreme court may provide by rule for an
19 increase in fines, penalties, and assessments, and the increased
20 amount shall be forwarded to the state treasurer for deposit in the
21 account:

22 (a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the
23 sum of ten dollars to any penalty collected by a court pursuant to
24 supreme court infraction rules for courts of limited jurisdiction;

25 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
26 initial sum of ten dollars to be assessed on all defendants; and

27 (c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment
28 for each account for which a person requests a time payment schedule.

29 (2) Notwithstanding a provision of law or rule to the contrary,
30 the assessments provided for in this section may not be waived or
31 suspended and shall be immediately due and payable upon forfeiture,
32 conviction, deferral of prosecution, or request for time payment, as
33 each shall occur.

34 (3) The supreme court is requested to adjust these assessments
35 for inflation.

36 (4) The fees identified in RCW 46.63.110 (7) and (8) do not apply
37 to an infraction detected through the use of an automated school bus
38 safety camera as authorized by a school district under RCW 46.63.180.

1 NEW SECTION. **Sec. 6.** This act takes effect September 1, 2019.

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