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HOUSE BILL 1246

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State of Washington

65th Legislature

2017 Regular Session

By Representatives McCabe, Orwall, Johnson, Kirby, McBride, Dye, Kilduff, Gregerson, Wylie, Haler, Appleton, Senn, and Muri

Read first time 01/16/17. Referred to Committee on Education.

1 AN ACT Relating to school bus safety; amending RCW 28A.160.205,  
2 46.37.510, and 46.63.180; reenacting and amending RCW 43.84.092;  
3 adding a new section to chapter 46.37 RCW; adding a new section to  
4 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, 2018, 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.160.205 and 2007 c 348 s 101 are each amended to  
17 read as follows:

18 (1) The office of the superintendent of public instruction shall  
19 implement a school bus replacement incentive program. As part of the  
20 program, the office shall fund up to ten percent of the cost of a new

1 (~~(2007 or later model year school bus that meets the 2007 federal~~  
2 ~~motor vehicle emission control standards and is purchased by a school~~  
3 ~~district by no later than June 30, 2009)) school bus, provided that  
4 the new bus is replacing a 1994 or older school bus or the oldest bus  
5 in the school district's fleet. Replacement of the oldest buses must  
6 be given highest priority. Such incentive funds received under this  
7 subsection must be deposited into the school district's  
8 transportation vehicle fund established in RCW 28A.160.130.~~

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

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

22 **Sec. 3.** RCW 46.37.510 and 1987 c 330 s 729 are each amended to  
23 read as follows:

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

37 (2) Every passenger car manufactured or assembled after January  
38 1, 1965, shall be equipped with at least two lap-type safety belt  
39 assemblies for use in the front seating positions.

1 (3) Every passenger car manufactured or assembled after January  
2 1, 1968, shall be equipped with a lap-type safety belt assembly for  
3 each permanent passenger seating position. This requirement shall not  
4 apply to police vehicles.

5 (4) Every passenger car manufactured or assembled after January  
6 1, 1968, shall be equipped with at least two shoulder harness-type  
7 safety belt assemblies for use in the front seating positions.

8 (5) Every school bus manufactured or assembled after September 1,  
9 2018, shall be equipped with a shoulder harness-type safety belt  
10 assembly for each passenger position. The superintendent of public  
11 instruction shall include specifications for the belt assembly in the  
12 competitive quote process required under RCW 28A.160.195.

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

17 ~~((+6+))~~ (7) No person may distribute, have for sale, offer for  
18 sale, or sell any safety belt or shoulder harness for use in motor  
19 vehicles unless it meets current minimum standards and specifications  
20 conforming to rules adopted by the state patrol or the United States  
21 department of transportation.

22 **Sec. 4.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to  
23 read as follows:

24 (1) By September 1, 2018, school districts ((may)) must install  
25 and operate automated school bus safety cameras as defined in section  
26 1 of this act on school buses to be used for the detection of  
27 violations of RCW 46.61.370(1) ~~((if the use of the cameras is~~  
28 ~~approved by a vote of the school district board of directors))~~.  
29 School districts are not required to take school buses out of service  
30 if the ~~((buses are not equipped with))~~ automated school bus safety  
31 cameras ~~((or functional automated safety cameras))~~ are nonfunctional;  
32 however, each school district must ensure that the nonfunctional  
33 camera is returned to functioning condition as soon as practicable.  
34 Further, school districts shall be held harmless from and not liable  
35 for any criminal or civil liability arising under the provisions of  
36 this section.

37 (a) Automated school bus safety cameras may only take pictures of  
38 the vehicle and vehicle license plate and only while an infraction is

1 occurring. The picture must not reveal the face of the driver or of  
2 passengers in the vehicle.

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

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

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

35 (e) (~~(f)~~) When a school district installs and operates an  
36 automated school bus safety camera under this section, the  
37 compensation paid to the manufacturer or vendor of the equipment used  
38 must be based only upon the value of the equipment and services  
39 provided or rendered in support of the system, and may not be based  
40 upon a portion of the fine or civil penalty imposed or the revenue

1 generated by the equipment. Further, any repair, replacement, or  
2 administrative work costs related to installing or repairing  
3 automated school bus safety cameras must be solely paid for by the  
4 manufacturer or vendor of the cameras. (~~Before entering~~) When a  
5 school district enters into a contract with the manufacturer or  
6 vendor of the equipment used under this subsection (1)(e), the school  
7 district must follow the competitive bid process as outlined in RCW  
8 28A.335.190(1).

9 (f) Except as provided otherwise in this subsection (1)(f) and  
10 subsections (3) and (4) of this section, any revenue collected from  
11 infractions detected through the use of automated school bus safety  
12 cameras, less the administration and operating costs of the cameras,  
13 must be remitted to school districts for school zone safety projects  
14 as determined by the school district using the automated school bus  
15 safety cameras. The administration and operating costs of the cameras  
16 includes infraction enforcement and processing costs that are  
17 incurred by local law enforcement or local courts. During the  
18 2013-2015 fiscal biennium, the infraction revenue may also be used  
19 for school bus safety projects by those school districts eligible to  
20 apply for funding from the school zone safety account appropriation  
21 in section 201, chapter 306, Laws of 2013.

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)  
36 must be accompanied by a copy of a filed police report regarding the  
37 vehicle theft; or

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

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

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

10 safety camera system contract before the effective date of this  
11 section must continue to receive funds from use of the safety camera  
12 systems that the school district has installed and may transfer the  
13 district's share of the funds to the district's transportation  
14 vehicle fund in addition to using the funds for school zone safety  
15 projects.

16 (4) For any school district that installs automated school bus  
17 safety cameras on or after the effective date of this section, any  
18 revenue collected from infractions detected through the use of  
19 automated school bus safety cameras, less the administration and  
20 operating costs of the cameras, must be distributed as follows: (a)  
21 One-third to the school bus safety account created in section 5 of  
22 this act; (b) one-third to the law enforcement agency issuing the  
23 infraction; and (c) one-third to the court processing the infraction.

24 NEW SECTION. Sec. 5. A new section is added to chapter 46.68  
25 RCW to read as follows:

26 The school bus safety account is created in the state treasury.  
27 All receipts from RCW 46.63.180(4)(a) must be deposited into the  
28 account. Moneys in the account may be spent only after appropriation.  
29 Between the effective date of this section and July 31, 2022: The  
30 first ten million dollars in expenditures from the account for each  
31 year must be transferred to the general fund to pay for the cost of  
32 school bus safety belt systems; and any remaining expenditures must  
33 be used for the school bus replacement incentives under RCW  
34 28A.160.205. Beginning August 1, 2022, expenditures from the account  
35 may only be used for school bus incentives under RCW 28A.160.205.

36 **Sec. 6.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and  
37 2016 c 112 s 4 are each reenacted and amended to read as follows:

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

4 (2) The treasury income account shall be utilized to pay or  
5 receive funds associated with federal programs as required by the  
6 federal cash management improvement act of 1990. The treasury income  
7 account is subject in all respects to chapter 43.88 RCW, but no  
8 appropriation is required for refunds or allocations of interest  
9 earnings required by the cash management improvement act. Refunds of  
10 interest to the federal treasury required under the cash management  
11 improvement act fall under RCW 43.88.180 and shall not require  
12 appropriation. The office of financial management shall determine the  
13 amounts due to or from the federal government pursuant to the cash  
14 management improvement act. The office of financial management may  
15 direct transfers of funds between accounts as deemed necessary to  
16 implement the provisions of the cash management improvement act, and  
17 this subsection. Refunds or allocations shall occur prior to the  
18 distributions of earnings set forth in subsection (4) of this  
19 section.

20 (3) Except for the provisions of RCW 43.84.160, the treasury  
21 income account may be utilized for the payment of purchased banking  
22 services on behalf of treasury funds including, but not limited to,  
23 depository, safekeeping, and disbursement functions for the state  
24 treasury and affected state agencies. The treasury income account is  
25 subject in all respects to chapter 43.88 RCW, but no appropriation is  
26 required for payments to financial institutions. Payments shall occur  
27 prior to distribution of earnings set forth in subsection (4) of this  
28 section.

29 (4) Monthly, the state treasurer shall distribute the earnings  
30 credited to the treasury income account. The state treasurer shall  
31 credit the general fund with all the earnings credited to the  
32 treasury income account except:

33 (a) The following accounts and funds shall receive their  
34 proportionate share of earnings based upon each account's and fund's  
35 average daily balance for the period: The aeronautics account, the  
36 aircraft search and rescue account, the Alaskan Way viaduct  
37 replacement project account, the brownfield redevelopment trust fund  
38 account, the budget stabilization account, the capital vessel  
39 replacement account, the capitol building construction account, the  
40 Cedar River channel construction and operation account, the Central

1 Washington University capital projects account, the charitable,  
2 educational, penal and reformatory institutions account, the Chehalis  
3 basin account, the cleanup settlement account, the Columbia river  
4 basin water supply development account, the Columbia river basin  
5 taxable bond water supply development account, the Columbia river  
6 basin water supply revenue recovery account, the common school  
7 construction fund, the community forest trust account, the connecting  
8 Washington account, the county arterial preservation account, the  
9 county criminal justice assistance account, the deferred compensation  
10 administrative account, the deferred compensation principal account,  
11 the department of licensing services account, the department of  
12 retirement systems expense account, the developmental disabilities  
13 community trust account, the diesel idle reduction account, the  
14 drinking water assistance account, (~~the drinking water assistance  
15 administrative account, the drinking water assistance repayment  
16 account,~~) the Eastern Washington University capital projects  
17 account, the Interstate 405 express toll lanes operations account,  
18 the education construction fund, the education legacy trust account,  
19 the election account, the electric vehicle charging infrastructure  
20 account, the energy freedom account, the energy recovery act account,  
21 the essential rail assistance account, The Evergreen State College  
22 capital projects account, the federal forest revolving account, the  
23 ferry bond retirement fund, the freight mobility investment account,  
24 the freight mobility multimodal account, the grade crossing  
25 protective fund, the public health services account, the high  
26 capacity transportation account, the state higher education  
27 construction account, the higher education construction account, the  
28 highway bond retirement fund, the highway infrastructure account, the  
29 highway safety fund, the high occupancy toll lanes operations  
30 account, the hospital safety net assessment fund, the industrial  
31 insurance premium refund account, the judges' retirement account, the  
32 judicial retirement administrative account, the judicial retirement  
33 principal account, the local leasehold excise tax account, the local  
34 real estate excise tax account, the local sales and use tax account,  
35 the marine resources stewardship trust account, the medical aid  
36 account, the mobile home park relocation fund, the money-purchase  
37 retirement savings administrative account, the money-purchase  
38 retirement savings principal account, the motor vehicle fund, the  
39 motorcycle safety education account, the multimodal transportation  
40 account, the multiuse roadway safety account, the municipal criminal

1 justice assistance account, the natural resources deposit account,  
2 the oyster reserve land account, the pension funding stabilization  
3 account, the perpetual surveillance and maintenance account, the  
4 pollution liability insurance agency underground storage tank  
5 revolving account, the public employees' retirement system plan 1  
6 account, the public employees' retirement system combined plan 2 and  
7 plan 3 account, the public facilities construction loan revolving  
8 account beginning July 1, 2004, the public health supplemental  
9 account, the public works assistance account, the Puget Sound capital  
10 construction account, the Puget Sound ferry operations account, the  
11 Puget Sound taxpayer accountability account, the real estate  
12 appraiser commission account, the recreational vehicle account, the  
13 regional mobility grant program account, the resource management cost  
14 account, the rural arterial trust account, the rural mobility grant  
15 program account, the rural Washington loan fund, the school bus  
16 safety account, the site closure account, the skilled nursing  
17 facility safety net trust fund, the small city pavement and sidewalk  
18 account, the special category C account, the special wildlife  
19 account, the state employees' insurance account, the state employees'  
20 insurance reserve account, the state investment board expense  
21 account, the state investment board commingled trust fund accounts,  
22 the state patrol highway account, the state route number 520 civil  
23 penalties account, the state route number 520 corridor account, the  
24 state wildlife account, the supplemental pension account, the Tacoma  
25 Narrows toll bridge account, the teachers' retirement system plan 1  
26 account, the teachers' retirement system combined plan 2 and plan 3  
27 account, the tobacco prevention and control account, the tobacco  
28 settlement account, the toll facility bond retirement account, the  
29 transportation 2003 account (nickel account), the transportation  
30 equipment fund, the transportation fund, the transportation future  
31 funding program account, the transportation improvement account, the  
32 transportation improvement board bond retirement account, the  
33 transportation infrastructure account, the transportation partnership  
34 account, the traumatic brain injury account, the tuition recovery  
35 trust fund, the University of Washington bond retirement fund, the  
36 University of Washington building account, the volunteer  
37 firefighters' and reserve officers' relief and pension principal  
38 fund, the volunteer firefighters' and reserve officers'  
39 administrative fund, the Washington judicial retirement system  
40 account, the Washington law enforcement officers' and firefighters'

1 system plan 1 retirement account, the Washington law enforcement  
2 officers' and firefighters' system plan 2 retirement account, the  
3 Washington public safety employees' plan 2 retirement account, the  
4 Washington school employees' retirement system combined plan 2 and 3  
5 account, the Washington state health insurance pool account, the  
6 Washington state patrol retirement account, the Washington State  
7 University building account, the Washington State University bond  
8 retirement fund, the water pollution control revolving administration  
9 account, the water pollution control revolving fund, the Western  
10 Washington University capital projects account, the Yakima integrated  
11 plan implementation account, the Yakima integrated plan  
12 implementation revenue recovery account, and the Yakima integrated  
13 plan implementation taxable bond account. Earnings derived from  
14 investing balances of the agricultural permanent fund, the normal  
15 school permanent fund, the permanent common school fund, the  
16 scientific permanent fund, the state university permanent fund, and  
17 the state reclamation revolving account shall be allocated to their  
18 respective beneficiary accounts.

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

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

28 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2017.

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