
SENATE BILL 5126

State of Washington

66th Legislature

2019 Regular Session

By Senators McCoy, Darneille, and Hunt

Prefiled 01/10/19. Read first time 01/14/19. Referred to Committee on Transportation.

1 AN ACT Relating to expanding the traumatic brain injury fee to
2 other traffic-related offenses; amending RCW 74.31.060, 46.63.160,
3 46.63.170, 46.63.180, and 46.61.370; and prescribing penalties.

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

5 **Sec. 1.** RCW 74.31.060 and 2011 c 143 s 6 are each amended to
6 read as follows:

7 The traumatic brain injury account is created in the state
8 treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(c),
9 46.63.160(9), 46.63.170(3), and 46.61.370(8) must be deposited into
10 the account. Moneys in the account may be spent only after
11 appropriation, and may be used only to support the activities in the
12 statewide traumatic brain injury comprehensive plan, to provide a
13 public awareness campaign and services relating to traumatic brain
14 injury under RCW 74.31.040 and 74.31.050, for information and
15 referral services, and for costs of required department staff who are
16 providing support for the council under RCW 74.31.020 and 74.31.030.
17 The secretary of the department of social and health services has the
18 authority to administer the funds.

19 **Sec. 2.** RCW 46.63.160 and 2015 c 292 s 1 are each amended to
20 read as follows:

1 (1) This section applies only to civil penalties for nonpayment
2 of tolls detected through use of photo toll systems.

3 (2) Nothing in this section prohibits a law enforcement officer
4 from issuing a notice of traffic infraction to a person in control of
5 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
6 (b), or (c).

7 (3) A notice of civil penalty may be issued by the department of
8 transportation when a toll is assessed through use of a photo toll
9 system and the toll is not paid by the toll payment due date, which
10 is eighty days from the date the vehicle uses the toll facility and
11 incurs the toll charge.

12 (4) Any registered owner or renter of a vehicle traveling upon a
13 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
14 a civil penalty governed by the administrative procedures set forth
15 in this section when the vehicle incurs a toll charge and the toll is
16 not paid by the toll payment due date, which is eighty days from the
17 date the vehicle uses the toll facility and incurs the toll charge.

18 (5)(a) The department shall develop rules to allow an individual
19 who has been issued a notice of civil penalty to present evidence of
20 mitigating circumstances as to why a toll bill was not timely paid.
21 If an individual is able to present verifiable evidence to the
22 department that a civil penalty was incurred due to hospitalization,
23 military deployment, eviction, homelessness, death of the alleged
24 violator or of an alleged violator's immediate family member, failure
25 to receive the toll bill due to an incorrect address that has since
26 been corrected, a prepaid electronic toll account error that has
27 since been corrected, an error made by the department or an agent of
28 the department, or other mitigating circumstances as determined by
29 the department, the department may dismiss or reduce the civil
30 penalty and associated fees.

31 (b)(i) Consistent with chapter 34.05 RCW, the department of
32 transportation shall develop an administrative adjudication process
33 to review appeals of civil penalties issued by the department of
34 transportation for toll nonpayment detected through the use of a
35 photo toll system under this section. The department of
36 transportation shall submit to the transportation committees of the
37 legislature an annual report on the number of times adjudicators
38 reduce or dismiss the civil penalty as provided in (b)(ii) of this
39 subsection and the total amount of the civil penalties dismissed. The
40 report must be submitted by December 1st of each year.

1 (ii) During the adjudication process, the alleged violator must
2 have an opportunity to explain mitigating circumstances as to why the
3 toll bill was not timely paid. Hospitalization, a divorce decree or
4 legal separation agreement resulting in a transfer of the vehicle, an
5 active duty member of the military or national guard covered by the
6 federal service members civil relief act, 50 U.S.C. Sec. 501 et seq.,
7 or state service members' civil relief act, chapter 38.42 RCW,
8 eviction, homelessness, the death of the alleged violator or of an
9 immediate family member, being switched to a different method of toll
10 payment, if the alleged violator did not receive a toll charge bill
11 or notice of civil penalty, or other mitigating circumstances as
12 determined by the adjudicator are deemed valid mitigating
13 circumstances. All of the reasons that constitute mitigating
14 circumstances must have occurred within a reasonable time of the
15 alleged toll violation. In response to these circumstances, the
16 adjudicator may reduce or dismiss the civil penalty and associated
17 administrative fees.

18 (6) The use of a photo toll system is subject to the following
19 requirements:

20 (a) Photo toll systems may take photographs, digital photographs,
21 microphotographs, videotapes, or other recorded images of the vehicle
22 and vehicle license plate only.

23 (b) A notice of civil penalty must include with it a certificate
24 or facsimile thereof, based upon inspection of photographs,
25 microphotographs, videotape, or other recorded images produced by a
26 photo toll system, stating the facts supporting the notice of civil
27 penalty. This certificate or facsimile is prima facie evidence of the
28 facts contained in it and is admissible in a proceeding established
29 under subsection (5) of this section. The photographs, digital
30 photographs, microphotographs, videotape, or other recorded images
31 evidencing the toll nonpayment civil penalty must be available for
32 inspection and admission into evidence in a proceeding to adjudicate
33 the liability for the civil penalty.

34 (c)(i) By June 30, 2016, prior to issuing a notice of civil
35 penalty to a registered owner of a vehicle listed on an active
36 prepaid electronic toll account, the department of transportation
37 must:

38 (A) Send an ((~~electronic mail~~)) email notice to the email address
39 provided in the prepaid electronic toll account of unpaid pay-by-mail
40 toll bills at least ten days prior to a notice of civil penalty being

1 issued for the associated pay-by-mail toll. The notice must be
2 separate from any regular notice sent by the department; and

3 (B) Call the phone numbers provided in the account to provide
4 notice of unpaid pay-by-mail toll bills at least ten days prior to a
5 notice of civil penalty being issued for the associated pay-by-mail
6 toll.

7 (ii) The department is relieved of its obligation to provide
8 notice as required by this section if the customer has declined to
9 receive communications from the department through such methods.

10 (d) Notwithstanding any other provision of law, all photographs,
11 digital photographs, microphotographs, videotape, other recorded
12 images, or other records identifying a specific instance of travel
13 prepared under this section are for the exclusive use of the tolling
14 agency for toll collection and enforcement purposes and are not open
15 to the public and may not be used in a court in a pending action or
16 proceeding unless the action or proceeding relates to a civil penalty
17 under this section. No photograph, digital photograph,
18 microphotograph, videotape, other recorded image, or other record
19 identifying a specific instance of travel may be used for any purpose
20 other than toll collection or enforcement of civil penalties under
21 this section. Records identifying a specific instance of travel by a
22 specific person or vehicle must be retained only as required to
23 ensure payment and enforcement of tolls and to comply with state
24 records retention policies.

25 (e) All locations where a photo toll system is used must be
26 clearly marked by placing signs in locations that clearly indicate to
27 a driver that he or she is entering a zone where tolls are assessed
28 and enforced by a photo toll system.

29 (f) Within existing resources, the department of transportation
30 shall conduct education and outreach efforts at least six months
31 prior to activating an all-electronic photo toll system. Methods of
32 outreach shall include a department presence at community meetings in
33 the vicinity of a toll facility, signage, and information published
34 in local media. Information provided shall include notice of when all
35 electronic photo tolling shall begin and methods of payment.
36 Additionally, the department shall provide quarterly reporting on
37 education and outreach efforts and other data related to the issuance
38 of civil penalties.

39 (g) The envelope containing a toll charge bill or related notice
40 issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of civil

1 penalty issued under this section, must prominently indicate that the
2 contents are time sensitive and related to a toll violation.

3 (7) Civil penalties for toll nonpayment detected through the use
4 of photo toll systems must be issued to the registered owner of the
5 vehicle identified by the photo toll system, but are not part of the
6 registered owner's driving record under RCW 46.52.101 and 46.52.120.

7 (8) The civil penalty for toll nonpayment detected through the
8 use of a photo toll system is forty dollars plus the photo toll and
9 associated fees.

10 (9) A person issued a notice of civil penalty under this section
11 shall also be assessed a fee of two dollars. Revenue from this fee
12 shall be forwarded to the state treasurer for deposit in the
13 traumatic brain injury account established in RCW 74.31.060.

14 (10) Except as provided otherwise in this subsection, all civil
15 penalties, including the photo toll and associated fees, collected
16 under this section must be deposited into the toll facility account
17 of the facility on which the toll was assessed. However, through June
18 30, 2013, civil penalties deposited into the Tacoma Narrows toll
19 bridge account created under RCW 47.56.165 that are in excess of
20 amounts necessary to support the toll adjudication process applicable
21 to toll collection on the Tacoma Narrows bridge must first be
22 allocated toward repayment of operating loans and reserve payments
23 provided to the account from the motor vehicle account under section
24 1005(15), chapter 518, Laws of 2007. Additionally, all civil
25 penalties, resulting from nonpayment of tolls on the state route
26 number 520 corridor, shall be deposited into the state route number
27 520 civil penalties account created under section 4, chapter 248,
28 Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June
29 30, 2010.

30 (~~(10)~~) (11) If the registered owner of the vehicle is a rental
31 car business, the department of transportation shall, before a toll
32 bill is issued, provide a written notice to the rental car business
33 that a toll bill may be issued to the rental car business if the
34 rental car business does not, within thirty days of the mailing of
35 the written notice, provide to the issuing agency by return mail:

36 (a) A statement under oath stating the name and known mailing
37 address of the individual driving or renting the vehicle when the
38 toll was assessed; or

39 (b) A statement under oath that the business is unable to
40 determine who was driving or renting the vehicle at the time the toll

1 was assessed because the vehicle was stolen at the time the toll was
2 assessed. A statement provided under this subsection must be
3 accompanied by a copy of a filed police report regarding the vehicle
4 theft; or

5 (c) In lieu of identifying the vehicle operator, the rental car
6 business may pay the applicable toll and fee.

7 Timely mailing of this statement to the issuing agency relieves a
8 rental car business of any liability under this section for the
9 payment of the toll.

10 (~~(11)~~) (12) It is the intent of the legislature that the
11 department provide an educational opportunity when vehicle owners
12 incur fees and penalties associated with late payment of tolls for
13 the first time. As part of this educational opportunity, the
14 department may waive penalties and fees if the issue that resulted in
15 the toll not being timely paid has been resolved and the vehicle
16 owner establishes an electronic toll account, if practicable. To aid
17 in collecting tolls in a timely manner, the department may waive or
18 reduce the outstanding amounts of fees and penalties assessed when
19 tolls are not timely paid.

20 (~~(12)~~) (13)(a) By June 30, 2016, the department of
21 transportation must update its web site, and accommodate access to
22 the web site from mobile platforms, to allow toll customers to
23 efficiently manage all their tolling accounts, regardless of method
24 of payment.

25 (b)(i) By June 30, 2016, the department of transportation must
26 make available to the public a point of access that allows a third
27 party to develop an application for mobile technologies that (A)
28 securely accesses a user's toll account information and (B) allows
29 the user to manage his or her toll account to the same extent
30 possible through the department's web site.

31 (ii) If the department determines that it would be cost-effective
32 and in the best interests of the citizens of Washington, it may also
33 develop an application for mobile technologies that allows toll
34 customers to manage all of their tolling accounts from a mobile
35 platform.

36 (~~(13)~~) (14) When acquiring a new photo toll system, the
37 department of transportation must enable the new system to:

38 (a) Connect with the department of licensing's vehicle record
39 system so that a prepaid electronic toll account can be updated

1 automatically when a toll customer's vehicle record is updated, if
2 the customer has consented to such updates; and

3 (b) Document when any toll is assessed for a vehicle listed in a
4 prepaid electronic toll account in the monthly statement that is made
5 available to the electronic toll account holder regardless of whether
6 the method of payment for the toll is via pay-by-mail or prepaid
7 electronic toll account.

8 (~~(14)~~) (15) Consistent with chapter 34.05 RCW, the department
9 of transportation shall develop rules to implement this section.

10 (~~(15)~~) (16) For the purposes of this section:

11 (a) "Photo toll system" means the system defined in RCW 47.56.010
12 and 47.46.020.

13 (b) "Prepaid electronic toll account" means a prepaid toll
14 account linked to a pass or license plate number, including "Good to
15 Go!".

16 (~~(16)~~) (17) If a customer's toll charge or civil penalty is
17 waived pursuant to this section due to an error made by the
18 department, or an agent of the department, in reading the customer's
19 license plate, the secretary of transportation must send a letter to
20 the customer apologizing for the error.

21 **Sec. 3.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each
22 amended to read as follows:

23 (1) The use of automated traffic safety cameras for issuance of
24 notices of infraction is subject to the following requirements:

25 (a) The appropriate local legislative authority must prepare an
26 analysis of the locations within the jurisdiction where automated
27 traffic safety cameras are proposed to be located: (i) Before
28 enacting an ordinance allowing for the initial use of automated
29 traffic safety cameras; and (ii) before adding additional cameras or
30 relocating any existing camera to a new location within the
31 jurisdiction. Automated traffic safety cameras may be used to detect
32 one or more of the following: Stoplight, railroad crossing, or school
33 speed zone violations; or speed violations subject to (c) of this
34 subsection. At a minimum, the local ordinance must contain the
35 restrictions described in this section and provisions for public
36 notice and signage. Cities and counties using automated traffic
37 safety cameras before July 24, 2005, are subject to the restrictions
38 described in this section, but are not required to enact an
39 authorizing ordinance. Beginning one year after June 7, 2012, cities

1 and counties using automated traffic safety cameras must post an
2 annual report of the number of traffic accidents that occurred at
3 each location where an automated traffic safety camera is located as
4 well as the number of notices of infraction issued for each camera
5 and any other relevant information about the automated traffic safety
6 cameras that the city or county deems appropriate on the city's or
7 county's web site.

8 (b) Except as provided in (c) of this subsection, use of
9 automated traffic safety cameras is restricted to the following
10 locations only: (i) Intersections of two arterials with traffic
11 control signals that have yellow change interval durations in
12 accordance with RCW 47.36.022, which interval durations may not be
13 reduced after placement of the camera; (ii) railroad crossings; and
14 (iii) school speed zones.

15 (c) Any city west of the Cascade mountains with a population of
16 more than one hundred ninety-five thousand located in a county with a
17 population of fewer than one million five hundred thousand may
18 operate an automated traffic safety camera to detect speed violations
19 subject to the following limitations:

20 (i) A city may only operate one such automated traffic safety
21 camera within its respective jurisdiction; and

22 (ii) The use and location of the automated traffic safety camera
23 must have first been authorized by the Washington state legislature
24 as a pilot project for at least one full year.

25 (d) Automated traffic safety cameras may only take pictures of
26 the vehicle and vehicle license plate and only while an infraction is
27 occurring. The picture must not reveal the face of the driver or of
28 passengers in the vehicle. The primary purpose of camera placement is
29 to take pictures of the vehicle and vehicle license plate when an
30 infraction is occurring. Cities and counties shall consider
31 installing cameras in a manner that minimizes the impact of camera
32 flash on drivers.

33 (e) A notice of infraction must be mailed to the registered owner
34 of the vehicle within fourteen days of the violation, or to the
35 renter of a vehicle within fourteen days of establishing the renter's
36 name and address under subsection (~~((3))~~) (4)(a) of this section. The
37 law enforcement officer issuing the notice of infraction shall
38 include with it a certificate or facsimile thereof, based upon
39 inspection of photographs, microphotographs, or electronic images
40 produced by an automated traffic safety camera, stating the facts

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

10 (f) The registered owner of a vehicle is responsible for an
11 infraction under RCW 46.63.030(1)(d) unless the registered owner
12 overcomes the presumption in RCW 46.63.075, or, in the case of a
13 rental car business, satisfies the conditions under subsection
14 (~~((3))~~) (4) of this section. If appropriate under the circumstances,
15 a renter identified under subsection (~~((3))~~) (4)(a) of this section
16 is responsible for an infraction.

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

26 (h) All locations where an automated traffic safety camera is
27 used must be clearly marked at least thirty days prior to activation
28 of the camera by placing signs in locations that clearly indicate to
29 a driver that he or she is entering a zone where traffic laws are
30 enforced by an automated traffic safety camera. Signs placed in
31 automated traffic safety camera locations after June 7, 2012, must
32 follow the specifications and guidelines under the manual of uniform
33 traffic control devices for streets and highways as adopted by the
34 department of transportation under chapter 47.36 RCW.

35 (i) If a county or city has established an authorized automated
36 traffic safety camera program under this section, the compensation
37 paid to the manufacturer or vendor of the equipment used must be
38 based only upon the value of the equipment and services provided or
39 rendered in support of the system, and may not be based upon a

1 portion of the fine or civil penalty imposed or the revenue generated
2 by the equipment.

3 (2) Infractions detected through the use of automated traffic
4 safety cameras are not part of the registered owner's driving record
5 under RCW 46.52.101 and 46.52.120. Additionally, infractions
6 generated by the use of automated traffic safety cameras under this
7 section shall be processed in the same manner as parking infractions,
8 including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120,
9 and 46.20.270(2). The amount of the fine issued for an infraction
10 generated through the use of an automated traffic safety camera shall
11 not exceed the amount of a fine issued for other parking infractions
12 within the jurisdiction. However, the amount of the fine issued for a
13 traffic control signal violation detected through the use of an
14 automated traffic safety camera shall not exceed the monetary penalty
15 for a violation of RCW 46.61.050 as provided under RCW 46.63.110,
16 including all applicable statutory assessments.

17 (3) A person issued a fine under this section shall also be
18 assessed a fee of two dollars. Revenue from this fee shall be
19 forwarded to the state treasurer for deposit in the traumatic brain
20 injury account established in RCW 74.31.060.

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

28 (a) A statement under oath stating the name and known mailing
29 address of the individual driving or renting the vehicle when the
30 infraction occurred; or

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

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

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

4 ~~((4))~~ (5) Nothing in this section prohibits a law enforcement
5 officer from issuing a notice of traffic infraction to a person in
6 control of a vehicle at the time a violation occurs under RCW
7 46.63.030(1) (a), (b), or (c).

8 ~~((5))~~ (6) For the purposes of this section, "automated traffic
9 safety camera" means a device that uses a vehicle sensor installed to
10 work in conjunction with an intersection traffic control system, a
11 railroad grade crossing control system, or a speed measuring device,
12 and a camera synchronized to automatically record one or more
13 sequenced photographs, microphotographs, or electronic images of the
14 rear of a motor vehicle at the time the vehicle fails to stop when
15 facing a steady red traffic control signal or an activated railroad
16 grade crossing control signal, or exceeds a speed limit as detected
17 by a speed measuring device.

18 ~~((6))~~ (7) During the 2011-2013 and 2013-2015 fiscal biennia,
19 this section does not apply to automated traffic safety cameras for
20 the purposes of section 216(5), chapter 367, Laws of 2011 and section
21 216(6), chapter 306, Laws of 2013.

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

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

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

37 (b) A notice of infraction must be mailed to the registered owner
38 of the vehicle within fourteen days of the violation, or to the
39 renter of a vehicle within fourteen days of establishing the renter's

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

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

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

30 (e) If a school district installs and operates an automated
31 school bus safety camera under this section, the compensation paid to
32 the manufacturer or vendor of the equipment used must be based only
33 upon the value of the equipment and services provided or rendered in
34 support of the system, and may not be based upon a portion of the
35 fine or civil penalty imposed or the revenue generated by the
36 equipment. Further, any repair, replacement, or administrative work
37 costs related to installing or repairing automated school bus safety
38 cameras must be solely paid for by the manufacturer or vendor of the
39 cameras. Before entering into a contract with the manufacturer or
40 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) Except for the fee imposed under RCW 46.61.370(8), any
4 revenue collected from infractions detected through the use of
5 automated school bus safety cameras, less the administration and
6 operating costs of the cameras, must be remitted to school districts
7 for school zone safety projects as determined by the school district
8 using the automated school bus safety cameras. The administration and
9 operating costs of the cameras includes infraction enforcement and
10 processing costs that are incurred by local law enforcement or local
11 courts. During the 2013-2015 fiscal biennium, the infraction revenue
12 may also be used for school bus safety projects by those school
13 districts eligible to apply for funding from the school zone safety
14 account appropriation in section 201, chapter 306, Laws of 2013.

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)
29 must be accompanied by a copy of a filed police report regarding the
30 vehicle 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
39 photographs, microphotographs, or electronic images of the rear of a

1 vehicle at the time the vehicle is detected for an infraction
2 identified in RCW 46.61.370(1).

3 **Sec. 5.** RCW 46.61.370 and 2011 c 375 s 3 are each amended to
4 read as follows:

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

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

16 (3) The driver of a vehicle upon a highway with three or more
17 marked traffic lanes need not stop upon meeting a school bus which is
18 proceeding in the opposite direction and is stopped for the purpose
19 of receiving or discharging school children.

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

23 (5) The driver of a school bus may stop completely off the
24 roadway for the purpose of receiving or discharging school children
25 only when the school children do not have to cross the roadway. The
26 school bus driver shall actuate the hazard warning lamps as defined
27 in RCW 46.37.215 before loading or unloading school children at such
28 stops.

29 (6) Except as provided in subsection (7) of this section, a
30 person found to have committed an infraction of subsection (1) of
31 this section shall be assessed a monetary penalty equal to twice the
32 total penalty assessed under RCW 46.63.110. This penalty may not be
33 waived, reduced, or suspended. Fifty percent of the money so
34 collected shall be deposited into the school zone safety account in
35 the custody of the state treasurer and disbursed in accordance with
36 RCW 46.61.440(5).

37 (7) An infraction of subsection (1) of this section detected
38 through the use of an automated school bus safety camera under RCW
39 46.63.180 is not a part of the registered owner's driving record

1 under RCW 46.52.101 and 46.52.120, and must be processed in the same
2 manner as parking infractions, including for the purposes of RCW
3 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the
4 amount of the fine issued for a violation of this section detected
5 through the use of an automated school bus safety camera shall not
6 exceed twice the monetary penalty for a violation of this section as
7 provided under RCW 46.63.110.

8 (8) A person issued a fine for a violation of this section
9 detected through the use of an automated school bus safety camera
10 shall also be assessed a fee of two dollars. Revenue from this fee
11 shall be forwarded to the state treasurer for deposit in the
12 traumatic brain injury account established in RCW 74.31.060.

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