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**SUBSTITUTE HOUSE BILL 1246**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Education (originally sponsored by Representatives McCabe, Orwall, Johnson, Kirby, McBride, Dye, Kilduff, Gregerson, Wylie, Haler, Appleton, Senn, and Muri)

1 AN ACT Relating to school bus safety; amending RCW 28A.160.010,  
2 28A.160.205, 46.37.510, and 46.63.180; reenacting and amending RCW  
3 43.84.092; adding a new section to chapter 46.37 RCW; adding a new  
4 section to 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, 2019, 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.160.010 and 1990 c 33 s 132 are each amended to  
17 read as follows:

18 (1) The operation of each local school district's student  
19 transportation program is declared to be the responsibility of the  
20 respective board of directors, and each board of directors shall

1 determine such matters as which individual students shall be  
2 transported and what routes shall be most efficiently utilized. State  
3 moneys allocated to local districts for student transportation shall  
4 be spent only for student transportation activities, but need not be  
5 spent by the local district in the same manner as calculated and  
6 allocated by the state.

7 (2)(a) A school district is authorized to provide for the  
8 transportation of students enrolled in the school or schools of the  
9 district both in the case of students who reside within the  
10 boundaries of the district and of students who reside outside the  
11 boundaries of the district.

12 (b)(i) School districts shall require passengers in school buses  
13 equipped with seat belts to wear the belts, in a properly adjusted  
14 manner, whenever the school bus is in motion.

15 (ii) School districts, school district employees, school district  
16 volunteers, educational service districts, educational service  
17 district employees, and commercial chartered bus services hired by a  
18 district to provide for the transportation of students, including  
19 employees of these providers, shall be held harmless from and not  
20 liable for any criminal or civil liability arising under the  
21 provisions of this subsection (2)(b).

22 (3) When children are transported from one school district to  
23 another the board of directors of the respective districts may enter  
24 into a written contract providing for a division of the cost of such  
25 transportation between the districts.

26 (4) School districts may use school buses and drivers hired by  
27 the district or commercial chartered bus service for the  
28 transportation of school children and the school employees necessary  
29 for their supervision to and from any school activities within or  
30 without the school district during or after school hours and whether  
31 or not a required school activity, so long as the school board has  
32 officially designated it as a school activity. For any extra-  
33 curricular uses, the school board shall charge an amount sufficient  
34 to reimburse the district for its cost.

35 (5) In addition to the right to contract for the use of buses  
36 provided in RCW 28A.160.080 and 28A.160.090, any school district may  
37 contract to furnish the use of school buses of that district to other  
38 users who are engaged in conducting an educational or recreational  
39 program supported wholly or in part by tax funds or programs for  
40 elderly persons at times when those buses are not needed by that

1 district and under such terms as will fully reimburse such school  
2 district for all costs related or incident thereto: PROVIDED,  
3 HOWEVER, That no such use of school district buses shall be permitted  
4 except where other public or private transportation certificated or  
5 licensed by the Washington utilities and transportation commission is  
6 not reasonably available to the user: PROVIDED FURTHER, That no user  
7 shall be required to accept any charter bus for services which the  
8 user believes might place the health or safety of the children or  
9 elderly persons in jeopardy.

10 (6) Whenever any persons are transported by the school district  
11 in its own motor vehicles and by its own employees, the board may  
12 provide insurance to protect the district against loss, whether by  
13 reason of theft, fire or property damage to the motor vehicle or by  
14 reason of liability of the district to persons from the operation of  
15 such motor vehicle.

16 (7) The board may provide insurance by contract purchase for  
17 payment of hospital and medical expenses for the benefit of persons  
18 injured while they are on, getting on, or getting off any vehicles  
19 enumerated herein without respect to any fault or liability on the  
20 part of the school district or operator. This insurance may be  
21 provided without cost to the persons notwithstanding the provisions  
22 of RCW 28A.400.350.

23 (8) If the transportation of children or elderly persons is  
24 arranged for by contract of the district with some person, the board  
25 may require such contractor to procure such insurance as the board  
26 deems advisable.

27 **Sec. 3.** RCW 28A.160.205 and 2007 c 348 s 101 are each amended to  
28 read as follows:

29 (1) The office of the superintendent of public instruction shall  
30 implement a school bus replacement incentive program. As part of the  
31 program, the office shall fund up to ten percent of the cost of a new  
32 (~~(2007 or later model year school bus that meets the 2007 federal~~  
33 ~~motor vehicle emission control standards and is purchased by a school~~  
34 ~~district by no later than June 30, 2009)) school bus, provided that  
35 the new bus is replacing a 1994 or older school bus or the oldest bus  
36 in the school district's fleet. Replacement of the oldest buses must  
37 be given highest priority. Such incentive funds received under this  
38 subsection must be deposited into the school district's  
39 transportation vehicle fund established in RCW 28A.160.130.~~

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

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

14 **Sec. 4.** RCW 46.37.510 and 1987 c 330 s 729 are each amended to  
15 read as follows:

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

29 (2) Every passenger car manufactured or assembled after January  
30 1, 1965, shall be equipped with at least two lap-type safety belt  
31 assemblies for use in the front seating positions.

32 (3) Every passenger car manufactured or assembled after January  
33 1, 1968, shall be equipped with a lap-type safety belt assembly for  
34 each permanent passenger seating position. This requirement shall not  
35 apply to police vehicles.

36 (4) Every passenger car manufactured or assembled after January  
37 1, 1968, shall be equipped with at least two shoulder harness-type  
38 safety belt assemblies for use in the front seating positions.

1       (5) Every school bus manufactured or assembled after September 1,  
2 2019, shall be equipped with a shoulder harness-type safety belt  
3 assembly for each passenger position. The superintendent of public  
4 instruction shall include specifications for the belt assembly in the  
5 competitive quote process required under RCW 28A.160.195.

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

10       ~~((+6+))~~ (7) No person may distribute, have for sale, offer for  
11 sale, or sell any safety belt or shoulder harness for use in motor  
12 vehicles unless it meets current minimum standards and specifications  
13 conforming to rules adopted by the state patrol or the United States  
14 department of transportation.

15       **Sec. 5.** RCW 46.63.180 and 2013 c 306 s 716 are each amended to  
16 read as follows:

17       (1) By September 1, 2019, school districts ((may)) must install  
18 and operate automated school bus safety cameras as defined in section  
19 1 of this act on school buses to be used for the detection of  
20 violations of RCW 46.61.370(1) ((if the use of the cameras is  
21 approved by a vote of the school district board of directors)).  
22 School districts are not required to take school buses out of service  
23 if the ~~((buses are not equipped with))~~ automated school bus safety  
24 cameras ~~((or functional automated safety cameras))~~ are nonfunctional;  
25 however, each school district must ensure that the nonfunctional  
26 camera is returned to functioning condition as soon as practicable.  
27 Further, school districts shall be held harmless from and not liable  
28 for any criminal or civil liability arising under the provisions of  
29 this section.

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

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

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

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

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

27 (e) (~~(1f)~~) When a school district installs and operates an  
28 automated school bus safety camera under this section, the  
29 compensation paid to the manufacturer or vendor of the equipment used  
30 must be based only upon the value of the equipment and services  
31 provided or rendered in support of the system, and may not be based  
32 upon a portion of the fine or civil penalty imposed or the revenue  
33 generated by the equipment. Further, any repair, replacement, or  
34 administrative work costs related to installing or repairing  
35 automated school bus safety cameras must be solely paid for by the  
36 manufacturer or vendor of the cameras. (~~Before entering~~) When a  
37 school district enters into a contract with the manufacturer or  
38 vendor of the equipment used under this subsection (1)(e), the school  
39 district must follow the competitive bid process as outlined in RCW  
40 28A.335.190(1).

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

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

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

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

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

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

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

1 safety camera system contract before the effective date of this  
2 section must continue to receive funds from use of the safety camera  
3 systems that the school district has installed and may transfer the  
4 district's share of the funds to the district's transportation  
5 vehicle fund established under RCW 28A.160.130 in addition to using  
6 the funds for school zone safety projects.

7 (4) For any school district that installs automated school bus  
8 safety cameras on or after the effective date of this section, any  
9 revenue collected from infractions detected through the use of  
10 automated school bus safety cameras, less the administration and  
11 operating costs of the cameras, must be distributed as follows: (a)  
12 One-third to the school bus safety account created in section 6 of  
13 this act; (b) one-third to the law enforcement agency issuing the  
14 infraction; and (c) one-third to the court processing the infraction.

15 NEW SECTION. Sec. 6. A new section is added to chapter 46.68  
16 RCW to read as follows:

17 The school bus safety account is created in the state treasury.  
18 All receipts from RCW 46.63.180(4)(a) must be deposited into the  
19 account. Moneys in the account may be spent only after appropriation.  
20 Between the effective date of this section and July 31, 2023: The  
21 first ten million dollars in expenditures from the account for each  
22 year must be transferred to the general fund to pay for the cost of  
23 school bus safety belt systems; and any remaining expenditures must  
24 be used for the school bus replacement incentives under RCW  
25 28A.160.205. Beginning August 1, 2023, expenditures from the account  
26 may only be used for school bus incentives under RCW 28A.160.205.

27 **Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd  
28 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to  
29 read as follows:

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

33 (2) The treasury income account shall be utilized to pay or  
34 receive funds associated with federal programs as required by the  
35 federal cash management improvement act of 1990. The treasury income  
36 account is subject in all respects to chapter 43.88 RCW, but no  
37 appropriation is required for refunds or allocations of interest  
38 earnings required by the cash management improvement act. Refunds of



1 interest to the federal treasury required under the cash management  
2 improvement act fall under RCW 43.88.180 and shall not require  
3 appropriation. The office of financial management shall determine the  
4 amounts due to or from the federal government pursuant to the cash  
5 management improvement act. The office of financial management may  
6 direct transfers of funds between accounts as deemed necessary to  
7 implement the provisions of the cash management improvement act, and  
8 this subsection. Refunds or allocations shall occur prior to the  
9 distributions of earnings set forth in subsection (4) of this  
10 section.

11 (3) Except for the provisions of RCW 43.84.160, the treasury  
12 income account may be utilized for the payment of purchased banking  
13 services on behalf of treasury funds including, but not limited to,  
14 depository, safekeeping, and disbursement functions for the state  
15 treasury and affected state agencies. The treasury income account is  
16 subject in all respects to chapter 43.88 RCW, but no appropriation is  
17 required for payments to financial institutions. Payments shall occur  
18 prior to distribution of earnings set forth in subsection (4) of this  
19 section.

20 (4) Monthly, the state treasurer shall distribute the earnings  
21 credited to the treasury income account. The state treasurer shall  
22 credit the general fund with all the earnings credited to the  
23 treasury income account except:

24 (a) The following accounts and funds shall receive their  
25 proportionate share of earnings based upon each account's and fund's  
26 average daily balance for the period: The aeronautics account, the  
27 aircraft search and rescue account, the Alaskan Way viaduct  
28 replacement project account, the brownfield redevelopment trust fund  
29 account, the budget stabilization account, the capital vessel  
30 replacement account, the capitol building construction account, the  
31 Cedar River channel construction and operation account, the Central  
32 Washington University capital projects account, the charitable,  
33 educational, penal and reformatory institutions account, the Chehalis  
34 basin account, the cleanup settlement account, the Columbia river  
35 basin water supply development account, the Columbia river basin  
36 taxable bond water supply development account, the Columbia river  
37 basin water supply revenue recovery account, the common school  
38 construction fund, the community forest trust account, the connecting  
39 Washington account, the county arterial preservation account, the  
40 county criminal justice assistance account, the deferred compensation

1 administrative account, the deferred compensation principal account,  
2 the department of licensing services account, the department of  
3 retirement systems expense account, the developmental disabilities  
4 community trust account, the diesel idle reduction account, the  
5 drinking water assistance account, the drinking water assistance  
6 administrative account, the early learning facilities development  
7 account, the early learning facilities revolving account, the Eastern  
8 Washington University capital projects account, the Interstate 405  
9 express toll lanes operations account, the education construction  
10 fund, the education legacy trust account, the election account, the  
11 electric vehicle charging infrastructure account, the energy freedom  
12 account, the energy recovery act account, the essential rail  
13 assistance account, The Evergreen State College capital projects  
14 account, the federal forest revolving account, the ferry bond  
15 retirement fund, the freight mobility investment account, the freight  
16 mobility multimodal account, the grade crossing protective fund, the  
17 public health services account, the high capacity transportation  
18 account, the state higher education construction account, the higher  
19 education construction account, the highway bond retirement fund, the  
20 highway infrastructure account, the highway safety fund, the high  
21 occupancy toll lanes operations account, the hospital safety net  
22 assessment fund, the industrial insurance premium refund account, the  
23 judges' retirement account, the judicial retirement administrative  
24 account, the judicial retirement principal account, the local  
25 leasehold excise tax account, the local real estate excise tax  
26 account, the local sales and use tax account, the marine resources  
27 stewardship trust account, the medical aid account, the mobile home  
28 park relocation fund, the money-purchase retirement savings  
29 administrative account, the money-purchase retirement savings  
30 principal account, the motor vehicle fund, the motorcycle safety  
31 education account, the multimodal transportation account, the  
32 multiuse roadway safety account, the municipal criminal justice  
33 assistance account, the natural resources deposit account, the oyster  
34 reserve land account, the pension funding stabilization account, the  
35 perpetual surveillance and maintenance account, the pollution  
36 liability insurance agency underground storage tank revolving  
37 account, the public employees' retirement system plan 1 account, the  
38 public employees' retirement system combined plan 2 and plan 3  
39 account, the public facilities construction loan revolving account  
40 beginning July 1, 2004, the public health supplemental account, the

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

1 revolving administration account, the water pollution control  
2 revolving fund, the Western Washington University capital projects  
3 account, the Yakima integrated plan implementation account, the  
4 Yakima integrated plan implementation revenue recovery account, and  
5 the Yakima integrated plan implementation taxable bond account.  
6 Earnings derived from investing balances of the agricultural  
7 permanent fund, the normal school permanent fund, the permanent  
8 common school fund, the scientific permanent fund, the state  
9 university permanent fund, and the state reclamation revolving  
10 account shall be allocated to their respective beneficiary accounts.

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

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

20 NEW SECTION. **Sec. 8.** This act takes effect August 1, 2018.

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