
SUBSTITUTE SENATE BILL 6499

State of Washington

61st Legislature

2010 Regular Session

By Senate Transportation (originally sponsored by Senators Murray and Haugen; by request of Department of Transportation)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to the administration, collection, use, and
2 enforcement of tolls; amending RCW 47.56.010, 47.46.020, 47.46.105,
3 46.63.030, 46.63.160, 46.63.075, 47.56.167, 46.61.690, 46.16.216, and
4 46.20.270; adding a new section to chapter 47.56 RCW; prescribing
5 penalties; and providing a contingent effective date.

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

7 **Sec. 1.** RCW 47.56.010 and 2002 c 114 s 2 are each amended to read
8 as follows:

9 As used in this chapter:

10 (1) "Toll bridge" means a bridge constructed or acquired under this
11 chapter, upon which tolls are charged, together with all appurtenances,
12 additions, alterations, improvements, and replacements thereof, and the
13 approaches thereto, and all lands and interests used therefor, and
14 buildings and improvements thereon.

15 (2) "Toll road" means any express highway, superhighway, or
16 motorway at such locations and between such termini as may be
17 established by law, and constructed or to be constructed as a limited
18 access highway under the provisions of this chapter by the department,
19 and shall include, but not be limited to, all bridges, tunnels,

1 overpasses, underpasses, interchanges, entrance plazas, approaches,
2 toll houses, service areas, service facilities, communications
3 facilities, and administration, storage, and other buildings that the
4 department may deem necessary for the operation of the project,
5 together with all property, rights, easements, and interests that may
6 be acquired by the department for the construction or the operation of
7 the project, all of which shall be conducted in the same manner and
8 under the same procedure as provided for the establishing,
9 constructing, operating, and maintaining of toll bridges by the
10 department, insofar as those procedures are reasonably consistent and
11 applicable.

12 (3) "1950 Tacoma Narrows bridge" means the bridge crossing the
13 Tacoma Narrows that was opened to vehicle travel in 1950.

14 (4) "Electronic toll collection system" means a system that
15 collects tolls by crediting or debiting funds from a customer's unique
16 prepaid tolling account.

17 (5) "Photo toll" means a toll charge associated with a particular
18 vehicle that is identified by its license plate. A photo toll may be
19 paid through one of the following methods:

20 (a) A customer-initiated account that is prepaid or postpaid.

21 (b) In response to a toll bill that is sent to the registered owner
22 of the vehicle incurring the photo toll charge. The toll bill may
23 designate a toll payment due date for the photo toll assessed.

24 (6) "Photo toll system" means a camera-based imaging system that
25 uses digital video or still image formats to record license plate
26 images of vehicles using toll lanes for the purpose of collecting a
27 photo toll.

28 (7) "Toll payment due date" means the date when a toll must be paid
29 to avoid a toll violation civil penalty. The toll payment due date is
30 eighty days from the date the vehicle uses the toll facility and incurs
31 the toll charge.

32 **Sec. 2.** RCW 47.46.020 and 1993 c 370 s 2 are each amended to read
33 as follows:

34 As used in this chapter((7)):

35 (1) "Electronic toll collection system" means a system that
36 collects tolls by crediting or debiting funds from a customer's unique
37 prepaid tolling account.

1 (2) "Photo toll" means a charge associated with a particular
2 vehicle that can only be identified by its license plate. A photo toll
3 may be paid through one of the following methods:

4 (a) A customer-initiated account that is prepaid or postpaid.

5 (b) In response to a toll bill that is sent to the registered owner
6 of the vehicle incurring the photo toll charge. The toll bill may
7 designate a toll payment due date for the photo toll assessed.

8 (3) "Photo toll system" means a camera-based imaging system that
9 uses digital video or still image formats to record license plate
10 images of vehicles using toll lanes for the purpose of collecting a
11 photo toll.

12 (4) "Toll payment due date" means the date when a toll must be paid
13 to avoid a toll violation civil penalty. The toll payment due date is
14 eighty days from the date the vehicle uses the toll facility and incurs
15 the toll charge.

16 (5) "Transportation systems and facilities" means capital-related
17 improvements and additions to the state's transportation
18 infrastructure, including but not limited to highways, roads, bridges,
19 vehicles, and equipment, marine-related facilities, vehicles, and
20 equipment, park and ride lots, transit stations and equipment,
21 transportation management systems, and other transportation-related
22 investments.

23 NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW
24 to read as follows:

25 (1) A toll collection system may include, but is not limited to,
26 electronic toll collection and photo tolling.

27 (2)(a) A photo toll system may take photographs, digital
28 photographs, microphotographs, videotapes, or other recorded images of
29 the vehicle and vehicle license plate only.

30 (b) Notwithstanding any other provision of law, all photographs,
31 digital photographs, microphotographs, videotape, or other recorded
32 images prepared under this section are for the exclusive use of the
33 tolling agency for toll collection and enforcement purposes and are not
34 open to the public and may not be used in a court in a pending action
35 or proceeding unless the action or proceeding relates to a civil
36 penalty under RCW 46.63.160. No photograph, digital photograph,
37 microphotograph, videotape, or other recorded image may be used for any

1 purpose other than toll collection or enforcement of civil penalties
2 under RCW 46.63.160. Records identifying a specific instance of travel
3 by a specific person or vehicle must be retained only as required to
4 ensure payment and enforcement of tolls and to comply with state
5 records retention policies. Aggregate records that do not identify an
6 individual, vehicle, or account may be maintained.

7 (3) The department and its agents shall only use electronic toll
8 calculation system technology for toll collection purposes.

9 (4) Tolls may be collected and paid by the following methods:

10 (a) A customer may pay an electronic toll through an electronic
11 toll collection account;

12 (b) A customer may pay a photo toll either through a customer-
13 initiated payment or in response to a toll bill; or

14 (c) A customer may pay with cash on toll facilities that have a
15 manual cash collection system.

16 (5) To the extent practicable, the department shall adopt
17 electronic toll collection options, which allow for anonymous customer
18 accounts and anonymous accounts that are not linked to a specific
19 vehicle.

20 (6) The transportation commission shall adopt rules, in accordance
21 with chapter 34.05 RCW, to assess administrative fees as appropriate
22 for toll collection processes. Administrative fees must not exceed
23 toll collection costs. All administrative fees collected under this
24 section must be deposited into the toll facility account of the
25 facility on which the toll was assessed.

26 (7) Failure to pay a photo toll by the toll payment due date is a
27 violation for which a notice of civil penalty may be issued under RCW
28 46.63.160.

29 **Sec. 4.** RCW 47.46.105 and 2004 c 230 s 2 are each amended to read
30 as follows:

31 ~~((1) Tolls may be collected by any system that identifies the~~
32 ~~correct toll and collects the payment. Systems may include manual cash~~
33 ~~collection, electronic toll collection, and photo monitoring systems.~~

34 ~~(a) "Electronic toll collection system" means a system of~~
35 ~~collecting tolls or charges that is capable of charging the account of~~
36 ~~the toll patron the appropriate toll or charge by electronic~~
37 ~~transmission from the motor vehicle to the toll collection system,~~

1 ~~which information is used to charge the appropriate toll or charge to~~
2 ~~the patron's account. The department shall adopt rules that allow an~~
3 ~~open standard for automatic vehicle identification transponders used~~
4 ~~for electronic toll collection to be compatible with other electronic~~
5 ~~payment devices or transponders from the Washington state ferry system,~~
6 ~~other public transportation systems, or other toll collection systems~~
7 ~~to the extent that technology permits. The rules must also allow for~~
8 ~~multiple vendors providing electronic payment devices or transponders~~
9 ~~as technology permits.~~

10 (b) ~~"Photo monitoring system" means a vehicle sensor installed to~~
11 ~~work in conjunction with an electronic toll collection system in a toll~~
12 ~~facility that automatically produces one or more photographs, one or~~
13 ~~more microphotographs, a videotape, or other recorded images of each~~
14 ~~vehicle at the time it is used or operated within a toll facility.~~

15 (c) ~~No photograph, digital photograph, microphotograph, videotape,~~
16 ~~or other recorded image may be used for any purpose other than toll~~
17 ~~enforcement, nor retained longer than necessary to verify that tolls~~
18 ~~are paid, or to enforce toll evasion violations.~~

19 (2) ~~The department shall adopt rules to govern toll collection.)~~

20 (1) A toll collection system may include, but is not limited to,
21 electronic toll collection and photo tolling.

22 (2)(a) A photo toll system may take photographs, digital
23 photographs, microphotographs, videotapes, or other recorded images of
24 the vehicle and vehicle license plate only.

25 (b) Notwithstanding any other provision of law, all photographs,
26 digital photographs, microphotographs, videotape, or other recorded
27 images prepared under this section are for the exclusive use of the
28 tolling agency for toll collection and enforcement purposes and are not
29 open to the public and may not be used in a court in a pending action
30 or proceeding unless the action or proceeding relates to a civil
31 penalty under RCW 46.63.160. No photograph, digital photograph,
32 microphotograph, videotape, or other recorded image may be used for any
33 purpose other than toll collection or enforcement of civil penalties
34 under RCW 46.63.160. Records identifying a specific instance of travel
35 by a specific person or vehicle must be retained only as required to
36 ensure payment and enforcement of tolls and to comply with state
37 records retention policies.

1 (3) The department and its agents shall only use electronic toll
2 calculation system technology for toll collection purposes.

3 (4) Tolls may be collected and paid by the following methods:

4 (a) A customer may pay an electronic toll through an electronic
5 toll collection account;

6 (b) A customer who does not have an electronic toll collection
7 account may pay a photo toll either through a customer-initiated
8 payment or in response to a toll bill; or

9 (c) A customer who does not have an electronic toll collection
10 account may pay with cash on toll facilities that have a manual cash
11 collection system.

12 (5) To the extent practicable, the department shall adopt
13 electronic toll collection options, which allow for anonymous customer
14 accounts and anonymous accounts that are not linked to a specific
15 vehicle.

16 (6) The transportation commission shall adopt rules, in accordance
17 with chapter 34.05 RCW, to assess administrative fees as appropriate
18 for toll collection processes. Administrative fees must not exceed
19 toll collection costs. All administrative fees collected under this
20 section must be deposited into the toll facility account of the
21 facility on which the toll was assessed.

22 (7) Failure to pay a photo toll by the toll payment due date is a
23 violation for which a notice of civil penalty may be issued under RCW
24 46.63.160.

25 **Sec. 5.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
26 as follows:

27 (1) A law enforcement officer has the authority to issue a notice
28 of traffic infraction:

29 (a) When the infraction is committed in the officer's presence;

30 (b) When the officer is acting upon the request of a law
31 enforcement officer in whose presence the traffic infraction was
32 committed;

33 (c) If an officer investigating at the scene of a motor vehicle
34 accident has reasonable cause to believe that the driver of a motor
35 vehicle involved in the accident has committed a traffic infraction; or

36 (d) ~~((When the infraction is detected through the use of a photo~~
37 ~~enforcement system under RCW 46.63.160; or~~

1 ~~(e)~~) When the infraction is detected through the use of an
2 automated traffic safety camera under RCW 46.63.170.

3 (2) A court may issue a notice of traffic infraction upon receipt
4 of a written statement of the officer that there is reasonable cause to
5 believe that an infraction was committed.

6 (3) If any motor vehicle without a driver is found parked,
7 standing, or stopped in violation of this title or an equivalent
8 administrative regulation or local law, ordinance, regulation, or
9 resolution, the officer finding the vehicle shall take its registration
10 number and may take any other information displayed on the vehicle
11 which may identify its user, and shall conspicuously affix to the
12 vehicle a notice of traffic infraction.

13 (4) In the case of failure to redeem an abandoned vehicle under RCW
14 46.55.120, upon receiving a complaint by a registered tow truck
15 operator that has incurred costs in removing, storing, and disposing of
16 an abandoned vehicle, an officer of the law enforcement agency
17 responsible for directing the removal of the vehicle shall send a
18 notice of infraction by certified mail to the last known address of the
19 person responsible under RCW 46.55.105. The notice must be entitled
20 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
21 The officer shall append to the notice of infraction, on a form
22 prescribed by the department of licensing, a notice indicating the
23 amount of costs incurred as a result of removing, storing, and
24 disposing of the abandoned vehicle, less any amount realized at
25 auction, and a statement that monetary penalties for the infraction
26 will not be considered as having been paid until the monetary penalty
27 payable under this chapter has been paid and the court is satisfied
28 that the person has made restitution in the amount of the deficiency
29 remaining after disposal of the vehicle.

30 **Sec. 6.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read
31 as follows:

32 (1) This section applies only to (~~infractions issued under RCW~~
33 ~~46.61.690 for toll collection evasion~~) civil penalties for nonpayment
34 of tolls detected through use of photo toll systems.

35 (2) Nothing in this section prohibits a law enforcement officer
36 from issuing a notice of traffic infraction to a person in control of

1 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
2 (b), or (c).

3 ~~(3) ((Toll collection systems include manual cash collection,~~
4 ~~electronic toll collection, and photo enforcement systems.~~

5 ~~(4) "Electronic toll collection system" means a system of~~
6 ~~collecting tolls or charges that is capable of charging the account of~~
7 ~~the toll patron the appropriate toll or charge by electronic~~
8 ~~transmission from the motor vehicle to the toll collection system,~~
9 ~~which information is used to charge the appropriate toll or charge to~~
10 ~~the patron's account.~~

11 ~~(5) "Photo enforcement system" means a vehicle sensor installed to~~
12 ~~work in conjunction with an electronic toll collection system that~~
13 ~~automatically produces one or more photographs, one or more~~
14 ~~microphotographs, a videotape, or other recorded images of a vehicle~~
15 ~~operated in violation of an infraction under this chapter.~~

16 ~~(6) The use of a toll collection system is subject to the following~~
17 ~~requirements:~~

18 ~~(a) The department of transportation shall adopt rules that allow~~
19 ~~an open standard for automatic vehicle identification transponders used~~
20 ~~for electronic toll collection to be compatible with other electronic~~
21 ~~payment devices or transponders from the Washington state ferry system,~~
22 ~~other public transportation systems, or other toll collection systems~~
23 ~~to the extent that technology permits. The rules must also allow for~~
24 ~~multiple vendors providing electronic payment devices or transponders~~
25 ~~as technology permits.~~

26 ~~(b) The department of transportation may not sell, distribute, or~~
27 ~~make available in any way, the names and addresses of electronic toll~~
28 ~~collection system account holders.~~

29 ~~(7)) A notice of civil penalty may be issued by the department of~~
30 ~~transportation when a toll is assessed through use of a photo toll~~
31 ~~system and the toll is not paid by the toll payment due date, which is~~
32 ~~eighty days from the date the vehicle uses the toll facility and incurs~~
33 ~~the toll charge.~~

34 ~~(4) Any registered owner or renter of a vehicle traveling upon a~~
35 ~~toll facility operated under chapter 47.56 or 47.46 RCW is subject to~~
36 ~~a civil penalty governed by the administrative procedures set forth in~~
37 ~~this section when the vehicle incurs a toll charge and the toll is not~~

1 paid by the toll payment due date, which is eighty days from the date
2 the vehicle uses the toll facility and incurs the toll charge.

3 (5) Consistent with chapter 34.05 RCW, the department of
4 transportation shall develop an administrative adjudication process to
5 review appeals of civil penalties issued by the department of
6 transportation for toll nonpayment detected through the use of a photo
7 toll system under this section.

8 (6) The use of a photo ((enforcement)) toll system ((for issuance
9 of notices of infraction)) is subject to the following requirements:

10 (a) Photo ((enforcement)) toll systems may take photographs,
11 digital photographs, microphotographs, videotapes, or other recorded
12 images of the vehicle and vehicle license plate only.

13 (b) ~~((A notice of infraction must be mailed to the registered owner~~
14 ~~of the vehicle or to the renter of a vehicle within sixty days of the~~
15 ~~violation. The law enforcement officer issuing the))~~ A notice of
16 ~~((infraction shall))~~ civil penalty must include with it a certificate
17 or facsimile thereof, based upon inspection of photographs,
18 microphotographs, videotape, or other recorded images produced by a
19 photo ((enforcement)) toll system, stating the facts supporting the
20 notice of ((infraction)) civil penalty. This certificate or facsimile
21 is prima facie evidence of the facts contained in it and is admissible
22 in a proceeding ~~((charging a violation under this chapter))~~ established
23 under subsection (5) of this section. The photographs, digital
24 photographs, microphotographs, videotape, or other recorded images
25 evidencing the ~~((violation))~~ toll nonpayment civil penalty must be
26 available for inspection and admission into evidence in a proceeding to
27 adjudicate the liability for the ~~((infraction))~~ civil penalty.

28 (c) Notwithstanding any other provision of law, all photographs,
29 digital photographs, microphotographs, videotape, or other recorded
30 images prepared under this ~~((chapter))~~ section are for the exclusive
31 use of the tolling agency ~~((and law enforcement in the discharge of~~
32 ~~duties under this section))~~ for toll collection and enforcement
33 purposes and are not open to the public and may not be used in a court
34 in a pending action or proceeding unless the action or proceeding
35 relates to a ~~((violation))~~ civil penalty under this chapter. No
36 photograph, digital photograph, microphotograph, videotape, or other
37 recorded image may be used for any purpose other than toll collection
38 or enforcement of ((violations)) civil penalties under this ~~((chapter~~

1 ~~nor retained longer than necessary to enforce this chapter or verify~~
2 ~~that tolls are paid))~~ section. Records identifying a specific instance
3 of travel by a specific person or vehicle must be retained only as
4 required to ensure payment and enforcement of tolls and to comply with
5 state records retention policies.

6 (d) All locations where a photo ((enforcement)) toll system is used
7 must be clearly marked by placing signs in locations that clearly
8 indicate to a driver that he or she is entering a zone where ((~~traffic~~
9 ~~laws are~~)) tolls are assessed and enforced by a photo ((enforcement))
10 toll system.

11 ((~~8~~ ~~Infractions~~)) (e) Within existing resources, the department
12 of transportation shall conduct education and outreach efforts at least
13 six months prior to activating an all-electronic photo toll system.
14 Methods of outreach shall include a department presence at community
15 meetings in the vicinity of a toll facility, signage, and information
16 published in local media. Information provided shall include notice of
17 when all electronic photo tolling shall begin and methods of payment.
18 Additionally, the department shall provide quarterly reporting on
19 education and outreach efforts and other data related to the issuance
20 of civil penalties.

21 (7) Civil penalties for toll nonpayment detected through the use of
22 photo ((enforcement)) toll systems must be issued to the registered
23 owner of the vehicle identified by the photo toll system, but are not
24 part of the registered owner's driving record under RCW 46.52.101 and
25 46.52.120. ((Additionally, infractions generated by the use of photo
26 enforcement systems under this section shall be processed in the same
27 manner as parking infractions, including for the purposes of RCW
28 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3)).

29 (+9)) (8) The civil penalty for ((an infraction)) toll nonpayment
30 detected through the use of a photo ((enforcement)) toll system ((shall
31 be)) is forty dollars plus ((an additional toll penalty. The toll
32 penalty is equal to three times the cash toll for a standard passenger
33 car during peak hours. The toll penalty may not be reduced. The court
34 shall remit the toll penalty to the department of transportation or a
35 private entity under contract with the department of transportation for
36 deposit in the statewide account in which tolls are deposited for the
37 tolling facility at which the violation occurred. If the driver is
38 found not to have committed an infraction under this section, the

1 ~~driver shall pay the toll due at the time the photograph was taken,~~
2 ~~unless the toll has already been paid))~~ the photo toll and associated
3 fees.

4 ~~((+10))~~ (9) All civil penalties, including the photo toll and
5 associated fees, collected under this section must be deposited into
6 the toll facility account of the facility on which the toll was
7 assessed. However, beginning on July 1, 2011, civil penalties
8 deposited into the Tacoma Narrows toll bridge account created under RCW
9 47.56.165 must first be allocated toward repayment of operating loans
10 and reserve payments provided to the account from the motor vehicle
11 account under section 1005(15), chapter 518, Laws of 2007.

12 (10) If the registered owner of the vehicle is a rental car
13 business, the department of transportation ~~((or a law enforcement~~
14 ~~agency))~~ shall, before a ~~((notice of infraction being))~~ toll bill is
15 issued ~~((under this section))~~, provide a written notice to the rental
16 car business that a ~~((notice of infraction))~~ toll bill may be issued to
17 the rental car business if the rental car business does not, within
18 ~~((eighteen))~~ thirty days of the mailing of the written notice, provide
19 to the issuing agency by return mail:

20 (a) A statement under oath stating the name and known mailing
21 address of the individual driving or renting the vehicle when the
22 ~~((infraction occurred))~~ toll was assessed; or

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

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

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

35 (11) Consistent with chapter 34.05 RCW, the department of
36 transportation shall develop rules to implement this section.

37 (12) For the purposes of this section, "photo toll system" means
38 the system defined in RCW 47.56.010 and 47.46.020.

1 **Sec. 7.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
2 as follows:

3 (1) In a traffic infraction case involving an infraction detected
4 through the use of (~~a photo enforcement system under RCW 46.63.160, or~~
5 ~~detected through the use of~~) an automated traffic safety camera under
6 RCW 46.63.170, proof that the particular vehicle described in the
7 notice of traffic infraction was in violation of any such provision of
8 RCW (~~46.63.160 or~~) 46.63.170, together with proof that the person
9 named in the notice of traffic infraction was at the time of the
10 violation the registered owner of the vehicle, constitutes in evidence
11 a prima facie presumption that the registered owner of the vehicle was
12 the person in control of the vehicle at the point where, and for the
13 time during which, the violation occurred.

14 (2) This presumption may be overcome only if the registered owner
15 states, under oath, in a written statement to the court or in testimony
16 before the court that the vehicle involved was, at the time, stolen or
17 in the care, custody, or control of some person other than the
18 registered owner.

19 **Sec. 8.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to read
20 as follows:

21 (1) The toll collection account is created in the custody of the
22 state treasurer for the deposit of prepaid customer tolls and clearing
23 activities benefiting multiple toll facilities.

24 (2) All receipts from prepaid customer tolls must be deposited into
25 the account. (~~Distributions from the account~~) Prepaid customer tolls
26 may be used only to refund customer(~~s~~) prepaid tolls or for
27 distributions (~~into~~) to the appropriate toll facility account(~~-~~
28 ~~Distributions into the appropriate toll facility account shall be based~~
29 ~~on charges incurred at each toll facility and shall include a~~
30 ~~proportionate share of interest earned from amounts deposited into the~~
31 ~~account~~) based on an equitable methodology to be determined by the
32 department in consultation with the office of financial management.
33 For purposes of accounting, distributions from the account constitute
34 earned toll revenues in the receiving toll facility account at the time
35 of distribution.

36 (3) Operations that benefit multiple toll facilities may be

1 recorded in the account. At least monthly, operating activities must
2 be distributed to the benefiting toll facility accounts.

3 (4) On a monthly basis, interest earnings on deposits in the
4 account must be distributed to the toll facility accounts based on an
5 equitable methodology to be determined by the department in
6 consultation with the office of financial management.

7 (5) Only the secretary of transportation or the secretary's
8 designee may authorize distributions from the account. Distributions
9 of revenue and refunds from this account are not subject to the
10 allotment procedures under chapter 43.88 RCW and an appropriation is
11 not required.

12 **Sec. 9.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read
13 as follows:

14 (1) Any person who uses a toll bridge, toll tunnel, toll road, or
15 toll ferry, and the approaches thereto, operated by the state of
16 Washington, the department of transportation, a political subdivision
17 or municipal corporation empowered to operate toll facilities, or an
18 entity operating a toll facility under a contract with the department
19 of transportation, a political subdivision, or municipal corporation,
20 at the entrance to which appropriate signs have been erected to notify
21 both pedestrian and vehicular traffic that it is entering a toll
22 facility or its approaches and is subject to the payment of tolls at
23 the designated station for collecting tolls, commits a traffic
24 infraction if:

25 ((+1)) (a) The person does not pay, refuses to pay, evades, or
26 attempts to evade the payment of such tolls, or uses or attempts to use
27 any spurious, counterfeit, or stolen ticket, coupon, token, or
28 electronic device for payment of any such tolls(~~(7-04)~~);

29 ((+2)) (b) The person turns, or attempts to turn, the vehicle
30 around in the bridge, tunnel, loading terminal, approach, or toll plaza
31 where signs have been erected forbidding such turns(~~(7-04)~~);

32 ((+3)) (c) The person refuses to move a vehicle through the toll
33 facility after having come within the area where signs have been
34 erected notifying traffic that it is entering the area where toll is
35 collectible or where vehicles may not turn around and where vehicles
36 are required to pass through the toll facility for the purpose of
37 collecting tolls; or

1 (d) The driver of the vehicle displays any vehicle license number
2 plate or plates that have been, in any manner, changed, altered,
3 obscured, or disfigured, or have become illegible.

4 (2) Subsection (1)(a) of this section does not apply to toll
5 nonpayment detected through the use of photo toll systems under RCW
6 46.63.160.

7 **Sec. 10.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to read
8 as follows:

9 (1) To renew a vehicle license, an applicant shall satisfy all
10 listed standing, stopping, and parking violations, and (~~other~~
11 ~~infractions~~) civil penalties issued under RCW (~~(46.63.030(1)(d))~~)
12 46.63.160 for the vehicle incurred while the vehicle was registered in
13 the applicant's name and forwarded to the department pursuant to RCW
14 46.20.270(3). For the purposes of this section, "listed" standing,
15 stopping, and parking violations, and (~~other~~
16 ~~infractions~~) civil
17 penalties issued under RCW (~~(46.63.030(1)(d))~~) 46.63.160 include only
18 those violations for which notice has been received from state or local
19 agencies or courts by the department one hundred twenty days or more
20 before the date the vehicle license expires and that are placed on the
21 records of the department. Notice of such violations received by the
22 department later than one hundred twenty days before that date that are
23 not satisfied shall be considered by the department in connection with
24 any applications for license renewal in any subsequent license year.
25 The renewal application may be processed by the department or its
26 agents only if the applicant:

27 (a) Presents a preprinted renewal application showing no listed
28 standing, stopping, or parking violations, or (~~other~~
29 ~~infractions~~) civil penalties issued under RCW (~~(46.63.030(1)(d))~~) 46.63.160, or in
30 the absence of such presentation, the agent verifies the information
31 that would be contained on the preprinted renewal application; or

32 (b) If listed standing, stopping, or parking violations, or (~~other~~
33 ~~infractions~~) civil penalties issued under RCW (~~(46.63.030(1)(d))~~)
34 46.63.160 exist, presents proof of payment and pays a fifteen dollar
35 surcharge.

36 (2) The surcharge shall be allocated as follows:

 (a) Ten dollars shall be deposited in the motor vehicle fund to be

1 used exclusively for the administrative costs of the department of
2 licensing; and

3 (b) Five dollars shall be retained by the agent handling the
4 renewal application to be used by the agent for the administration of
5 this section.

6 (3) If there is a change in the registered owner of the vehicle,
7 the department shall forward the information regarding the change to
8 the state or local charging jurisdiction and release any hold on the
9 renewal of the vehicle license resulting from parking violations or
10 (~~other—infractions~~) civil penalties issued under RCW
11 (~~(46.63.030(1)(d))~~) 46.63.160 incurred while the certificate of license
12 registration was in a previous registered owner's name.

13 (4) The department shall send to all registered owners of vehicles
14 who have been reported to have outstanding listed parking violations or
15 (~~other—infractions~~) civil penalties issued under RCW
16 (~~(46.63.030(1)(d))~~) 46.63.160, at the time of renewal, a statement
17 setting out the dates and jurisdictions in which the violations
18 occurred as well as the amounts of unpaid fines and penalties relating
19 to them and the surcharge to be collected.

20 **Sec. 11.** RCW 46.20.270 and 2009 c 181 s 1 are each amended to read
21 as follows:

22 (1) Whenever any person is convicted of any offense for which this
23 title makes mandatory the withholding of the driving privilege of such
24 person by the department, the court in which such conviction is had
25 shall forthwith mark the person's Washington state driver's license or
26 permit to drive, if any, in a manner authorized by the department. A
27 valid driver's license or permit to drive marked under this subsection
28 shall remain in effect until the person's driving privilege is withheld
29 by the department pursuant to notice given under RCW 46.20.245, unless
30 the license or permit expires or otherwise becomes invalid prior to the
31 effective date of this action. Perfection of notice of appeal shall
32 stay the execution of sentence including the withholding of the driving
33 privilege.

34 (2) Every court having jurisdiction over offenses committed under
35 this chapter, or any other act of this state or municipal ordinance
36 adopted by a local authority regulating the operation of motor vehicles
37 on highways, or any federal authority having jurisdiction over offenses

1 substantially the same as those set forth in this title (~~(46-RCW)~~)
2 which occur on federal installations within this state, shall
3 immediately forward to the department a forfeiture of bail or
4 collateral deposited to secure the defendant's appearance in court, a
5 payment of a fine, penalty, or court cost, a plea of guilty or nolo
6 contendere or a finding of guilt, or a finding that any person has
7 committed a traffic infraction an abstract of the court record in the
8 form prescribed by rule of the supreme court, showing the conviction of
9 any person or the finding that any person has committed a traffic
10 infraction in said court for a violation of any said laws other than
11 regulations governing standing, stopping, parking, and pedestrian
12 offenses.

13 (3) Every state agency or municipality having jurisdiction over
14 offenses committed under this chapter, or under any other act of this
15 state or municipal ordinance adopted by a state or local authority
16 regulating the operation of motor vehicles on highways, may forward to
17 the department within ten days of failure to respond, failure to pay a
18 penalty, failure to appear at a hearing to contest the determination
19 that a violation of any statute, ordinance, or regulation relating to
20 standing, stopping, parking, or (~~other infraction~~) civil penalties
21 issued under RCW (~~(46.63.030(1)(d))~~) 46.63.160 has been committed, or
22 failure to appear at a hearing to explain mitigating circumstances, an
23 abstract of the citation record in the form prescribed by rule of the
24 department, showing the finding by such municipality that two or more
25 violations of laws governing standing, stopping, and parking or one or
26 more (~~other infractions~~) civil penalties issued under RCW
27 (~~(46.63.030(1)(d))~~) 46.63.160 have been committed and indicating the
28 nature of the defendant's failure to act. Such violations or
29 infractions may not have occurred while the vehicle is stolen from the
30 registered owner or is leased or rented under a bona fide commercial
31 vehicle lease or rental agreement between a lessor engaged in the
32 business of leasing vehicles and a lessee who is not the vehicle's
33 registered owner. The department may enter into agreements of
34 reciprocity with the duly authorized representatives of the states for
35 reporting to each other violations of laws governing standing,
36 stopping, and parking.

37 (4) For the purposes of this title and except as defined in RCW
38 46.25.010, "conviction" means a final conviction in a state or

1 municipal court or by any federal authority having jurisdiction over
2 offenses substantially the same as those set forth in this title which
3 occur on federal installations in this state, an unvacated forfeiture
4 of bail or collateral deposited to secure a defendant's appearance in
5 court, the payment of a fine or court cost, a plea of guilty or nolo
6 contendere, or a finding of guilt on a traffic law violation charge,
7 regardless of whether the imposition of sentence or sanctions are
8 deferred or the penalty is suspended, but not including entry into a
9 deferred prosecution agreement under chapter 10.05 RCW.

10 (5) For the purposes of this title, "finding that a traffic
11 infraction has been committed" means a failure to respond to a notice
12 of infraction or a determination made by a court pursuant to this
13 chapter. Payment of a monetary penalty made pursuant to RCW
14 46.63.070(2) is deemed equivalent to such a finding.

15 NEW SECTION. **Sec. 12.** This act takes effect upon certification by
16 the secretary of transportation that the new statewide tolling
17 operations center and photo toll system are fully operational. A
18 notice of certification must be filed with the code reviser for
19 publication in the state register. If a certificate is not issued by
20 the secretary of transportation by December 1, 2012, this act is null
21 and void.

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