H-1526.1

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**SUBSTITUTE HOUSE BILL 1405**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Harmsworth, Bergquist, Orcutt, Rodne, Muri, Chandler, Stokesbary, Pollet, Stanford, Kilduff, and Springer)

AN ACT Relating to establishing a statute of limitation for toll collections; amending RCW 47.46.105; adding a new section to chapter 47.29 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 53.34 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature intends with this act to establish a clear limit on the state's authority to assess and collect toll charges and related penalties from vehicle owners after the time periods established in this act have elapsed, whether the action is taken directly or delegated to a political subdivision, contractor, or agent.

NEW SECTION. **Sec.**  The state of Washington waives its sovereign immunity with respect to the application of the statutes of limitation for recovery actions established under this act.

**Sec.**  RCW 47.46.105 and 2010 c 249 s 4 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(8) The state of Washington shall issue a toll bill within six months of the date of occurrence of the toll transaction for which the toll bill is issued. The state may not assess further penalties, fines, or costs or take any further action to collect a toll or associated penalties, fines, or costs unless the initial toll bill has been issued within six months of that particular transaction. For purposes of this subsection, "toll transaction" means the individual instance in which a vehicle uses a toll facility and is assessed a toll for that use.

NEW SECTION. **Sec.**  A new section is added to chapter 47.29 RCW to read as follows:

A toll bill must be issued within six months of the date of occurrence of the toll transaction for which the toll bill is issued. The operator of a toll facility created under this chapter may not assess further penalties, fines, or costs or take any further action to collect a toll or associated penalties, fines, or costs unless the initial toll bill has been issued within six months of that particular transaction. For purposes of this section, "toll transaction" means the individual instance in which a vehicle uses a toll facility and is assessed a toll for that use.

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

A state agency, regional transportation investment district, transportation benefit district, city, town, county, or any political subdivision of the state authorized to impose a toll, or its contractors, shall issue a toll bill within six months of the date of occurrence of the toll transaction for which the toll bill is issued. Any such agency, district, or political subdivision, or its contractors, may not assess further penalties, fines, or costs or take any further action to collect a toll or associated penalties, fines, or costs unless the initial toll bill has been issued within six months of that particular transaction. For purposes of this section, "toll transaction" means the individual instance in which a vehicle uses a toll facility and is assessed a toll for that use.

NEW SECTION. **Sec.**  A new section is added to chapter 53.34 RCW to read as follows:

The operator of a toll facility created by a port district shall issue a toll bill within six months of the date of occurrence of the toll transaction for which the toll bill is issued. The toll facility operator may not assess further penalties, fines, or costs or take any further action to collect a toll or associated penalties, fines, or costs unless the initial toll bill has been issued within six months of that particular transaction. For purposes of this section, "toll transaction" means the individual instance in which a vehicle uses a toll facility and is assessed a toll for that use.

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