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**HOUSE BILL 1405**

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

**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) An action for the recovery of any tolls and toll-related civil penalties or fines must be commenced within six months from the time the vehicle was present in the toll facility.

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

An action for the recovery of any tolls and toll-related civil penalties or fines from a toll facility created under this chapter must be commenced within six months from the time the vehicle was present in the toll facility.

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

An action for the recovery of any tolls and toll-related civil penalties assessed under the authority granted in this chapter by 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, must be commenced within six months from the time the vehicle was present in the toll facility.

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

An action for the recovery of any tolls and toll-related civil penalties or fines from a toll facility created by a port district under this chapter must be commenced within six months from the time the vehicle was present in the toll facility.

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