
SUBSTITUTE HOUSE BILL 1429

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Fisher, Woods and Rockefeller)

Read first time 03/08/2001. Referred to Committee on .

1 AN ACT Relating to enforcement, collection, and use of tolls on the
2 Tacoma Narrows bridge; amending RCW 46.61.690, 46.63.030, and
3 46.63.140; reenacting and amending RCW 46.12.370; adding a new section
4 to chapter 46.63 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 46.12.370 and 1997 c 432 s 6 and 1997 c 33 s 1 are
7 each reenacted and amended to read as follows:

8 In addition to any other authority which it may have, the
9 department of licensing may furnish lists of registered and legal
10 owners of motor vehicles only for the purposes specified in this
11 section to:

12 (1) The manufacturers of motor vehicles, or their authorized
13 agents, to be used to enable those manufacturers to carry out the
14 provisions of the National Traffic and Motor Vehicle Safety Act of 1966
15 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto,
16 respecting safety-related defects in motor vehicles;

17 (2) Any governmental agency of the United States or Canada, or
18 political subdivisions thereof or within, to be used by it or by its
19 authorized commercial agents or contractors only in connection with the

1 enforcement of motor vehicle or traffic laws by, or programs related to
2 traffic safety of, that government agency. Only such parts of the list
3 as are required for completion of the work required of the agent or
4 contractor shall be provided to such agent or contractor;

5 (3) A commercial parking company requiring the names and addresses
6 of registered owners to notify them of outstanding parking violations.
7 Subject to the disclosure agreement provisions of RCW 46.12.380 and the
8 requirements of Executive Order 97-01, the department may provide only
9 the parts of the list that are required for completion of the work
10 required of the company;

11 (4) An authorized agent or contractor of the department, to be used
12 only in connection with providing motor vehicle excise tax, licensing,
13 title, and registration information to motor vehicle dealers; (~~or~~)

14 (5) Any business regularly making loans to other persons to finance
15 the purchase of motor vehicles, to be used to assist the person
16 requesting the list to determine ownership of specific vehicles for the
17 purpose of determining whether or not to provide such financing; or

18 (6) Any company or its agents operating a toll facility under
19 chapter 47.46 RCW requiring the names, addresses, and vehicle
20 information of motor vehicle registered owners to identify toll
21 violators.

22 In the event a list of registered and legal owners of motor
23 vehicles is used for any purpose other than that authorized in this
24 section, the manufacturer, governmental agency, commercial parking
25 company, authorized agent, contractor, financial institution, toll
26 facility operator, or their authorized agents or contractors
27 responsible for the unauthorized disclosure or use will be denied
28 further access to such information by the department of licensing.

29 **Sec. 2.** RCW 46.61.690 and 1983 c 247 s 1 are each amended to read
30 as follows:

31 (1) Any person who uses a toll bridge, toll tunnel, toll road, or
32 toll ferry, and the approaches thereto, operated by the state of
33 Washington, the department of transportation, (~~or any~~) a political
34 subdivision or municipal corporation empowered to operate toll
35 facilities, or a company operating a toll facility under chapter 47.46
36 RCW, at the entrance to which appropriate signs have been erected to
37 notify both pedestrian and vehicular traffic that it is entering a toll
38 facility or its approaches and is subject to the payment of tolls at

1 the designated station for collecting tolls, commits a traffic
2 infraction if:

3 ~~((1))~~ (a) Such person does not pay, refuses to pay, evades, or
4 attempts to evade the payment of such tolls, or uses or attempts to use
5 any spurious ~~((or))~~, counterfeit, or stolen tickets, coupons, ~~((or))~~
6 tokens, or electronic devices for payment of any such tolls, or

7 ~~((2))~~ (b) Such person turns, or attempts to turn, the vehicle
8 around in the bridge, tunnel, loading terminal, approach, or toll plaza
9 where signs have been erected forbidding such turns, or

10 ~~((3))~~ (c) Such person refuses to move a vehicle through the toll
11 ~~((gates))~~ facility after having come within the area where signs have
12 been erected notifying traffic that it is entering the area where toll
13 is collectible or where vehicles may not turn around and where vehicles
14 are required to pass through the toll ~~((gates))~~ facility for the
15 purpose of collecting tolls.

16 (2) A law enforcement officer may issue a notice of traffic
17 infraction, or a notice of traffic infraction may be mailed to the
18 registered owner or person renting a vehicle for violation of this
19 section.

20 NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW
21 to read as follows:

22 (1) The use of electronic tolling systems is subject to the
23 following regulations:

24 (a) Electronic tolling systems may take pictures of the vehicle and
25 vehicle license plate only.

26 (b) A notice of infraction must be mailed to the registered owner
27 of the vehicle.

28 (c) A person receiving a notice of an infraction based on evidence
29 detected by an electronic tolling system may respond to the notice by
30 mail.

31 (2) Infractions detected through the use of electronic tolling
32 systems will be recorded as are stopping, standing, or parking
33 violations under RCW 46.61.560, but are not part of the registered
34 owner's driving record under RCW 46.52.101 and 46.52.120.

35 (3) If a notice of traffic infraction is sent to the registered
36 owner under RCW 46.63.030(2) and the registered owner is a rental car
37 business, the infraction will be dismissed against the business if it
38 mails to the issuing law enforcement agency, within fourteen days of

1 receiving the notice, the name and known mailing address of the
2 individual driving or renting the vehicle when the infraction occurred.
3 If the business is unable to determine who was driving or renting the
4 vehicle at the time the infraction occurred, the business must sign an
5 affidavit making this declaration. The affidavit must be mailed to the
6 issuing law enforcement agency within fourteen days of receiving the
7 notice of traffic infraction. Timely mailing of this affidavit to the
8 issuing law enforcement agency relieves a rental car business of any
9 liability under this chapter for the notice of infraction. An
10 affidavit form suitable for this purpose must be included with each
11 infraction issued, along with instructions for its completion and use.

12 (4) A developer under chapter 47.46 RCW shall work with the
13 department of transportation to ensure that the developer's automatic
14 vehicle identification transponders are compatible with other
15 electronic payment devices or transponders from the Washington state
16 ferry system and other public transportation systems or are able to use
17 other automatic vehicle identification transponders in conjunction with
18 the developers without establishing a separate toll account.

19 **Sec. 4.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
20 as follows:

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

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

24 (b) When the officer is acting upon the request of a law
25 enforcement officer in whose presence the traffic infraction was
26 committed; (~~or~~)

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

30 (d) When the infraction is mailed to the registered owner or the
31 person renting a vehicle as authorized under subsection (2) of this
32 section.

33 (2) When an electronic tolling system is used in compliance with
34 section 3 of this act, a law enforcement officer, whether present or
35 not during the commission of the infraction, or other law enforcement
36 agency with jurisdiction may issue a notice of traffic infraction by
37 mail to the registered owner of the vehicle, or to the person renting

1 the vehicle. The registered owner of the vehicle or the person renting
2 the vehicle is responsible for the infraction.

3 (3) The owner of a vehicle is responsible for a violation unless
4 within fifteen days after notification of the violation, furnishes the
5 officials or agents of the municipality that issued the citation with:

6 (a) An affidavit made under oath, stating that the vehicle involved
7 was, at the time, stolen or in the care, custody, or control of some
8 person other than the registered owner; or

9 (b) Testimony in open court under oath that the person was not the
10 operator of the vehicle at the time of the alleged violation.

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

14 ~~((+3))~~ (5) If any motor vehicle without a driver is found parked,
15 standing, or stopped in violation of this title or an equivalent
16 administrative regulation or local law, ordinance, regulation, or
17 resolution, the officer finding the vehicle shall take its registration
18 number and may take any other information displayed on the vehicle
19 which may identify its user, and shall conspicuously affix to the
20 vehicle a notice of traffic infraction.

21 ~~((+4))~~ (6) In the case of failure to redeem an abandoned vehicle
22 under RCW 46.55.120, upon receiving a complaint by a registered tow
23 truck operator that has incurred costs in removing, storing, and
24 disposing of an abandoned vehicle, an officer of the law enforcement
25 agency responsible for directing the removal of the vehicle shall send
26 a notice of infraction by certified mail to the last known address of
27 the registered owner of the vehicle. The officer shall append to the
28 notice of infraction, on a form prescribed by the department of
29 licensing, a notice indicating the amount of costs incurred as a result
30 of removing, storing, and disposing of the abandoned vehicle, less any
31 amount realized at auction, and a statement that monetary penalties for
32 the infraction will not be considered as having been paid until the
33 monetary penalty payable under this chapter has been paid and the court
34 is satisfied that the person has made restitution in the amount of the
35 deficiency remaining after disposal of the vehicle.

36 **Sec. 5.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read
37 as follows:

1 (1) In any traffic infraction case involving a violation of this
2 title or equivalent administrative regulation or local law, ordinance,
3 regulation, or resolution relating to the stopping, standing, or
4 parking of a vehicle, proof that the particular vehicle described in
5 the notice of traffic infraction was stopping, standing, or parking in
6 violation of any such provision of this title or an equivalent
7 administrative regulation or local law, ordinance, regulation, or
8 resolution, together with proof that the person named in the notice of
9 traffic infraction was at the time of the violation the registered
10 owner of the vehicle, (~~shall~~) constitutes in evidence a prima facie
11 presumption that the registered owner of the vehicle was the person who
12 parked or placed the vehicle at the point where, and for the time
13 during which, the violation occurred.

14 (2) The foregoing stated presumption (~~shall apply~~) applies only
15 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (5) has been
16 followed.

17 NEW SECTION. **Sec. 6.** The legislature respectfully request the
18 Washington state supreme court to amend the Infraction Rules for Courts
19 of Limited Jurisdiction to conform to this act. Furthermore, the
20 legislature respectfully asks the court to create a notice of
21 infraction that is consistent with this act.

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