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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)

READ FIRST TIME 02/13/17.

1            AN ACT Relating to establishing a statute of limitation for toll  
2 collections; amending RCW 47.46.105; adding a new section to chapter  
3 47.29 RCW; adding a new section to chapter 47.56 RCW; adding a new  
4 section to chapter 53.34 RCW; and creating new sections.

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

6            NEW SECTION.    **Sec. 1.**    The legislature intends with this act to  
7 establish a clear limit on the state's authority to assess and  
8 collect toll charges and related penalties from vehicle owners after  
9 the time periods established in this act have elapsed, whether the  
10 action is taken directly or delegated to a political subdivision,  
11 contractor, or agent.

12           NEW SECTION.    **Sec. 2.**    The state of Washington waives its  
13 sovereign immunity with respect to the application of the statutes of  
14 limitation for recovery actions established under this act.

15           **Sec. 3.**    RCW 47.46.105 and 2010 c 249 s 4 are each amended to  
16 read as follows:

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

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

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

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

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

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

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

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

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

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

1 (7) Failure to pay a photo toll by the toll payment due date is a  
2 violation for which a notice of civil penalty may be issued under RCW  
3 46.63.160.

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

13 NEW SECTION. Sec. 4. A new section is added to chapter 47.29  
14 RCW to read as follows:

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

24 NEW SECTION. Sec. 5. A new section is added to chapter 47.56  
25 RCW to read as follows:

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

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 53.34  
2    RCW to read as follows:  
3        The operator of a toll facility created by a port district shall  
4    issue a toll bill within six months of the date of occurrence of the  
5    toll transaction for which the toll bill is issued. The toll facility  
6    operator may not assess further penalties, fines, or costs or take  
7    any further action to collect a toll or associated penalties, fines,  
8    or costs unless the initial toll bill has been issued within six  
9    months of that particular transaction. For purposes of this section,  
10   "toll transaction" means the individual instance in which a vehicle  
11   uses a toll facility and is assessed a toll for that use.

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