
SENATE BILL 5481

State of Washington 64th Legislature 2015 Regular Session

By Senators Hill, Litzow, Mullet, Chase, Rivers, Becker, Bailey, Warnick, Rolfes, and Hasegawa

Read first time 01/22/15. Referred to Committee on Transportation.

1 AN ACT Relating to omnibus tolling customer service reform; and
2 amending RCW 46.63.160.

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

4 **Sec. 1.** RCW 46.63.160 and 2013 c 226 s 1 are each amended to
5 read as follows:

6 (1) This section applies only to civil penalties for nonpayment
7 of tolls detected through use of photo toll systems.

8 (2) Nothing in this section prohibits a law enforcement officer
9 from issuing a notice of traffic infraction to a person in control of
10 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
11 (b), or (c).

12 (3) A notice of civil penalty may be issued by the department of
13 transportation when a toll is assessed through use of a photo toll
14 system and the toll is not paid by the toll payment due date, which
15 is eighty days from the date the vehicle uses the toll facility and
16 incurs the toll charge.

17 (4) Any registered owner or renter of a vehicle traveling upon a
18 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
19 a civil penalty governed by the administrative procedures set forth
20 in this section when the vehicle incurs a toll charge and the toll is
21 not paid by the toll payment due date, which is eighty days from the

1 date the vehicle uses the toll facility and incurs the toll charge. A
2 customer service representative must assist a toll customer who has
3 received a notice of civil penalty to correct any errors or account
4 issues resulting in a civil penalty balance of less than one hundred
5 dollars. If the amount owed, including civil penalties, fees, and
6 tolls, exceeds one hundred dollars, the customer must be referred to
7 the administrative adjudication process described in subsection (5)
8 of this section.

9 (5)(a) Consistent with chapter 34.05 RCW, the department of
10 transportation shall develop an administrative adjudication process
11 to review appeals of civil penalties issued by the department of
12 transportation for toll nonpayment detected through the use of a
13 photo toll system under this section. The department of
14 transportation shall submit to the transportation committees of the
15 legislature an annual report on the number of times adjudicators
16 reduce or dismiss the civil penalty as provided in (b) of this
17 subsection and the total amount of the civil penalties dismissed. The
18 report must be submitted by December 1st of each year.

19 (b) During the adjudication process, the alleged violator must
20 have an opportunity to explain mitigating circumstances.
21 Hospitalization, a divorce decree or legal separation agreement
22 resulting in a transfer of the vehicle, an active duty member of the
23 military or national guard covered by the federal service members
24 civil relief act, 50 U.S.C. Sec. 501 et seq., or state service
25 members' civil relief act, chapter 38.42 RCW, eviction, homelessness,
26 the death of the alleged violator or of an immediate family member,
27 ~~((or)),~~ being switched to a different method of toll payment, if the
28 alleged violator did not receive a toll charge bill or notice of
29 civil penalty, or other mitigating circumstances as determined by the
30 administrative law judge are deemed valid mitigating circumstances.
31 All of ~~((these))~~ the reasons that constitute mitigating circumstances
32 must occur within a reasonable time of the alleged toll violation. In
33 response to these circumstances, the adjudicator may reduce or
34 dismiss the civil penalty and associated administrative fees.

35 (6) The use of a photo toll system is subject to the following
36 requirements:

37 (a) Photo toll systems may take photographs, digital photographs,
38 microphotographs, videotapes, or other recorded images of the vehicle
39 and vehicle license plate only.

1 (b) A notice of civil penalty must include with it a certificate
2 or facsimile thereof, based upon inspection of photographs,
3 microphotographs, videotape, or other recorded images produced by a
4 photo toll system, stating the facts supporting the notice of civil
5 penalty. This certificate or facsimile is prima facie evidence of the
6 facts contained in it and is admissible in a proceeding established
7 under subsection (5) of this section. The photographs, digital
8 photographs, microphotographs, videotape, or other recorded images
9 evidencing the toll nonpayment civil penalty must be available for
10 inspection and admission into evidence in a proceeding to adjudicate
11 the liability for the civil penalty.

12 (c) Prior to issuing a notice of civil penalty to a registered
13 owner of a vehicle with an electronic toll collection account, the
14 department of transportation must:

15 (i) Document when the toll was assessed in the electronic toll
16 collection account in the monthly statement that is made available to
17 the registered owner of the vehicle;

18 (ii) Use electronic correspondence in addition to monthly
19 statements to inform the registered owner of a vehicle with an
20 electronic toll collection account that the registered owner has
21 unpaid tolls during the eighty-day period between when the toll was
22 assessed and when the unpaid toll becomes a civil penalty; and

23 (iii) Call the registered owner of the vehicle that was assessed
24 the toll at least five days prior to the unpaid toll becoming a civil
25 penalty, for those customers who have provided the department with
26 phone contact information.

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

1 ensure payment and enforcement of tolls and to comply with state
2 records retention policies.

3 ~~((d))~~ (e) All locations where a photo toll system is used must
4 be clearly marked by placing signs in locations that clearly indicate
5 to a driver that he or she is entering a zone where tolls are
6 assessed and enforced by a photo toll system.

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

17 ~~((f))~~ (g) The envelope containing a toll charge bill or related
18 notice issued pursuant to RCW 47.46.105 or 47.56.795, or a notice of
19 civil penalty issued under this section, must prominently indicate
20 that the contents are time sensitive and related to a toll violation.

21 (7) Civil penalties for toll nonpayment detected through the use
22 of photo toll systems must be issued to the registered owner of the
23 vehicle identified by the photo toll system, but are not part of the
24 registered owner's driving record under RCW 46.52.101 and 46.52.120.

25 (8) The civil penalty for toll nonpayment detected through the
26 use of a photo toll system is forty dollars plus the photo toll and
27 associated fees.

28 (9) Except as provided otherwise in this subsection, all civil
29 penalties, including the photo toll and associated fees, collected
30 under this section must be deposited into the toll facility account
31 of the facility on which the toll was assessed. However, through June
32 30, 2013, civil penalties deposited into the Tacoma Narrows toll
33 bridge account created under RCW 47.56.165 that are in excess of
34 amounts necessary to support the toll adjudication process applicable
35 to toll collection on the Tacoma Narrows bridge must first be
36 allocated toward repayment of operating loans and reserve payments
37 provided to the account from the motor vehicle account under section
38 1005(15), chapter 518, Laws of 2007. Additionally, all civil
39 penalties, resulting from nonpayment of tolls on the state route
40 number 520 corridor, shall be deposited into the state route number

1 520 civil penalties account created under section 4, chapter 248,
2 Laws of 2010 but only if chapter 248, Laws of 2010 is enacted by June
3 30, 2010.

4 (10) If the registered owner of the vehicle is a rental car
5 business, the department of transportation shall, before a toll bill
6 is issued, provide a written notice to the rental car business that a
7 toll bill may be issued to the rental car business if the rental car
8 business does not, within thirty days of the mailing of the written
9 notice, provide to the issuing agency by return mail:

10 (a) A statement under oath stating the name and known mailing
11 address of the individual driving or renting the vehicle when the
12 toll was assessed; or

13 (b) A statement under oath that the business is unable to
14 determine who was driving or renting the vehicle at the time the toll
15 was assessed because the vehicle was stolen at the time the toll was
16 assessed. A statement provided under this subsection must be
17 accompanied by a copy of a filed police report regarding the vehicle
18 theft; or

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

21 Timely mailing of this statement to the issuing agency relieves a
22 rental car business of any liability under this section for the
23 payment of the toll.

24 (11) The department of transportation must administer a toll
25 amnesty program within one hundred eighty days of the effective date
26 of this section. The department may administer the program
27 periodically thereafter. The toll amnesty program must allow a toll
28 customer, on a one-time basis, who owes civil penalties,
29 administrative fees, and tolls, to pay the tolls owed and have the
30 civil penalties and associated administrative fees waived.

31 (12) The department of transportation must make available to the
32 public a toll customer account application for mobile technologies
33 that allows toll customers to manage all of their tolling accounts,
34 regardless of method of payment, from a mobile platform.

35 (13) When acquiring a new photo toll system or making any
36 modifications to an existing photo toll system, the department of
37 transportation must enable the system to connect with the department
38 of licensing's vehicle record system so that customer vehicle related
39 information is shared seamlessly and the toll system is updated

1 automatically when a toll customer's vehicle license plate is
2 changed.

3 (14) Consistent with chapter 34.05 RCW, the department of
4 transportation shall develop rules to implement this section.

5 ~~((12))~~ (15) For the purposes of this section, "photo toll
6 system" means the system defined in RCW 47.56.010 and 47.46.020.

--- END ---