

HOUSE BILL REPORT

SHB 2475

As Amended by the Senate

Title: An act relating to toll evasion.

Brief Description: Facilitating enforcement of toll violations.

Sponsors: By House Committee on Transportation (originally sponsored by Representative Murray; by request of Department of Transportation).

Brief History:

Committee Activity:

Transportation: 1/26/04, 2/4/04 [DPS].

Floor Activity:

Passed House: 2/16/04, 94-4.

Senate Amended.

Passed Senate: 3/5/04, 48-0.

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">· Provisions governing penalties for evading toll collection systems are modified by making these violations a non-moving traffic infraction and by creating procedures for issuing these infractions, including procedures for toll facilities that use photo monitoring systems.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, G., Vice Chair; Ericksen, Ranking Minority Member; Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Morris, Nixon, Rodne, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

Minority Report: Do not pass. Signed by 1 member: Representative Mielke.

Staff: Page Scott (786-7301).

Background:

Under current law, it is a traffic infraction to evade payment of tolls on a publicly operated toll facility. A law enforcement officer is only authorized to issue a citation for a traffic infraction if it is committed in the officer's presence, in the presence of a referring law enforcement officer, or if the officer is at the scene of an accident and has probable cause to believe that an infraction has been committed.

Summary of Substitute Bill:

Toll evasion violations generally

Failure to pay a toll is made a non-moving traffic infraction. If a person violates the requirements to pay a toll, a law enforcement officer may issue a notice of a traffic infraction in person or the notice may be mailed to the registered owner. Infractions for toll violations are not part of the registered owner's driving record. If the owner does not respond to the notice of infraction, the Department of Licensing shall suspend the renewal of the vehicle registration upon request by the Department of Transportation.

If the registered owner is a rental car business, the infraction will be dismissed against the business if the business provides the name and known mailing address of the person renting or driving the vehicle.

Time limits for notices of infractions

Notice of an infraction for toll violations must be mailed to the registered owner within 60 days of the toll violation, unless issued in person. A registered owner will be responsible for the violation unless he or she provides either 1) a sworn statement that the vehicle was stolen or in the care, custody, or control of some other person at the time of the violation, or 2) testifies in open court that the person was not the operator of the vehicle at the time of the violation. The statement or testimony must be furnished to the agency issuing the notice of infraction within 15 days if issued in person, or within 18 days if mailed.

Photo monitoring enforcement systems

When a photo monitoring system is used at toll facilities, the content and use of the images recorded by the system are restricted. The content of the recorded images is limited to the vehicle and license plate only. Recorded images are not open to the public and may not be used in court unless the proceeding relates to a toll collection violation.

EFFECT OF SENATE AMENDMENT(S):

"Photo monitoring" is changed to "photo enforcement." Images are only recorded of

vehicles operated during a toll collection violation. Creates a rebuttable presumption that the registered owner of the vehicle was in control of the vehicle at the time of a toll violation. Rental car businesses receive advance notice that a toll violation infraction may be issued. The DOT may not release names or addresses of electronic toll collection system account holders.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary because it provides consistent definitions of electronic toll collection and photo monitoring systems, allows for the use of state-of-the-art technology, and allows notice of toll violations to be mailed. Support for this bill because the recorded images are not available to the public and toll violations do not appear on drivers' records.

Testimony Against: None.

Persons Testifying: Linea Laird and David Pope, Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.