

# SENATE BILL REPORT

## SHB 2475

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As Reported By Senate Committee On:  
Highways & Transportation, March 1, 2004

**Title:** An act relating to toll evasion.

**Brief Description:** Facilitating enforcement of toll violations.

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

**Brief History:**

**Committee Activity:** Highways & Transportation: 2/25/04, 3/1/04 [DPA].

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### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

**Staff:** Dean Carlson (786-7305)

**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 Amended 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 must 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 is 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 is 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) testimony 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.

Rules adopted by the department must allow for transponder compatibility between toll facilities and interoperability with multiple transponder vendors.

**Amended Bill Compared to Substitute Bill:** Technical corrections are made to the infraction statutes. An open standard for interoperability with multiple transponder vendors is created.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill allows the enforcement of electronic tolls. This will ensure the public that everyone will pay the tolls on the Tacoma Narrows Bridge. We are concerned only with the way the infraction statutes are organized. We would like to ensure that the photos are not used for any other purpose.

**Testimony Against:** None.

**Testified:** David Pope, WSDOT (pro); Jeff Hall, Board for Judicial Administration (pro); Jerry Sheehan, ACLU (pro).