
SUBSTITUTE HOUSE BILL 2897

State of Washington 61st Legislature 2010 Regular Session

By House Transportation (originally sponsored by Representatives Rolfes, Eddy, Finn, Seaquist, Clibborn, Appleton, and Maxwell; by request of Department of Transportation)

READ FIRST TIME 02/08/10.

1 AN ACT Relating to the administration, collection, use, and
2 enforcement of tolls; amending RCW 47.56.010, 47.46.020, 47.46.105,
3 46.63.030, 46.63.160, 46.63.075, 10.93.020, 47.56.167, and 46.61.690;
4 adding a new section to chapter 47.56 RCW; prescribing penalties; and
5 providing an effective date.

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

7 **Sec. 1.** RCW 47.56.010 and 2002 c 114 s 2 are each amended to read
8 as follows:

9 As used in this chapter:

10 (1) "Toll bridge" means a bridge constructed or acquired under this
11 chapter, upon which tolls are charged, together with all appurtenances,
12 additions, alterations, improvements, and replacements thereof, and the
13 approaches thereto, and all lands and interests used therefor, and
14 buildings and improvements thereon.

15 (2) "Toll road" means any express highway, superhighway, or
16 motorway at such locations and between such termini as may be
17 established by law, and constructed or to be constructed as a limited
18 access highway under the provisions of this chapter by the department,
19 and shall include, but not be limited to, all bridges, tunnels,

1 overpasses, underpasses, interchanges, entrance plazas, approaches,
2 toll houses, service areas, service facilities, communications
3 facilities, and administration, storage, and other buildings that the
4 department may deem necessary for the operation of the project,
5 together with all property, rights, easements, and interests that may
6 be acquired by the department for the construction or the operation of
7 the project, all of which shall be conducted in the same manner and
8 under the same procedure as provided for the establishing,
9 constructing, operating, and maintaining of toll bridges by the
10 department, insofar as those procedures are reasonably consistent and
11 applicable.

12 (3) "1950 Tacoma Narrows bridge" means the bridge crossing the
13 Tacoma Narrows that was opened to vehicle travel in 1950.

14 (4) "Electronic toll collection system" means a system that
15 collects tolls by crediting or debiting funds from a customer's unique
16 prepaid tolling account.

17 (5) "Photo toll" means a toll charge associated with a particular
18 vehicle that is identified by its license plate. A photo toll may be
19 paid through one of the following methods:

20 (a) A customer-initiated account that is prepaid or postpaid.

21 (b) In response to a toll bill that is sent to the registered owner
22 of the vehicle incurring the photo toll charge. The toll bill may
23 designate a toll payment due date for the photo toll assessed.

24 (6) "Photo toll system" means a camera-based imaging system that
25 uses digital video or still image formats to record license plate
26 images of vehicles using toll lanes for the purpose of collecting a
27 photo toll.

28 (7) "Toll payment due date" means the date when a toll must be paid
29 to avoid a toll violation. The toll payment due date is eighty days
30 from the date the vehicle uses the toll facility and incurs the toll
31 charge.

32 **Sec. 2.** RCW 47.46.020 and 1993 c 370 s 2 are each amended to read
33 as follows:

34 As used in this chapter((7)):

35 (1) "Electronic toll collection system" means a system that
36 collects tolls by crediting or debiting funds from a customer's unique
37 prepaid tolling account.

1 (2) "Photo toll" means a charge associated with a particular
2 vehicle that can only be identified by its license plate. A photo toll
3 may be paid through one of the following methods:

4 (a) A customer-initiated account that is prepaid or postpaid.

5 (b) In response to a toll bill that is sent to the registered owner
6 of the vehicle incurring the photo toll charge. The toll bill may
7 designate a toll payment due date for the photo toll assessed.

8 (3) "Photo toll system" means a camera-based imaging system that
9 uses digital video or still image formats to record license plate
10 images of vehicles using toll lanes for the purpose of collecting a
11 photo toll.

12 (4) "Toll payment due date" means the date when a toll must be paid
13 to avoid a toll violation. The toll payment due date is eighty days
14 from the date the vehicle uses the toll facility and incurs the toll
15 charge.

16 (5) "Transportation systems and facilities" means capital-related
17 improvements and additions to the state's transportation
18 infrastructure, including but not limited to highways, roads, bridges,
19 vehicles, and equipment, marine-related facilities, vehicles, and
20 equipment, park and ride lots, transit stations and equipment,
21 transportation management systems, and other transportation-related
22 investments.

23 NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW
24 to read as follows:

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

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

30 (b) Notwithstanding any other provision of law, all photographs,
31 digital photographs, microphotographs, videotape, other recorded
32 images, or other records identifying a specific instance of travel
33 prepared under this chapter are for the exclusive use of the tolling
34 agency for toll collection and enforcement purposes and are not open to
35 the public and may not be used in a court in a pending action or
36 proceeding unless the action or proceeding relates to a notice of
37 infraction under RCW 46.63.160. No photograph, digital photograph,

1 microphotograph, videotape, other recorded image, or other record
2 identifying a specific instance of travel may be used for any purpose
3 other than toll collection or enforcement of notices of infraction
4 under RCW 46.63.160. Records identifying a specific instance of travel
5 by a specific person or vehicle must be retained only as required to
6 ensure payment and enforcement of tolls and to comply with state
7 records retention policies as previously determined for toll
8 facilities. Aggregate records that do not identify an individual,
9 vehicle, or account may be maintained.

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

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

13 (a) A customer may pay an electronic toll through an electronic
14 toll collection account;

15 (b) A customer may pay a photo toll either through a customer-
16 initiated payment or in response to a toll bill; or

17 (c) A customer may pay with cash on toll facilities that have a
18 manual cash collection system.

19 (5) To the extent practicable, the department shall adopt
20 electronic toll collection options, which allow for anonymous customer
21 accounts and anonymous accounts that are not linked to a specific
22 vehicle.

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

29 (7) Failure to pay a photo toll by the toll payment due date is a
30 violation under RCW 46.63.160 for which a notice of infraction may be
31 issued under RCW 46.63.030 and 46.63.160.

32 **Sec. 4.** RCW 47.46.105 and 2004 c 230 s 2 are each amended to read
33 as follows:

34 ~~((1) Tolls may be collected by any system that identifies the~~
35 ~~correct toll and collects the payment. Systems may include manual cash~~
36 ~~collection, electronic toll collection, and photo monitoring systems.~~

1 ~~(a) "Electronic toll collection system" means a system of~~
2 ~~collecting tolls or charges that is capable of charging the account of~~
3 ~~the toll patron the appropriate toll or charge by electronic~~
4 ~~transmission from the motor vehicle to the toll collection system,~~
5 ~~which information is used to charge the appropriate toll or charge to~~
6 ~~the patron's account. The department shall adopt rules that allow an~~
7 ~~open standard for automatic vehicle identification transponders used~~
8 ~~for electronic toll collection to be compatible with other electronic~~
9 ~~payment devices or transponders from the Washington state ferry system,~~
10 ~~other public transportation systems, or other toll collection systems~~
11 ~~to the extent that technology permits. The rules must also allow for~~
12 ~~multiple vendors providing electronic payment devices or transponders~~
13 ~~as technology permits.~~

14 ~~(b) "Photo monitoring system" means a vehicle sensor installed to~~
15 ~~work in conjunction with an electronic toll collection system in a toll~~
16 ~~facility that automatically produces one or more photographs, one or~~
17 ~~more microphotographs, a videotape, or other recorded images of each~~
18 ~~vehicle at the time it is used or operated within a toll facility.~~

19 ~~(c) No photograph, digital photograph, microphotograph, videotape,~~
20 ~~or other recorded image may be used for any purpose other than toll~~
21 ~~enforcement, nor retained longer than necessary to verify that tolls~~
22 ~~are paid, or to enforce toll evasion violations.~~

23 ~~(2) The department shall adopt rules to govern toll collection.))~~

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

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

29 (b) Notwithstanding any other provision of law, all photographs,
30 digital photographs, microphotographs, videotape, other recorded
31 images, or other records identifying a specific instance of travel
32 prepared under this chapter are for the exclusive use of the tolling
33 agency for toll collection and enforcement purposes and are not open to
34 the public and may not be used in a court in a pending action or
35 proceeding unless the action or proceeding relates to a notice of
36 infraction under RCW 46.63.160. No photograph, digital photograph,
37 microphotograph, videotape, other recorded image, or other record
38 identifying a specific instance of travel may be used for any purpose

1 other than toll collection or enforcement of notices of infraction
2 under RCW 46.63.160. Records identifying a specific instance of travel
3 by a specific person or vehicle must be retained only as required to
4 ensure payment and enforcement of tolls and to comply with state
5 records retention policies as previously determined for toll
6 facilities. Aggregate records that do not identify an individual,
7 vehicle, or account may be maintained.

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

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

11 (a) A customer may pay an electronic toll through an electronic
12 toll collection account;

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

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

19 (5) To the extent practicable, the department shall adopt
20 electronic toll collection options, which allow for anonymous customer
21 accounts and anonymous accounts that are not linked to a specific
22 vehicle.

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

29 (7) Failure to pay a photo toll by the toll payment due date is a
30 violation under RCW 46.63.160 for which a notice of infraction may be
31 issued under RCW 46.63.030 and 46.63.160.

32 **Sec. 5.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
33 as follows:

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

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

1 (b) When the officer is acting upon the request of a law
2 enforcement officer in whose presence the traffic infraction was
3 committed;

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

7 (d) When the infraction is detected through the use of a photo
8 (~~(enforcement)~~) toll system under RCW 46.63.160; or

9 (e) When the infraction is detected through the use of an automated
10 traffic safety camera under RCW 46.63.170.

11 (2) 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) 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) In the case of failure to redeem an abandoned vehicle under RCW
22 46.55.120, upon receiving a complaint by a registered tow truck
23 operator that has incurred costs in removing, storing, and disposing of
24 an abandoned vehicle, an officer of the law enforcement agency
25 responsible for directing the removal of the vehicle shall send a
26 notice of infraction by certified mail to the last known address of the
27 person responsible under RCW 46.55.105. The notice must be entitled
28 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
29 The officer shall append to the notice of infraction, on a form
30 prescribed by the department of licensing, a notice indicating the
31 amount of costs incurred as a result of removing, storing, and
32 disposing of the abandoned vehicle, less any amount realized at
33 auction, and a statement that monetary penalties for the infraction
34 will not be considered as having been paid until the monetary penalty
35 payable under this chapter has been paid and the court is satisfied
36 that the person has made restitution in the amount of the deficiency
37 remaining after disposal of the vehicle.

1 **Sec. 6.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read
2 as follows:

3 (1) This section applies only to infractions issued under ((RCW
4 ~~46.61.690 for toll collection evasion~~) section 3 of this act and RCW
5 47.46.105 for toll violations detected through the use of photo toll
6 systems.

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

11 (3) ~~((Toll collection systems include manual cash collection,~~
12 ~~electronic toll collection, and photo enforcement systems.~~

13 ~~(4) "Electronic toll collection system" means a system of~~
14 ~~collecting tolls or charges that is capable of charging the account of~~
15 ~~the toll patron the appropriate toll or charge by electronic~~
16 ~~transmission from the motor vehicle to the toll collection system,~~
17 ~~which information is used to charge the appropriate toll or charge to~~
18 ~~the patron's account.~~

19 ~~(5) "Photo enforcement system" means a vehicle sensor installed to~~
20 ~~work in conjunction with an electronic toll collection system that~~
21 ~~automatically produces one or more photographs, one or more~~
22 ~~microphotographs, a videotape, or other recorded images of a vehicle~~
23 ~~operated in violation of an infraction under this chapter.~~

24 ~~(6) The use of a toll collection system is subject to the following~~
25 ~~requirements:~~

26 ~~(a) The department of transportation shall adopt rules that allow~~
27 ~~an open standard for automatic vehicle identification transponders used~~
28 ~~for electronic toll collection to be compatible with other electronic~~
29 ~~payment devices or transponders from the Washington state ferry system,~~
30 ~~other public transportation systems, or other toll collection systems~~
31 ~~to the extent that technology permits. The rules must also allow for~~
32 ~~multiple vendors providing electronic payment devices or transponders~~
33 ~~as technology permits.~~

34 ~~(b) The department of transportation may not sell, distribute, or~~
35 ~~make available in any way, the names and addresses of electronic toll~~
36 ~~collection system account holders.~~

37 ~~(7))~~ A notice of infraction may be issued when a toll is assessed

1 through the use of a photo toll system and the toll is not paid by the
2 toll payment due date, which is eighty days from the date the toll was
3 assessed.

4 (4) A notice of infraction may be issued by a limited authority
5 Washington peace officer as defined in RCW 10.93.020. The agency
6 responsible for detecting toll violations may determine who serves as
7 the limited authority Washington peace officer.

8 (5) The use of a photo ((enforcement)) toll system ((for issuance
9 of notices of infraction)) is subject to the following requirements:

10 (a) Photo ((enforcement)) toll systems may take photographs,
11 digital photographs, microphotographs, videotapes, or other recorded
12 images of the vehicle and vehicle license plate only.

13 (b) ~~((A notice of infraction must be mailed to the registered owner~~
14 ~~of the vehicle or to the renter of a vehicle within sixty days of the~~
15 ~~violation. The law enforcement))~~ The officer issuing the notice of
16 infraction shall include with it a certificate or facsimile thereof,
17 based upon inspection of photographs, microphotographs, videotape, or
18 other recorded images produced by a photo ((enforcement)) toll system,
19 stating the facts supporting the notice of infraction. This
20 certificate or facsimile is prima facie evidence of the facts contained
21 in it and is admissible in a proceeding charging a violation under this
22 chapter. The photographs, digital photographs, microphotographs,
23 videotape, or other recorded images evidencing the violation must be
24 available for inspection and admission into evidence in a proceeding to
25 adjudicate the liability for the infraction.

26 (c) Notwithstanding any other provision of law, all photographs,
27 digital photographs, microphotographs, videotape, ~~((or))~~ other recorded
28 images, or other records identifying a specific instance of travel
29 prepared under this chapter are for the exclusive use of the tolling
30 agency for toll collection purposes and law enforcement in the
31 discharge of duties under this section and are not open to the public
32 and may not be used in a court in a pending action or proceeding unless
33 the action or proceeding relates to a violation under this chapter. No
34 photograph, digital photograph, microphotograph, videotape, ((or))
35 other recorded image, or other record identifying a specific instance
36 of travel may be used for any purpose other than toll collection or
37 enforcement of violations under this chapter ((nor retained longer than
38 necessary to enforce this chapter or verify that tolls are paid)).

1 Records identifying a specific instance of travel by a specific person
2 or vehicle must be retained only as required to ensure payment and
3 enforcement of tolls and to comply with state records retention
4 policies as previously determined for toll facilities. Aggregate
5 records that do not identify an individual, vehicle, or account may be
6 maintained.

7 (d) All locations where a photo ((enforcement)) toll system is used
8 must be clearly marked by placing signs in locations that clearly
9 indicate to a driver that he or she is entering a zone where ((traffic
10 laws are)) tolls are assessed and enforced by a photo ((enforcement))
11 toll system.

12 ((+8)) (6) Infractions for toll nonpayment detected through the
13 use of photo ((enforcement)) toll systems must be issued to the
14 registered owner of the vehicle identified by the photo toll system,
15 but are not part of the registered owner's driving record under RCW
16 46.52.101 and 46.52.120. Additionally, infractions generated by the
17 use of photo enforcement systems under this section shall be processed
18 in the same manner as parking infractions, including for the purposes
19 of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

20 ((+9)) (7) The penalty for ((an infraction)) toll nonpayment
21 detected through the use of a photo ((enforcement)) toll system ((shall
22 be)) is forty dollars plus an additional toll penalty((. —The toll
23 penalty is equal to three times the cash toll for a standard passenger
24 car during peak hours. The toll penalty may not be reduced. The court
25 shall remit the toll penalty to the department of transportation or a
26 private entity under contract with the department of transportation for
27 deposit in the statewide account in which tolls are deposited for the
28 tolling facility at which the violation occurred. If the driver is
29 found not to have committed an infraction under this section, the
30 driver shall pay the toll due at the time the photograph was taken,
31 unless the toll has already been paid)) of twelve dollars. One dollar
32 of the infraction amount must be forwarded to the state treasurer for
33 deposit in the judicial information system account established in RCW
34 2.68.020 to be used for costs associated with the development and
35 maintenance of judicial information system products and services. The
36 court may not waive, reduce, or suspend the one dollar that is
37 allocated to the judicial information system account. The toll penalty
38 may not be reduced. The court shall remit the toll penalty to the

1 department of transportation or a private entity under contract with
2 the department of transportation for deposit in the statewide account
3 in which tolls are deposited for the tolling facility at which the
4 violation occurred. If the driver is found not to have committed an
5 infraction under this section, the driver shall pay the toll due at the
6 time the photograph was taken, unless the toll has already been paid.

7 ((+10+)) (8) If the registered owner of the vehicle is a rental car
8 business, the department of transportation or a law enforcement agency
9 shall, before a notice of infraction being issued under this section,
10 provide a written notice to the rental car business that a notice of
11 infraction may be issued to the rental car business if the rental car
12 business does not, within eighteen days of the mailing of the written
13 notice, provide to the issuing agency by return mail:

14 (a) A statement under oath stating the name and known mailing
15 address of the individual driving or renting the vehicle when the
16 infraction occurred; or

17 (b) A statement under oath that the business is unable to determine
18 who was driving or renting the vehicle at the time the infraction
19 occurred because the vehicle was stolen at the time of the infraction.
20 A statement provided under this subsection must be accompanied by a
21 copy of a filed police report regarding the vehicle theft; or

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

24 Timely mailing of this statement to the issuing law enforcement
25 agency relieves a rental car business of any liability under this
26 chapter for the notice of infraction.

27 **Sec. 7.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
28 as follows:

29 (1) In a traffic infraction case involving an infraction detected
30 through the use of ~~((a photo enforcement system under RCW 46.63.160, or~~
31 ~~detected through the use of))~~ an automated traffic safety camera under
32 RCW 46.63.170, proof that the particular vehicle described in the
33 notice of traffic infraction was in violation of any such provision of
34 RCW ~~((46.63.160 or))~~ 46.63.170, together with proof that the person
35 named in the notice of traffic infraction was at the time of the
36 violation the registered owner of the vehicle, constitutes in evidence

1 a prima facie presumption that the registered owner of the vehicle was
2 the person in control of the vehicle at the point where, and for the
3 time during which, the violation occurred.

4 (2) This presumption may be overcome only if the registered owner
5 states, under oath, in a written statement to the court or in testimony
6 before the court that the vehicle involved was, at the time, stolen or
7 in the care, custody, or control of some person other than the
8 registered owner.

9 **Sec. 8.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read
10 as follows:

11 As used in this chapter, the following terms have the meanings
12 indicated unless the context clearly requires otherwise.

13 (1) "General authority Washington law enforcement agency" means any
14 agency, department, or division of a municipal corporation, political
15 subdivision, or other unit of local government of this state, and any
16 agency, department, or division of state government, having as its
17 primary function the detection and apprehension of persons committing
18 infractions or violating the traffic or criminal laws in general, as
19 distinguished from a limited authority Washington law enforcement
20 agency, and any other unit of government expressly designated by
21 statute as a general authority Washington law enforcement agency. The
22 Washington state patrol and the department of fish and wildlife are
23 general authority Washington law enforcement agencies.

24 (2) "Limited authority Washington law enforcement agency" means any
25 agency, political subdivision, or unit of local government of this
26 state, and any agency, department, or division of state government,
27 having as one of its functions the apprehension or detection of persons
28 committing infractions or violating the traffic or criminal laws
29 relating to limited subject areas, including but not limited to, the
30 state departments of natural resources (~~and~~), social and health
31 services, and transportation, the state gambling commission, the state
32 lottery commission, the state parks and recreation commission, the
33 state utilities and transportation commission, the state liquor control
34 board, the office of the insurance commissioner, and the state
35 department of corrections.

36 (3) "General authority Washington peace officer" means any full-
37 time, fully compensated and elected, appointed, or employed officer of

1 a general authority Washington law enforcement agency who is
2 commissioned to enforce the criminal laws of the state of Washington
3 generally.

4 (4) "Limited authority Washington peace officer" means any full-
5 time, fully compensated officer of a limited authority Washington law
6 enforcement agency empowered by that agency to detect or apprehend
7 violators of the laws in some or all of the limited subject areas for
8 which that agency is responsible. A limited authority Washington peace
9 officer may be a specially commissioned Washington peace officer if
10 otherwise qualified for such status under this chapter.

11 (5) "Specially commissioned Washington peace officer", for the
12 purposes of this chapter, means any officer, whether part-time or full-
13 time, compensated or not, commissioned by a general authority
14 Washington law enforcement agency to enforce some or all of the
15 criminal laws of the state of Washington, who does not qualify under
16 this chapter as a general authority Washington peace officer for that
17 commissioning agency, specifically including reserve peace officers,
18 and specially commissioned full-time, fully compensated peace officers
19 duly commissioned by the states of Oregon or Idaho or any such peace
20 officer commissioned by a unit of local government of Oregon or Idaho.
21 A reserve peace officer is an individual who is an officer of a
22 Washington law enforcement agency who does not serve such agency on a
23 full-time basis but who, when called by the agency into active service,
24 is fully commissioned on the same basis as full-time peace officers to
25 enforce the criminal laws of the state.

26 (6) "Federal peace officer" means any employee or agent of the
27 United States government who has the authority to carry firearms and
28 make warrantless arrests and whose duties involve the enforcement of
29 criminal laws of the United States.

30 (7) "Agency with primary territorial jurisdiction" means a city or
31 town police agency which has responsibility for police activity within
32 its boundaries; or a county police or sheriff's department which has
33 responsibility with regard to police activity in the unincorporated
34 areas within the county boundaries; or a statutorily authorized port
35 district police agency or four-year state college or university police
36 agency which has responsibility for police activity within the
37 statutorily authorized enforcement boundaries of the port district,
38 state college, or university.

1 (8) "Primary commissioning agency" means (a) the employing agency
2 in the case of a general authority Washington peace officer, a limited
3 authority Washington peace officer, an Indian tribal peace officer, or
4 a federal peace officer, and (b) the commissioning agency in the case
5 of a specially commissioned Washington peace officer (i) who is
6 performing functions within the course and scope of the special
7 commission and (ii) who is not also a general authority Washington
8 peace officer, a limited authority Washington peace officer, an Indian
9 tribal peace officer, or a federal peace officer.

10 (9) "Primary function of an agency" means that function to which
11 greater than fifty percent of the agency's resources are allocated.

12 (10) "Mutual law enforcement assistance" includes, but is not
13 limited to, one or more law enforcement agencies aiding or assisting
14 one or more other such agencies through loans or exchanges of personnel
15 or of material resources, for law enforcement purposes.

16 **Sec. 9.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to read
17 as follows:

18 (1) The central toll ((collection)) account is created in the
19 custody of the state treasurer for the deposit of prepaid customer
20 tolls and clearing activities benefiting multiple toll facilities.

21 (2) All receipts from prepaid customer tolls must be deposited into
22 the account. ((Distributions from the account)) Prepaid customer tolls
23 may be used only to refund customer((s⁺)) prepaid tolls or for
24 distributions ((into)) to the appropriate toll facility account((-
25 Distributions into the appropriate toll facility account shall be based
26 on charges incurred at each toll facility and shall include a
27 proportionate share of interest earned from amounts deposited into the
28 account)) based on an equitable methodology to be determined by the
29 department in consultation with the office of financial management.
30 For purposes of accounting, distributions from the account constitute
31 earned toll revenues in the receiving toll facility account at the time
32 of distribution.

33 (3) Operations that benefit multiple toll facilities may be
34 recorded in the account. At least monthly, operating activities must
35 be distributed to the benefiting toll facility accounts.

36 (4) On a monthly basis, interest earnings on deposits in the

1 account must be distributed to the toll facility accounts based on an
2 equitable methodology to be determined by the department in
3 consultation with the office of financial management.

4 (5) Only the secretary of transportation or the secretary's
5 designee may authorize distributions from the account. Distributions
6 of revenue and refunds from this account are not subject to the
7 allotment procedures under chapter 43.88 RCW and an appropriation is
8 not required.

9 **Sec. 10.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read
10 as follows:

11 (1) Any person who uses a toll bridge, toll tunnel, toll road, or
12 toll ferry, and the approaches thereto, operated by the state of
13 Washington, the department of transportation, a political subdivision
14 or municipal corporation empowered to operate toll facilities, or an
15 entity operating a toll facility under a contract with the department
16 of transportation, a political subdivision, or municipal corporation,
17 at the entrance to which appropriate signs have been erected to notify
18 both pedestrian and vehicular traffic that it is entering a toll
19 facility or its approaches and is subject to the payment of tolls at
20 the designated station for collecting tolls, commits a traffic
21 infraction if:

22 ((+1)) (a) The person does not pay, refuses to pay, evades, or
23 attempts to evade the payment of such tolls, or uses or attempts to use
24 any spurious, counterfeit, or stolen ticket, coupon, token, or
25 electronic device for payment of any such tolls(~~(, or~~);

26 ((+2)) (b) The person turns, or attempts to turn, the vehicle
27 around in the bridge, tunnel, loading terminal, approach, or toll plaza
28 where signs have been erected forbidding such turns(~~(, or~~);

29 ((+3)) (c) The person refuses to move a vehicle through the toll
30 facility after having come within the area where signs have been
31 erected notifying traffic that it is entering the area where toll is
32 collectible or where vehicles may not turn around and where vehicles
33 are required to pass through the toll facility for the purpose of
34 collecting tolls; or

35 (d) The driver of the vehicle displays any vehicle license number
36 plate or plates that have been, in any manner, changed, altered,
37 obscured, or disfigured, or have become illegible.

1 (2) Subsection (1)(a) of this section does not apply to toll
2 nonpayment detected through the use of photo toll systems under RCW
3 46.63.160.

4 NEW SECTION. **Sec. 11.** This act takes effect January 15, 2011.

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