
HOUSE BILL 2897

State of Washington

61st Legislature

2010 Regular Session

By Representatives Rolfes, Eddy, Finn, Seaquist, Clibborn, Appleton, and Maxwell; by request of Department of Transportation

Read first time 01/18/10. Referred to Committee on Transportation.

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, and 47.56.167; adding new
4 sections to chapter 47.56 RCW; adding a new section to chapter 47.46
5 RCW; repealing RCW 46.61.690; prescribing penalties; and providing an
6 effective date.

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

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

10 As used in this chapter:

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

16 (2) "Toll road" means any express highway, superhighway, or
17 motorway at such locations and between such termini as may be
18 established by law, and constructed or to be constructed as a limited
19 access highway under the provisions of this chapter by the department,

1 and shall include, but not be limited to, all bridges, tunnels,
2 overpasses, underpasses, interchanges, entrance plazas, approaches,
3 toll houses, service areas, service facilities, communications
4 facilities, and administration, storage, and other buildings that the
5 department may deem necessary for the operation of the project,
6 together with all property, rights, easements, and interests that may
7 be acquired by the department for the construction or the operation of
8 the project, all of which shall be conducted in the same manner and
9 under the same procedure as provided for the establishing,
10 constructing, operating, and maintaining of toll bridges by the
11 department, insofar as those procedures are reasonably consistent and
12 applicable.

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

15 (4) "Electronic toll collection system" means a system that
16 collects tolls by one of the following three methods: (a) Crediting or
17 debiting funds from a driver's unique prepaid tolling account; (b)
18 issuing a toll bill to the registered owner of a vehicle that crosses
19 a toll facility without a prepaid account; or (c) a customer initiates
20 payment of a toll before making a particular trip.

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

24 (a) A linked customer account that is a prepaid dedicated account
25 established by an individual or business that the department or its
26 designee debits toll costs against the account balance.

27 (b) A toll bill that is sent to the registered owner of the vehicle
28 incurring the photo toll charge. The toll bill may designate a toll
29 payment due date for the photo toll assessed.

30 (6) "Photo toll system" means a camera-based imaging system that
31 uses digital video or still image formats to record license plate
32 images of vehicles using toll lanes.

33 (7) "Toll payment due date" means the date when a toll must be paid
34 to avoid a toll violation. The toll payment due date is eighty days
35 from the date the toll was assessed.

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

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

2 (1) "Electronic toll collection system" means a system that
3 collects tolls by one of the following three methods: (a) Crediting or
4 debiting funds from a driver's unique prepaid tolling account; (b)
5 issuing a toll bill to the registered owner of a vehicle that crosses
6 a toll facility without a prepaid account; or (c) a customer initiates
7 payment of a toll before making a particular trip.

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

11 (a) A linked customer account that is a prepaid dedicated account
12 established by an individual or business that the department or its
13 designee debits toll costs against the account balance.

14 (b) A toll bill that is sent to the registered owner of the vehicle
15 incurring the photo toll charge. The toll bill may designate a toll
16 payment due date for the photo toll assessed.

17 (3) "Photo toll system" means a camera-based imaging system that
18 uses digital video or still image formats to record license plate
19 images of vehicles using toll lanes.

20 (4) "Toll payment due date" means the date when a toll must be paid
21 to avoid a toll violation. The toll payment due date is eighty days
22 from the date the toll was assessed.

23 (5) "Transportation systems and facilities" means capital-related
24 improvements and additions to the state's transportation
25 infrastructure, including but not limited to highways, roads, bridges,
26 vehicles, and equipment, marine-related facilities, vehicles, and
27 equipment, park and ride lots, transit stations and equipment,
28 transportation management systems, and other transportation-related
29 investments.

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

32 (1) A toll collection system may include electronic toll collection
33 and photo tolling.

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

1 (b) Notwithstanding any other provision of law, all photographs,
2 digital photographs, microphotographs, videotape, or other recorded
3 images prepared under this chapter are for the exclusive use of the
4 tolling agency for toll collection purposes and law enforcement in the
5 discharge of duties under RCW 46.63.160 and are not open to the public
6 and may not be used in a court in a pending action or proceeding unless
7 the action or proceeding relates to a violation under this chapter. No
8 photograph, digital photograph, microphotograph, videotape, or other
9 recorded image may be used for any purpose other than enforcement of
10 violations under this chapter. Records identifying a specific instance
11 of travel by a specific person or vehicle must be destroyed when no
12 longer necessary to ensure payment of the toll for that instance of
13 travel. Aggregate records that do not identify an individual, vehicle,
14 or account may be maintained.

15 (3) Tolls may be collected and paid by the following methods:

16 (a) A customer may pay an electronic toll through an electronic
17 toll collection account;

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

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

22 (4) To the extent practicable, the department shall adopt
23 electronic toll collection options, which allow for anonymous customer
24 accounts.

25 (5) The transportation commission may adopt rules, in accordance
26 with chapter 34.05 RCW, to assess administrative fees as appropriate
27 for toll collection processes. Administrative fees must not exceed
28 toll collection costs.

29 (6) Failure to pay a photo toll by the toll payment due date is a
30 violation for which a notice of infraction may be issued under RCW
31 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 electronic toll collection
25 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, or other recorded
31 images prepared under this chapter are for the exclusive use of the
32 tolling agency for toll collection purposes and law enforcement in the
33 discharge of duties under RCW 46.63.160 and are not open to the public
34 and may not be used in a court in a pending action or proceeding unless
35 the action or proceeding relates to a violation under this chapter. No
36 photograph, digital photograph, microphotograph, videotape, or other
37 recorded image may be used for any purpose other than enforcement of
38 violations under this chapter. Records identifying a specific instance

1 of travel by a specific person or vehicle must be destroyed when no
2 longer necessary to ensure payment of the toll for that instance of
3 travel. Aggregate records that do not identify an individual, vehicle,
4 or account may be maintained.

5 (3) Tolls may be collected and paid by the following methods:

6 (a) A customer may pay an electronic toll through an electronic
7 toll collection account;

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

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

14 (4) To the extent practicable, the department shall adopt
15 electronic toll collection options, which allow for anonymous customer
16 accounts.

17 (5) The transportation commission may adopt rules, in accordance
18 with chapter 34.05 RCW, to assess administrative fees as appropriate
19 for toll collection processes. Administrative fees must not exceed
20 toll collection costs.

21 (6) Failure to pay a photo toll by the toll payment due date is a
22 violation under section 6 of this act for which a notice of infraction
23 may be issued under RCW 46.63.030 and 46.63.160.

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

26 (1) Any registered owner or renter of a vehicle traveling upon a
27 toll facility operated under this chapter commits a traffic infraction
28 when:

29 (a) The vehicle incurs a toll charge and the toll is not paid by
30 the toll payment due date, which is sixty days from the date the toll
31 was assessed;

32 (b) The driver of the vehicle uses or attempts to use any spurious,
33 counterfeit, or stolen ticket, coupon, token, or electronic device for
34 payment of any toll; or

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

1 (2) Any driver of a vehicle traveling upon a toll facility operated
2 under this chapter commits a traffic infraction when:

3 (a) The driver of the vehicle turns, or attempts to turn, the
4 vehicle around in the toll facility where signs have been erected
5 forbidding such turns; or

6 (b) The driver of the vehicle refuses to move a vehicle through the
7 toll facility after having come within the area where signs have been
8 erected notifying traffic that it is entering the area where a toll is
9 assessed or where vehicles may not turn around and where vehicles are
10 required to pass through the toll facility for the purpose of
11 collecting tolls.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.46 RCW
13 to read as follows:

14 (1) Any registered owner or renter of a vehicle traveling upon a
15 toll facility operated under this chapter commits a traffic infraction
16 when:

17 (a) The vehicle incurs a toll charge and the toll is not paid by
18 the toll payment due date, which is sixty days from the date the toll
19 was assessed;

20 (b) The driver of the vehicle uses or attempts to use any spurious,
21 counterfeit, or stolen ticket, coupon, token, or electronic device for
22 payment of any toll; or

23 (c) The driver of the vehicle displays any vehicle license number
24 plate or plates that have been, in any manner, changed, altered, or
25 disfigured, or have become illegible.

26 (2) Any driver of a vehicle traveling upon a toll facility operated
27 under this chapter commits a traffic infraction when:

28 (a) The driver of the vehicle turns, or attempts to turn, the
29 vehicle around in the toll facility where signs have been erected
30 forbidding such turns; or

31 (b) The driver of the vehicle refuses to move a vehicle through the
32 toll facility after having come within the area where signs have been
33 erected notifying traffic that it is entering the area where a toll is
34 assessed or where vehicles may not turn around and where vehicles are
35 required to pass through the toll facility for the purpose of
36 collecting tolls.

1 **Sec. 7.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
2 as follows:

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

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

6 (b) When the officer is acting upon the request of a law
7 enforcement officer in whose presence the traffic infraction was
8 committed;

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

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

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

16 (2) A court may issue a notice of traffic infraction upon receipt
17 of a written statement of the officer that there is reasonable cause to
18 believe that an infraction was committed.

19 (3) If any motor vehicle without a driver is found parked,
20 standing, or stopped in violation of this title or an equivalent
21 administrative regulation or local law, ordinance, regulation, or
22 resolution, the officer finding the vehicle shall take its registration
23 number and may take any other information displayed on the vehicle
24 which may identify its user, and shall conspicuously affix to the
25 vehicle a notice of traffic infraction.

26 (4) In the case of failure to redeem an abandoned vehicle under RCW
27 46.55.120, upon receiving a complaint by a registered tow truck
28 operator that has incurred costs in removing, storing, and disposing of
29 an abandoned vehicle, an officer of the law enforcement agency
30 responsible for directing the removal of the vehicle shall send a
31 notice of infraction by certified mail to the last known address of the
32 person responsible under RCW 46.55.105. The notice must be entitled
33 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
34 The officer shall append to the notice of infraction, on a form
35 prescribed by the department of licensing, a notice indicating the
36 amount of costs incurred as a result of removing, storing, and
37 disposing of the abandoned vehicle, less any amount realized at
38 auction, and a statement that monetary penalties for the infraction

1 will not be considered as having been paid until the monetary penalty
2 payable under this chapter has been paid and the court is satisfied
3 that the person has made restitution in the amount of the deficiency
4 remaining after disposal of the vehicle.

5 **Sec. 8.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read
6 as follows:

7 (1) This section applies only to infractions issued under ((RCW
8 46.61.690)) sections 5 and 6 of this act for toll ((collection
9 evasion)) violations detected through use of photo toll systems.

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

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

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

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

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

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

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

4 (7)) A notice of infraction may be issued when a toll is assessed
5 through use of a photo toll system and the toll is not paid by the toll
6 payment due date, which is eighty days from the date the toll was
7 assessed.

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

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

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

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

30 (c) Notwithstanding any other provision of law, all photographs,
31 digital photographs, microphotographs, videotape, or other recorded
32 images prepared under this chapter are for the exclusive use of the
33 tolling agency for toll collection purposes and law enforcement in the
34 discharge of duties under this section and are not open to the public
35 and may not be used in a court in a pending action or proceeding unless
36 the action or proceeding relates to a violation under this chapter. No
37 photograph, digital photograph, microphotograph, videotape, or other
38 recorded image may be used for any purpose other than enforcement of

1 violations under this chapter (~~nor retained longer than necessary to~~
2 ~~enforce this chapter or verify that tolls are paid~~). Records
3 identifying a specific instance of travel by a specific person or
4 vehicle must be destroyed when no longer necessary to ensure payment of
5 the toll for that instance of travel. Aggregate records that do not
6 identify an individual, vehicle, or account may be 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 tolls are
10 assessed and traffic laws are enforced by a photo (~~enforcement~~) toll
11 system.

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

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

1 ((+10+)) (8) If the registered owner of the vehicle is a rental car
2 business the department of transportation or a law enforcement agency
3 shall, before a notice of infraction being issued under this section,
4 provide a written notice to the rental car business that a notice of
5 infraction may be issued to the rental car business if the rental car
6 business does not, within eighteen days of the mailing of the written
7 notice, provide to the issuing agency by return mail:

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

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

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

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

21 **Sec. 9.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
22 as follows:

23 (1) In a traffic infraction case involving an infraction detected
24 through the use of a photo ((enforcement)) toll system under RCW
25 46.63.160, or detected through the use of an automated traffic safety
26 camera under RCW 46.63.170, proof that the particular vehicle described
27 in the notice of traffic infraction was in violation of any such
28 provision of RCW 46.63.160 or 46.63.170, together with proof that the
29 person named in the notice of traffic infraction was at the time of the
30 violation the registered owner of the vehicle, constitutes in evidence
31 a prima facie presumption that the registered owner of the vehicle was
32 the person in control of the vehicle at the point where, and for the
33 time during which, the violation occurred.

34 (2) For infractions detected through the use of an automated
35 traffic safety camera under RCW 46.63.170 only, this presumption may be
36 overcome only if the registered owner states, under oath, in a written

1 statement to the court or in testimony before the court that the
2 vehicle involved was, at the time, stolen or in the care, custody, or
3 control of some person other than the registered owner.

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

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

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

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

31 (3) "General authority Washington peace officer" means any full-
32 time, fully compensated and elected, appointed, or employed officer of
33 a general authority Washington law enforcement agency who is
34 commissioned to enforce the criminal laws of the state of Washington
35 generally.

36 (4) "Limited authority Washington peace officer" means any full-
37 time, fully compensated officer of a limited authority Washington law

1 enforcement agency empowered by that agency to detect or apprehend
2 violators of the laws in some or all of the limited subject areas for
3 which that agency is responsible. A limited authority Washington peace
4 officer may be a specially commissioned Washington peace officer if
5 otherwise qualified for such status under this chapter.

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

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

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

34 (8) "Primary commissioning agency" means (a) the employing agency
35 in the case of a general authority Washington peace officer, a limited
36 authority Washington peace officer, an Indian tribal peace officer, or
37 a federal peace officer, and (b) the commissioning agency in the case
38 of a specially commissioned Washington peace officer (i) who is

1 performing functions within the course and scope of the special
2 commission and (ii) who is not also a general authority Washington
3 peace officer, a limited authority Washington peace officer, an Indian
4 tribal peace officer, or a federal peace officer.

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

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

11 **Sec. 11.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to
12 read as follows:

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

16 (2) All receipts from prepaid customer tolls must be deposited into
17 the account. ~~((Distributions from the account))~~ Prepaid customer tolls
18 may be used only to refund customer((s⁺)) prepaid tolls or for
19 distributions ((into)) to the appropriate toll facility account((-
20 Distributions into the appropriate toll facility account shall be))
21 based on ((charges incurred at each)) toll revenues earned by the toll
22 facility ((and shall include a proportionate share of interest earned
23 from amounts deposited into the account)). For purposes of accounting,
24 distributions from the account constitute earned toll revenues in the
25 receiving toll facility account at the time of distribution.

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

29 (4) On a monthly basis, interest earnings on deposits in the
30 account must be distributed to the toll facility accounts based on an
31 equitable methodology to be determined by the department in
32 consultation with the office of financial management.

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

1 NEW SECTION. **Sec. 12.** RCW 46.61.690 (Violations relating to toll
2 facilities) and 2004 c 231 s 1, 1983 c 247 s 1, 1979 ex.s. c 136 s 91,
3 & 1961 c 259 s 1 are each repealed.

4 NEW SECTION. **Sec. 13.** This act takes effect January 15, 2011.

--- END ---