

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6499

Chapter 249, Laws of 2010

61st Legislature
2010 Regular Session

TOLLS--ENFORCEMENT AND ADMINISTRATION

EFFECTIVE DATE: Contingent

Passed by the Senate February 16, 2010
YEAS 45 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House March 2, 2010
YEAS 55 NAYS 42

FRANK CHOPP

Speaker of the House of Representatives

Approved March 30, 2010, 12:02 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6499** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 31, 2010

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6499

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Transportation (originally sponsored by Senators Murray and Haugen; by request of Department of Transportation)

READ FIRST TIME 02/09/10.

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, 47.56.167, 46.61.690, 46.16.216, and
4 46.20.270; adding a new section to chapter 47.56 RCW; prescribing
5 penalties; and providing a contingent 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 civil penalty. The toll payment due date is
30 eighty days from the date the vehicle uses the toll facility and incurs
31 the toll 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 civil penalty. The toll payment due date is
14 eighty days from the date the vehicle uses the toll facility and incurs
15 the toll 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 civil penalty
37 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 civil penalties under RCW
4 46.63.160. Records identifying a specific instance of travel by a
5 specific person or vehicle must be retained only as required to ensure
6 payment and enforcement of tolls and to comply with state records
7 retention policies. Aggregate records that do not identify an
8 individual, vehicle, or account may be maintained.

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

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

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

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

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

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

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

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

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

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

36 ~~(a) "Electronic toll collection system" means a system of~~
37 ~~collecting tolls or charges that is capable of charging the account of~~

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

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

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

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

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

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

27 (b) 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 chapter are for the exclusive use of the tolling
31 agency for toll collection and enforcement purposes and are not open to
32 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 RCW 46.63.160. 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 RCW
38 46.63.160. Records identifying a specific instance of travel by a

1 specific person or vehicle must be retained only as required to ensure
2 payment and enforcement of tolls and to comply with state records
3 retention policies.

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

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

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

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

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

15 (5) To the extent practicable, the department shall adopt
16 electronic toll collection options, which allow for anonymous customer
17 accounts and anonymous accounts that are not linked to a specific
18 vehicle.

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

25 (7) Failure to pay a photo toll by the toll payment due date is a
26 violation for which a notice of civil penalty may be issued under RCW
27 46.63.160.

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

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

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

33 (b) When the officer is acting upon the request of a law
34 enforcement officer in whose presence the traffic infraction was
35 committed;

36 (c) If an officer investigating at the scene of a motor vehicle

1 accident has reasonable cause to believe that the driver of a motor
2 vehicle involved in the accident has committed a traffic infraction; or

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

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

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

10 (3) If any motor vehicle without a driver is found parked,
11 standing, or stopped in violation of this title or an equivalent
12 administrative regulation or local law, ordinance, regulation, or
13 resolution, the officer finding the vehicle shall take its registration
14 number and may take any other information displayed on the vehicle
15 which may identify its user, and shall conspicuously affix to the
16 vehicle a notice of traffic infraction.

17 (4) In the case of failure to redeem an abandoned vehicle under RCW
18 46.55.120, upon receiving a complaint by a registered tow truck
19 operator that has incurred costs in removing, storing, and disposing of
20 an abandoned vehicle, an officer of the law enforcement agency
21 responsible for directing the removal of the vehicle shall send a
22 notice of infraction by certified mail to the last known address of the
23 person responsible under RCW 46.55.105. The notice must be entitled
24 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
25 The officer shall append to the notice of infraction, on a form
26 prescribed by the department of licensing, a notice indicating the
27 amount of costs incurred as a result of removing, storing, and
28 disposing of the abandoned vehicle, less any amount realized at
29 auction, and a statement that monetary penalties for the infraction
30 will not be considered as having been paid until the monetary penalty
31 payable under this chapter has been paid and the court is satisfied
32 that the person has made restitution in the amount of the deficiency
33 remaining after disposal of the vehicle.

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

36 (1) This section applies only to ~~((infractions issued under RCW~~

1 ~~46.61.690 for toll collection evasion)~~ civil penalties for nonpayment
2 of tolls detected through use of photo toll systems.

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

7 ~~((Toll collection systems include manual cash collection,~~
8 ~~electronic toll collection, and photo enforcement systems.~~

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

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

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

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

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

33 ~~(7))~~ A notice of civil penalty may be issued by the department of
34 transportation when a toll is assessed through use of a photo toll
35 system and the toll is not paid by the toll payment due date, which is
36 eighty days from the date the vehicle uses the toll facility and incurs
37 the toll charge.

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

7 (5) Consistent with chapter 34.05 RCW, the department of
8 transportation shall develop an administrative adjudication process to
9 review appeals of civil penalties issued by the department of
10 transportation for toll nonpayment detected through the use of a photo
11 toll system under this section.

12 (6) The use of a photo ((enforcement)) toll system ((for issuance
13 of 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))~~ A notice of
20 ~~((infraction shall))~~ civil penalty must include with it a certificate
21 or facsimile thereof, based upon inspection of photographs,
22 microphotographs, videotape, or other recorded images produced by a
23 photo ((enforcement)) toll system, stating the facts supporting the
24 notice of ~~((infraction))~~ civil penalty. This certificate or facsimile
25 is prima facie evidence of the facts contained in it and is admissible
26 in a proceeding ~~((charging a violation under this chapter))~~ established
27 under subsection (5) of this section. The photographs, digital
28 photographs, microphotographs, videotape, or other recorded images
29 evidencing the ~~((violation))~~ toll nonpayment civil penalty must be
30 available for inspection and admission into evidence in a proceeding to
31 adjudicate the liability for the ~~((infraction))~~ civil penalty.

32 (c) Notwithstanding any other provision of law, all photographs,
33 digital photographs, microphotographs, videotape, ~~((or))~~ other recorded
34 images, or other records identifying a specific instance of travel
35 prepared under this chapter are for the exclusive use of the tolling
36 agency ~~((and law enforcement in the discharge of duties under this~~
37 ~~section))~~ for toll collection and enforcement purposes and are not open
38 to the public and may not be used in a court in a pending action or

1 proceeding unless the action or proceeding relates to a ~~((violation))~~
2 civil penalty under this chapter. No photograph, digital photograph,
3 microphotograph, videotape, ~~((or))~~ other recorded image, or other
4 record identifying a specific instance of travel may be used for any
5 purpose other than toll collection or enforcement of ~~((violations))~~
6 civil penalties under this ~~((chapter nor retained longer than necessary~~
7 ~~to enforce this chapter or verify that tolls are paid))~~ section.
8 Records identifying a specific instance of travel by a specific person
9 or vehicle must be retained only as required to ensure payment and
10 enforcement of tolls and to comply with state records retention
11 policies.

12 (d) All locations where a photo ~~((enforcement))~~ toll system is used
13 must be clearly marked by placing signs in locations that clearly
14 indicate to a driver that he or she is entering a zone where ~~((traffic~~
15 ~~laws are))~~ tolls are assessed and enforced by a photo ~~((enforcement))~~
16 toll system.

17 ~~((8) Infractions))~~ (e) Within existing resources, the department
18 of transportation shall conduct education and outreach efforts at least
19 six months prior to activating an all-electronic photo toll system.
20 Methods of outreach shall include a department presence at community
21 meetings in the vicinity of a toll facility, signage, and information
22 published in local media. Information provided shall include notice of
23 when all electronic photo tolling shall begin and methods of payment.
24 Additionally, the department shall provide quarterly reporting on
25 education and outreach efforts and other data related to the issuance
26 of civil penalties.

27 (7) Civil penalties for toll nonpayment detected through the use of
28 photo ~~((enforcement))~~ toll systems must be issued to the registered
29 owner of the vehicle identified by the photo toll system, but are not
30 part of the registered owner's driving record under RCW 46.52.101 and
31 46.52.120. ~~((Additionally, infractions generated by the use of photo~~
32 ~~enforcement systems under this section shall be processed in the same~~
33 ~~manner as parking infractions, including for the purposes of RCW~~
34 ~~3.50.100, 35.20.220, 46.16.216, and 46.20.270(3)).~~

35 ~~((9))~~ (8) The civil penalty for ~~((an infraction))~~ toll nonpayment
36 detected through the use of a photo ~~((enforcement))~~ toll system ~~((shall~~
37 ~~be))~~ is forty dollars plus ~~((an additional toll penalty. The toll~~
38 ~~penalty is equal to three times the cash toll for a standard passenger~~

1 ~~car during peak hours. The toll penalty may not be reduced. The court~~
2 ~~shall remit the toll penalty to the department of transportation or a~~
3 ~~private entity under contract with the department of transportation for~~
4 ~~deposit in the statewide account in which tolls are deposited for the~~
5 ~~tolling facility at which the violation occurred. If the driver is~~
6 ~~found not to have committed an infraction under this section, the~~
7 ~~driver shall pay the toll due at the time the photograph was taken,~~
8 ~~unless the toll has already been paid)) the photo toll and associated~~
9 ~~fees.~~

10 ~~((10)) (9) Except as provided otherwise in this subsection, all~~
11 ~~civil penalties, including the photo toll and associated fees,~~
12 ~~collected under this section must be deposited into the toll facility~~
13 ~~account of the facility on which the toll was assessed. However,~~
14 ~~beginning on July 1, 2011, civil penalties deposited into the Tacoma~~
15 ~~Narrows toll bridge account created under RCW 47.56.165 must first be~~
16 ~~allocated toward repayment of operating loans and reserve payments~~
17 ~~provided to the account from the motor vehicle account under section~~
18 ~~1005(15), chapter 518, Laws of 2007. Additionally, all civil~~
19 ~~penalties, resulting from nonpayment of tolls on the state route number~~
20 ~~520 corridor, shall be deposited into the state route number 520 civil~~
21 ~~penalties account created under section 4, chapter . . . (Engrossed~~
22 ~~Substitute Senate Bill No. 6392), Laws of 2010 but only if chapter~~
23 ~~. . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010 is~~
24 ~~enacted by June 30, 2010.~~

25 (10) If the registered owner of the vehicle is a rental car
26 business, the department of transportation ~~((or a law enforcement~~
27 ~~agency)) shall, before a ~~((notice of infraction being))~~ toll bill is~~

28 ~~issued ((under this section)),~~ provide a written notice to the rental
29 car business that a ~~((notice of infraction))~~ toll bill may be issued to
30 the rental car business if the rental car business does not, within
31 ~~((eighteen))~~ thirty days of the mailing of the written notice, provide
32 to the issuing agency by return mail:

33 (a) A statement under oath stating the name and known mailing
34 address of the individual driving or renting the vehicle when the
35 ~~((infraction occurred))~~ toll was assessed; or

36 (b) A statement under oath that the business is unable to determine
37 who was driving or renting the vehicle at the time the ~~((infraction~~
38 ~~occurred))~~ toll was assessed because the vehicle was stolen at the time

1 (~~of~~) the (~~infraction~~) toll was assessed. A statement provided
2 under this subsection must be accompanied by a copy of a filed police
3 report regarding the vehicle theft; or

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

6 Timely mailing of this statement to the issuing (~~law enforcement~~)
7 agency relieves a rental car business of any liability under this
8 (~~chapter~~) section for the (~~notice of infraction~~) payment of the
9 toll.

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

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

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

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

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

32 **Sec. 8.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to read
33 as follows:

34 (1) The toll collection account is created in the custody of the
35 state treasurer for the deposit of prepaid customer tolls and clearing
36 activities benefiting multiple toll facilities.

1 (2) All receipts from prepaid customer tolls must be deposited into
2 the account. (~~Distributions from the account~~) Prepaid customer tolls
3 may be used only to refund customer(~~s~~) prepaid tolls or for
4 distributions (~~into~~) to the appropriate toll facility account(~~-~~
5 ~~Distributions into the appropriate toll facility account shall be based~~
6 ~~on charges incurred at each toll facility and shall include a~~
7 ~~proportionate share of interest earned from amounts deposited into the~~
8 ~~account~~) based on an equitable methodology to be determined by the
9 department in consultation with the office of financial management.
10 For purposes of accounting, distributions from the account constitute
11 earned toll revenues in the receiving toll facility account at the time
12 of distribution.

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

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

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

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

27 (1) Any person who uses a toll bridge, toll tunnel, toll road, or
28 toll ferry, and the approaches thereto, operated by the state of
29 Washington, the department of transportation, a political subdivision
30 or municipal corporation empowered to operate toll facilities, or an
31 entity operating a toll facility under a contract with the department
32 of transportation, a political subdivision, or municipal corporation,
33 at the entrance to which appropriate signs have been erected to notify
34 both pedestrian and vehicular traffic that it is entering a toll
35 facility or its approaches and is subject to the payment of tolls at
36 the designated station for collecting tolls, commits a traffic
37 infraction if:

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

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

8 ~~((3))~~ (c) The person refuses to move a vehicle through the toll
9 facility after having come within the area where signs have been
10 erected notifying traffic that it is entering the area where toll is
11 collectible or where vehicles may not turn around and where vehicles
12 are required to pass through the toll facility for the purpose of
13 collecting tolls; or

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

17 (2) Subsection (1)(a) of this section does not apply to toll
18 nonpayment detected through the use of photo toll systems under RCW
19 46.63.160.

20 **Sec. 10.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to read
21 as follows:

22 (1) To renew a vehicle license, an applicant shall satisfy all
23 listed standing, stopping, and parking violations, and ~~((other~~
24 ~~infractions))~~ civil penalties issued under RCW ~~((46.63.030(1)(d))~~
25 46.63.160 for the vehicle incurred while the vehicle was registered in
26 the applicant's name and forwarded to the department pursuant to RCW
27 46.20.270(3). For the purposes of this section, "listed" standing,
28 stopping, and parking violations, and ~~((other—infractions))~~ civil
29 penalties issued under RCW ~~((46.63.030(1)(d))~~ 46.63.160 include only
30 those violations for which notice has been received from state or local
31 agencies or courts by the department one hundred twenty days or more
32 before the date the vehicle license expires and that are placed on the
33 records of the department. Notice of such violations received by the
34 department later than one hundred twenty days before that date that are
35 not satisfied shall be considered by the department in connection with
36 any applications for license renewal in any subsequent license year.

1 The renewal application may be processed by the department or its
2 agents only if the applicant:

3 (a) Presents a preprinted renewal application showing no listed
4 standing, stopping, or parking violations, or (~~other infractions~~)
5 civil penalties issued under RCW (~~(46.63.030(1)(d))~~) 46.63.160, or in
6 the absence of such presentation, the agent verifies the information
7 that would be contained on the preprinted renewal application; or

8 (b) If listed standing, stopping, or parking violations, or (~~other~~
9 ~~infractions~~) civil penalties issued under RCW (~~(46.63.030(1)(d))~~)
10 46.63.160 exist, presents proof of payment and pays a fifteen dollar
11 surcharge.

12 (2) The surcharge shall be allocated as follows:

13 (a) Ten dollars shall be deposited in the motor vehicle fund to be
14 used exclusively for the administrative costs of the department of
15 licensing; and

16 (b) Five dollars shall be retained by the agent handling the
17 renewal application to be used by the agent for the administration of
18 this section.

19 (3) If there is a change in the registered owner of the vehicle,
20 the department shall forward the information regarding the change to
21 the state or local charging jurisdiction and release any hold on the
22 renewal of the vehicle license resulting from parking violations or
23 (~~other — infractions~~) civil __ penalties issued under RCW
24 (~~(46.63.030(1)(d))~~) 46.63.160 incurred while the certificate of license
25 registration was in a previous registered owner's name.

26 (4) The department shall send to all registered owners of vehicles
27 who have been reported to have outstanding listed parking violations or
28 (~~other — infractions~~) civil __ penalties issued under RCW
29 (~~(46.63.030(1)(d))~~) 46.63.160, at the time of renewal, a statement
30 setting out the dates and jurisdictions in which the violations
31 occurred as well as the amounts of unpaid fines and penalties relating
32 to them and the surcharge to be collected.

33 **Sec. 11.** RCW 46.20.270 and 2009 c 181 s 1 are each amended to read
34 as follows:

35 (1) Whenever any person is convicted of any offense for which this
36 title makes mandatory the withholding of the driving privilege of such
37 person by the department, the court in which such conviction is had

1 shall forthwith mark the person's Washington state driver's license or
2 permit to drive, if any, in a manner authorized by the department. A
3 valid driver's license or permit to drive marked under this subsection
4 shall remain in effect until the person's driving privilege is withheld
5 by the department pursuant to notice given under RCW 46.20.245, unless
6 the license or permit expires or otherwise becomes invalid prior to the
7 effective date of this action. Perfection of notice of appeal shall
8 stay the execution of sentence including the withholding of the driving
9 privilege.

10 (2) Every court having jurisdiction over offenses committed under
11 this chapter, or any other act of this state or municipal ordinance
12 adopted by a local authority regulating the operation of motor vehicles
13 on highways, or any federal authority having jurisdiction over offenses
14 substantially the same as those set forth in this title (~~(46-RCW)~~)
15 which occur on federal installations within this state, shall
16 immediately forward to the department a forfeiture of bail or
17 collateral deposited to secure the defendant's appearance in court, a
18 payment of a fine, penalty, or court cost, a plea of guilty or nolo
19 contendere or a finding of guilt, or a finding that any person has
20 committed a traffic infraction an abstract of the court record in the
21 form prescribed by rule of the supreme court, showing the conviction of
22 any person or the finding that any person has committed a traffic
23 infraction in said court for a violation of any said laws other than
24 regulations governing standing, stopping, parking, and pedestrian
25 offenses.

26 (3) Every state agency or municipality having jurisdiction over
27 offenses committed under this chapter, or under any other act of this
28 state or municipal ordinance adopted by a state or local authority
29 regulating the operation of motor vehicles on highways, may forward to
30 the department within ten days of failure to respond, failure to pay a
31 penalty, failure to appear at a hearing to contest the determination
32 that a violation of any statute, ordinance, or regulation relating to
33 standing, stopping, parking, or (~~(other infraction)~~) civil penalties
34 issued under RCW (~~(46.63.030(1)(d))~~) 46.63.160 has been committed, or
35 failure to appear at a hearing to explain mitigating circumstances, an
36 abstract of the citation record in the form prescribed by rule of the
37 department, showing the finding by such municipality that two or more
38 violations of laws governing standing, stopping, and parking or one or

1 more (~~(other — infractions)~~) civil penalties issued under RCW
2 (~~(46.63.030(1)(d))~~) 46.63.160 have been committed and indicating the
3 nature of the defendant's failure to act. Such violations or
4 infractions may not have occurred while the vehicle is stolen from the
5 registered owner or is leased or rented under a bona fide commercial
6 vehicle lease or rental agreement between a lessor engaged in the
7 business of leasing vehicles and a lessee who is not the vehicle's
8 registered owner. The department may enter into agreements of
9 reciprocity with the duly authorized representatives of the states for
10 reporting to each other violations of laws governing standing,
11 stopping, and parking.

12 (4) For the purposes of this title and except as defined in RCW
13 46.25.010, "conviction" means a final conviction in a state or
14 municipal court or by any federal authority having jurisdiction over
15 offenses substantially the same as those set forth in this title which
16 occur on federal installations in this state, an unvacated forfeiture
17 of bail or collateral deposited to secure a defendant's appearance in
18 court, the payment of a fine or court cost, a plea of guilty or nolo
19 contendere, or a finding of guilt on a traffic law violation charge,
20 regardless of whether the imposition of sentence or sanctions are
21 deferred or the penalty is suspended, but not including entry into a
22 deferred prosecution agreement under chapter 10.05 RCW.

23 (5) For the purposes of this title, "finding that a traffic
24 infraction has been committed" means a failure to respond to a notice
25 of infraction or a determination made by a court pursuant to this
26 chapter. Payment of a monetary penalty made pursuant to RCW
27 46.63.070(2) is deemed equivalent to such a finding.

28 NEW SECTION. Sec. 12. This act takes effect upon certification by
29 the secretary of transportation that the new statewide tolling
30 operations center and photo toll system are fully operational. A
31 notice of certification must be filed with the code reviser for
32 publication in the state register. If a certificate is not issued by
33 the secretary of transportation by December 1, 2012, this act is null
34 and void.

Passed by the Senate February 16, 2010.

Passed by the House March 2, 2010.

Approved by the Governor March 30, 2010.

Filed in Office of Secretary of State March 31, 2010.