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## Transportation Committee

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### HB 1941

**Brief Description:** Concerning the adjudication of tolls and accompanying civil penalties.

**Sponsors:** Representatives Habib, Clibborn and Springer.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Allows registered owners to present evidence of mitigating circumstances in challenging a civil penalty for failing to pay a toll charge bill.</li><li>• Allows an adjudicator to reduce or dismiss a civil penalty.</li></ul>
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**Hearing Date:** 2/27/13

**Staff:** Andrew Russell (786-7143).

**Background:**

Only the Legislature may authorize the imposition of tolls on eligible facilities. In 2009 the Legislature provided such authorization on the floating bridge portion of State Route 520 (SR 520). For this toll facility, the Washington State Transportation Commission is empowered to set toll rates, review toll collection policies, and review toll revenue expenditures.

Drivers are automatically assessed a toll for crossing the floating bridge on SR 520. If the driver does not have a "Good to Go" pass with the Washington State Department of Transportation (WSDOT), the registered owner of the vehicle will receive a toll bill in the mail. If the registered owner fails to pay this toll bill within 80 days, it becomes a toll violation. A civil penalty of \$40 may be assessed for a toll violation. A registered owner may contest or dispute a civil penalty within 15 days of the date of the notice of civil penalty, and the registered owner may request an in-person administrative hearing. During an administrative hearing, the WSDOT has the burden of establishing that the toll violation occurred; however, it is not a defense to a toll violation and notice of civil penalty that a person other than the registered owner was driving the vehicle at the time or that the person did not know to pay a toll.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

In challenging a civil penalty for failing to pay a toll bill, the WSDOT must provide a registered owner an opportunity to present evidence of mitigating circumstances. Such circumstances include that the registered owner did not receive a toll charge bill or notice of civil penalty. Finally, in response to such evidence, the adjudicator may reduce or dismiss the civil penalty.

**Appropriation:** None.

**Fiscal Note:** Available.

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