

# SENATE BILL REPORT

## SHB 1941

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As Reported by Senate Committee On:  
Transportation, April 2, 2013

**Title:** An act relating to the adjudication of tolls and accompanying civil penalties.

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

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Habib, Clibborn and Springer).

**Brief History:** Passed House: 3/09/13, 98-0.

**Committee Activity:** Transportation: 3/26/13, 4/02/13 [DPA].

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### SENATE COMMITTEE ON TRANSPORTATION

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

Signed by Senators Eide, Co-Chair; King, Co-Chair; Benton, Vice Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Billig, Brown, Ericksen, Harper, Litzow, Mullet, Rolfes, Schlicher, Sheldon and Smith.

**Staff:** Kim Johnson (786-7472)

**Background:** Currently, tolls are collected on the Tacoma Narrows Bridge, the State Route 520 Bridge, and the State Route 167 High Occupancy Toll Lanes. The Washington State Department of Transportation (WSDOT) uses an electronic tolling system called Good to Go on all of the tolled highway facilities. A Good to Go pass is connected to a prepaid account. Alternatively, motorists who do not have a Good to Go pass may instead choose to use the pay-by-plate method where the motorist registers their license plate to a prepaid account.

If the driver does not have a Good to Go pass or pay-by-plate account with 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, 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 (Recommended Amendments):** During the civil penalty adjudication process, a person must have an opportunity to explain mitigating circumstances. The adjudicator may reduce or dismiss the civil penalty in response to the mitigating circumstances.

The following mitigating circumstances are valid and must occur within a reasonable time of the alleged toll violation:

- hospitalization;
- divorce decree or legal separation agreement resulting in a transfer of the vehicle;
- active duty member of the military or National Guard covered by federal service members civil relief act or state service members civil relief act;
- eviction;
- homelessness;
- the death of the alleged violator or of an immediate family member; and
- the alleged violator did not receive a toll charge bill or notice of civil penalty.

By December 1 of each year, WSDOT must report to the transportation committees of the Legislature on the number of times a judge reduces or waives civil penalties and the total amount of civil penalties waived or reduced.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments):** WSDOT must report annually to the transportation committees of the Legislature on the number of times a judge reduces or waives civil penalties and the total amount of civil penalties waived or reduced.

The envelope that WSDOT sends to vehicle owners containing the toll charge bill or notice of a civil penalty must prominently indicate that the envelope contains time-sensitive materials related to a toll violation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Substitute House Bill:** PRO: You may have seen the article in the Seattle Times last year where a woman could demonstrate that she never received the notice of civil penalty, but the administrative law judge could not waive or reduce the civil penalty because the statute did not provide for mitigating circumstances. All this bill does is spell out some circumstances where we think the judge could lower or waive the civil penalty. I want to point out that the toll is still owed. The judge may not waive or reduce the toll that is owed.

In 2012, administrative law judges began holding hearings for toll violation civil penalties cases. When people testify at an administrative hearing they are under oath. They also must provide evidence to support what they are testifying to at the hearing. This bill provides the

judge with the authority to lower or waive the civil penalties if the judge finds that a valid mitigating circumstance, which occurred within a reasonable time period from the alleged toll violation, warrants lowering or waiving the civil penalties. The toll will still be owed.

**Persons Testifying:** PRO: Representative Habib, prime sponsor; Lorraine Lee, Anita Crawford-Willis, Office of Administrative Hearings.