
HOUSE BILL 1941

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Habib, Clibborn, and Springer

Read first time 02/19/13. Referred to Committee on Transportation.

1 AN ACT Relating to the adjudication of tolls and accompanying civil
2 penalties; and amending RCW 46.63.160.

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

4 **Sec. 1.** RCW 46.63.160 and 2011 c 367 s 705 are each amended to
5 read as follows:

6 (1) This section applies only to civil penalties for nonpayment of
7 tolls detected through use of photo toll systems.

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

12 (3) A notice of civil penalty may be issued by the department of
13 transportation when a toll is assessed through use of a photo toll
14 system and the toll is not paid by the toll payment due date, which is
15 eighty days from the date the vehicle uses the toll facility and incurs
16 the toll charge.

17 (4) Any registered owner or renter of a vehicle traveling upon a
18 toll facility operated under chapter 47.56 or 47.46 RCW is subject to
19 a civil penalty governed by the administrative procedures set forth in

1 this section when the vehicle incurs a toll charge and the toll is not
2 paid by the toll payment due date, which is eighty days from the date
3 the vehicle uses the toll facility and incurs the toll charge.

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

9 (b) During the adjudication process, the alleged violator must have
10 an opportunity to explain any mitigating circumstances, including if
11 the alleged violator did not receive a toll charge bill or notice of
12 civil penalty. In response to these circumstances, the adjudicator may
13 reduce or dismiss the civil penalty.

14 (6) The use of a photo toll system is subject to the following
15 requirements:

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

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

30 (c) 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 this chapter. No photograph, digital photograph,
38 microphotograph, videotape, other recorded image, or other record

1 identifying a specific instance of travel may be used for any purpose
2 other than toll collection or enforcement of civil penalties under this
3 section. Records identifying a specific instance of travel by a
4 specific person or vehicle must be retained only as required to ensure
5 payment and enforcement of tolls and to comply with state records
6 retention policies.

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

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

21 (7) Civil penalties for toll nonpayment detected through the use of
22 photo toll systems must be issued to the registered owner of the
23 vehicle identified by the photo toll system, but are not part of the
24 registered owner's driving record under RCW 46.52.101 and 46.52.120.

25 (8) The civil penalty for toll nonpayment detected through the use
26 of a photo toll system is forty dollars plus the photo toll and
27 associated fees.

28 (9) Except as provided otherwise in this subsection, all civil
29 penalties, including the photo toll and associated fees, collected
30 under this section must be deposited into the toll facility account of
31 the facility on which the toll was assessed. However, through June 30,
32 2013, civil penalties deposited into the Tacoma Narrows toll bridge
33 account created under RCW 47.56.165 that are in excess of amounts
34 necessary to support the toll adjudication process applicable to toll
35 collection on the Tacoma Narrows bridge must first be allocated toward
36 repayment of operating loans and reserve payments provided to the
37 account from the motor vehicle account under section 1005(15), chapter
38 518, Laws of 2007. Additionally, all civil penalties, resulting from

1 nonpayment of tolls on the state route number 520 corridor, shall be
2 deposited into the state route number 520 civil penalties account
3 created under section 4, chapter 248, Laws of 2010 but only if chapter
4 248, Laws of 2010 is enacted by June 30, 2010.

5 (10) If the registered owner of the vehicle is a rental car
6 business, the department of transportation shall, before a toll bill is
7 issued, provide a written notice to the rental car business that a toll
8 bill may be issued to the rental car business if the rental car
9 business does not, within thirty days of the mailing of the written
10 notice, provide to the issuing agency by return mail:

11 (a) A statement under oath stating the name and known mailing
12 address of the individual driving or renting the vehicle when the toll
13 was assessed; or

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

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

22 Timely mailing of this statement to the issuing agency relieves a
23 rental car business of any liability under this section for the payment
24 of the toll.

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

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

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