

# FINAL BILL REPORT

## SSB 5481

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Synopsis as Enacted

**Brief Description:** Concerning tolling customer service reform.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Hill, Litzow, Mullet, Chase, Rivers, Becker, Bailey, Warnick, Rolfes and Hasegawa).

**Senate Committee on Transportation**  
**House Committee on Transportation**

**Background:** The Washington State Department of Transportation (WSDOT) uses a photo toll system that reads a vehicle license plate on several toll facilities within the state, including the State Route 520 Floating Bridge, the Tacoma Narrows Bridge, the State Route 167 High Occupancy Toll Lanes Project, and the I-405 High Occupancy Toll Lanes, which is scheduled to open later in 2015.

Vehicle owners are automatically assessed a toll for using any of these toll facilities. If the vehicle does not have a Good to Go pass with WSDOT, the registered owner of the vehicle receives 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 along with administrative fees.

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. An administrative law judge may consider the following as valid mitigating circumstances and reduce or waive any civil penalties:

- hospitalization;
- divorce decree or legal separation agreement resulting in a transfer of the vehicle;
- an active duty member of the military or National Guard covered by the Civil Relief Act or State Service Member's Relief Act;
- eviction;
- homelessness;
- the death of the alleged violator or of an immediate family member; or
- the customer did not receive a toll charge bill or notice of civil penalty.

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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:** WSDOT toll bill administration and civil penalty adjudication processes are modified as follows:

- WSDOT, by June 30, 2016, must use electronic mail to inform a pre-paid electronic toll account holder that there is an unpaid toll for a registered vehicle listed on the prepaid electronic toll account ten days prior to the issuance of a notice of civil penalty, if the customer consents to be contacted via electronic mail;
- WSDOT, by June 30, 2016, must call a pre-paid electronic toll account holder to inform the account holder that there is an unpaid toll for a registered vehicle listed on the prepaid electronic toll account ten days prior to the issuance of a notice of civil penalty, if the customer consents to be contacted via phone;
- Greater discretion is provided to WSDOT and the administrative law judges to waive or reduce the penalties associated with the nonpayment of a toll;
- WSDOT must adopt rules to allow an individual who has been issued a notice of civil penalty to present evidence of mitigating circumstances as to why a toll bill was not paid in a timely fashion. WSDOT is authorized to dismiss or reduce the civil penalty and associated fees after having been provided verifiable evidence of a specified mitigating circumstance;
- WSDOT must provide a learning experience to toll customers who incur fees and penalties associated with the late payment of tolls for the first time. As part of the educational opportunity, WSDOT may waive the civil penalties and administrative fees if the issue that resulted in the toll not being timely paid has been resolved;
- WSDOT must, by June 30, 2016, allow a toll customer to access its website from a mobile platform to manage all of a customer's toll accounts, regardless of method of payment;
- Any new photo toll system acquired by WSDOT must be able to: (1) connect with the Department of Licensing's vehicle record system so that a prepaid electronic toll account is automatically updated when a toll customer's vehicle record is updated, if the customer consents to automatic updates; and, (2) display, in the monthly statement, when any toll is assessed for a vehicle listed in a prepaid electronic toll account, regardless of whether the method of payment for the toll is pay-by-mail or a prepaid electronic toll account; and
- The Secretary of Transportation must issue a letter of apology to a toll customer if a toll charge or civil penalty assessed to the customer is waived due to an error made by WSDOT, or its agent, in reading the customer's license plate.

**Votes on Final Passage:**

Senate	48	0	
House	97	0	(House amended)
Senate	47	1	(Senate concurred)

**Effective:** July 24, 2015