

SENATE BILL REPORT

SSB 5481

As Amended by House, April 14, 2015

Title: An act relating to omnibus tolling customer service reform.

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).

Brief History:

Committee Activity: Transportation: 2/03/15, 2/25/15 [DPS].

Passed Senate: 3/09/15, 48-0.

Passed House: 4/14/15, 97-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Baumgartner, Cleveland, Ericksen, Habib, Jayapal, Litzow, Miloscia, Pedersen, Rivers and Sheldon.

Staff: Kim Johnson (786-7472)

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

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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.

Summary of Substitute Bill: 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;
- by June 30, 2016, WSDOT 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;
- greater discretion is provided to 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 administer a toll penalty amnesty program – only once – to allow a toll customer to pay the tolls owed and have the civil penalties and administrative fees waived. The toll penalty amnesty program must be implemented within six months of the I-405 hot lanes being opened to the public;
- WSDOT must, by June 30, 2016, provide the public with a mobile phone application that allows a toll customer to manage all of the customer's tolling accounts from the mobile platform, regardless of method of payment; and
- any new photo toll system acquired by WSDOT must be able to 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, and the new system must 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.

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 Original Bill: PRO: The residents of my district drive on the SR 520 bridge a lot and have been faced with a new, and at times confusing, civil penalty process. For one reason or another some people have not received their bill and end up with a \$3,000 civil penalty. There has been very little flexibility. We are trying to clean up some of the administrative issues and give WSDOT the tools they need to do a better job of making the people that need to pay, pay, but helping those that have been caught up in the process and slammed with fines unnecessarily. I think this is a good start to helping my constituents and others that use this facility.

OTHER: The Department of Licensing (DOL) is moving forward with our vehicle system modernization program and the coordination with other important users of the information is a key part of our new system. We are working to coordinate with WSDOT.

WSDOT supports the intent of the bill. We have a few concerns. We process nearly 35 million transactions per year, the vast majority of which are handled with a prepaid Good 2 Go account. Each month, 35,000 toll bills are sent out in the mail to persons who do not have a prepaid account. We are starting to see some improvements with the system based on legislation passed over the past two years that gave greater flexibility to judges to consider mitigating circumstances and the change in when license plates are replaced. We have concerns with the implementation schedule to accomplish the needed system changes to comply and some of the language used. We are working on a request for proposal for a new tolling back-office system and we want to develop language that meets the intent of the legislation but increases WSDOT's flexibility to address customer concerns. We hope to either align the bill with our current system's abilities or phase it in with the implementation of the new system.

Persons Testifying: PRO: Senator Hill, prime sponsor.

OTHER: Tony Sermonti, DOL; Patty Rubstello, WSDOT.

House Amendment(s): Provides that WSDOT does not have to call a toll customer to provide notice of unpaid pay-by-mail toll bills if a customer has declined to receive communications from WSDOT via such method.

Adds that an error made by WSDOT or its agent is a valid mitigating circumstance to be considered by WSDOT to dismiss or reduce a civil penalty and associated fees.

Removes the one-time toll penalty amnesty program.

Provides legislative intent language that WSDOT provide a learning opportunity for tolling customers that have not timely paid the toll on the first violation and authorizes WSDOT to waive penalties and fees if the issue leading to the non-payment has been resolved.

Authorizes WSDOT to waive or reduce fees and penalties assessed when tolls are not timely paid in order to facilitate the collection of tolls in a timely manner.

Removes the requirement that WSDOT make available to the public an application for mobile technologies to manage all toll accounts and instead provides that WSDOT may do so, if it is cost effective and in the best interest of the public. Also requires that, by June 30 2016, WSDOT must provide a point of access that would allow a third party to develop an application for mobile technologies to access a user's toll account and allow the user to manage the toll account via the application.

Requires WSDOT to update its website, by June 30, 2016, to 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.

Provides that a future photo toll system acquired by WSDOT may only automatically update a customer's toll account when the customer's vehicle record is changed if the toll customer has consented to such updates.