

SSB 5556 - H COMM AMD  
By Committee on Transportation

NOT ADOPTED 04/16/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.63.160 and 2007 c 372 s 2 and 2007 c 101 s 2 are  
4 each reenacted and amended to read as follows:

5 (1) This section applies only to infractions issued under RCW  
6 46.61.690 for toll collection evasion using a photo monitoring system.  
7 The photo monitoring system shall be used to detect infractions and  
8 issue notices of infractions as follows:

9 (a) Where a photo toll is assessed and a toll bill is issued,  
10 failure to pay the toll bill within forty-five days from the date the  
11 toll bill is issued is an infraction, and a notice of infraction may be  
12 issued.

13 (b) Where a toll facility does not assess photo tolls, failure to  
14 pay a toll immediately upon using the toll facility is an infraction,  
15 and a notice of infraction may be issued.

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

20 (3) Toll collection systems include manual cash collection,  
21 electronic toll collection, and photo ~~((enforcement))~~ monitoring  
22 systems.

23 (4) "Electronic toll collection system" means a system of  
24 collecting tolls or charges that is capable of charging the account of  
25 the ~~((toll-patron))~~ customer the appropriate toll or charge by  
26 electronic transmission from the motor vehicle to the toll collection  
27 system, which information is used to charge the appropriate toll or  
28 charge to the ~~((patron's))~~ customer's account.

29 (5) "Photo ~~((enforcement))~~ monitoring system" means a vehicle  
30 sensor installed to work in conjunction with an electronic toll

1 collection system that automatically produces one or more photographs,  
2 one or more microphotographs, a videotape, or other recorded images of  
3 a vehicle (~~operated in violation of an infraction under this chapter~~)  
4 using an eligible toll facility.

5 (6) "Photo toll" means a toll assessed pursuant to the vehicle  
6 license information gathered by a photo monitoring system. A photo  
7 toll may include an administrative fee.

8 (7) "Electronic toll" means the charge made to a customer's toll  
9 account when the customer's vehicle is detected by the electronic toll  
10 collection system at a toll facility. An electronic toll does not  
11 include an administrative fee.

12 (8) "State toll agency" means the governing body that is legally  
13 empowered to operate the tolling program, as defined under RCW  
14 47.56.810, including collection and enforcement of tolls on eligible  
15 toll facilities as defined under RCW 47.56.810.

16 (9) "Toll bill" means the bill sent by the state toll agency to a  
17 customer for a photo toll, plus an appropriate administrative fee, and  
18 if unpaid after forty-five days from the date billed, automatically  
19 becomes an infraction, and a notice of infraction may be issued to the  
20 customer.

21 (10) "Customer," for toll billing purposes, means the registered  
22 owner of the vehicle who incurs a toll through the use of an eligible  
23 toll facility.

24 (11) "Open road tolling" means a toll system that uses a  
25 combination of electronic tolling and photo tolling to collect all  
26 tolls on a toll facility. Toll booths are not available so vehicles  
27 may maintain regular traffic speeds when passing through an open road  
28 toll facility.

29 (12) "Notice of infraction" means a notice informing the customer  
30 that he or she has committed an infraction by failing to pay a toll  
31 when due and is therefore subject to penalties and administrative fees  
32 as authorized by law.

33 (13) The use of a toll collection system is subject to the  
34 following requirements:

35 (a) The (~~department of transportation~~) state toll agency shall  
36 adopt rules that allow an open standard for automatic vehicle  
37 identification transponders used for electronic toll collection to be  
38 compatible with other electronic payment devices or transponders from

1 the Washington state ferry system, other public transportation systems,  
2 or other toll collection systems to the extent that technology permits.  
3 The rules must also allow for multiple vendors providing electronic  
4 payment devices or transponders as technology permits. To the extent  
5 practicable, the state toll agency shall adopt electronic toll  
6 collection systems that allow anonymous customers and anonymous  
7 accounts that are not linked to a specific vehicle.

8 (b) The (~~department of transportation~~) state toll agency may not  
9 sell, distribute, or make available in any way, the names and addresses  
10 of electronic toll collection system account holders.

11 (~~(7)~~) (c) All records of travel created by a toll collection  
12 system that identify a specific person, vehicle, or account are for the  
13 exclusive use of the state toll agency and law enforcement in the  
14 collection and billing of tolls and in the discharge of duties under  
15 this section and are not open to the public, and may not be used in a  
16 court in a pending action or proceeding unless the action or proceeding  
17 relates to a toll charge or violation under this chapter or chapter  
18 47.56 RCW. Records identifying a specific instance of travel must not  
19 be retained by the department longer than necessary to ensure payment  
20 of the tolls or verify that tolls are paid. Aggregate records that do  
21 not identify an individual, vehicle, or account may be maintained.

22 (14) The use of a photo (~~enforcement~~) monitoring system for  
23 issuance of notices of infraction is subject to the following  
24 requirements:

25 (a) Photo (~~enforcement~~) monitoring systems may take photographs,  
26 digital photographs, microphotographs, videotapes, or other recorded  
27 images of the vehicle and vehicle license plate only.

28 (b) (~~A notice of infraction must be mailed to the registered owner~~  
29 ~~of the vehicle or to the renter of a vehicle within sixty days of the~~  
30 ~~violation.)) The law enforcement officer or state toll agency issuing  
31 the notice of infraction shall include with it a certificate or  
32 facsimile thereof, based upon inspection of photographs,  
33 microphotographs, videotape, or other recorded images produced by a  
34 photo (~~enforcement~~) monitoring system, stating the facts supporting  
35 the notice of infraction. This certificate or facsimile is prima facie  
36 evidence of the facts contained in it and is admissible in a proceeding  
37 charging a violation under this chapter. The photographs, digital  
38 photographs, microphotographs, videotape, or other recorded images~~

1 evidencing the violation must be available for inspection and admission  
2 into evidence in a proceeding to adjudicate the liability for the  
3 infraction.

4 (c) Notwithstanding any other provision of law, all photographs,  
5 digital photographs, microphotographs, videotape, or other recorded  
6 images prepared under this chapter are for the exclusive use of the  
7 tolling agency and law enforcement in the discharge of duties under  
8 this section and are not open to the public and may not be used in a  
9 court in a pending action or proceeding unless the action or proceeding  
10 relates to a violation under this chapter. No photograph, digital  
11 photograph, microphotograph, videotape, or other recorded image may be  
12 used for any purpose other than enforcement (~~(of violations under this~~  
13 ~~chapter)~~) nor retained longer than necessary to enforce this chapter or  
14 verify that tolls are paid.

15 (d) All locations where a photo (~~(enforcement)~~) monitoring system  
16 is used must be clearly marked by placing signs in locations that  
17 clearly indicate to a driver that he or she is entering a zone where  
18 traffic laws are enforced by a photo (~~(enforcement)~~) monitoring system.

19 ~~((+8))~~ (15) Infractions detected through the use of photo  
20 (~~(enforcement)~~) monitoring systems are not part of the registered  
21 owner's driving record under RCW 46.52.101 and 46.52.120.  
22 Additionally, infractions generated by the use of photo enforcement  
23 systems under this section shall be processed in the same manner as  
24 parking infractions, including for the purposes of RCW ~~((3.46.120,))~~  
25 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

26 ~~((+9))~~ (16) The penalty for an infraction detected through the use  
27 of a photo (~~(enforcement)~~) monitoring system shall be forty dollars  
28 plus an additional toll penalty. One dollar of the infraction amount  
29 must be forwarded to the state treasurer for deposit in the judicial  
30 information system account established in RCW 2.68.020 to be used to  
31 provide courts with automated systems that support court management of  
32 infractions detected through the use of photo monitoring systems. The  
33 toll penalty is ~~((equal to three times the cash toll for a standard~~  
34 ~~passenger car during peak hours))~~ twelve dollars. ~~((Any reduction in~~  
35 ~~the total penalty imposed shall be made proportionally between the~~  
36 ~~forty dollar penalty and the toll penalty.))~~ The toll penalty may not  
37 be reduced. The court shall remit the toll penalty to the department  
38 of transportation or a private entity under contract with the

1 department of transportation for deposit in the statewide account in  
2 which tolls are deposited for the tolling facility at which the  
3 violation occurred. If the driver is found not to have committed an  
4 infraction under this section, the driver shall pay the toll due at the  
5 time the photograph was taken, unless the toll has already been paid.

6 ((+10)) (17) If the registered owner of the vehicle is a rental  
7 car business the ((department of transportation)) state toll agency or  
8 a law enforcement agency shall, before a notice of infraction being  
9 issued under this section, provide a written notice to the rental car  
10 business that a notice of infraction may be issued to the rental car  
11 business if the rental car business does not, within eighteen days of  
12 the mailing of the written notice, provide to the issuing agency by  
13 return mail:

14 (a) A statement under oath stating the name and known mailing  
15 address of the individual driving or renting the vehicle when the  
16 infraction occurred; or

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

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

24 Timely mailing of this statement to the issuing law enforcement or  
25 toll agency relieves a rental car business of any liability under this  
26 chapter for the notice of infraction.

27 **Sec. 2.** RCW 47.56.810 and 2008 c 122 s 3 are each amended to read  
28 as follows:

29 The definitions in this section apply throughout this subchapter  
30 unless the context clearly requires otherwise:

31 (1) "Tolling authority" means the governing body that is legally  
32 empowered to review and adjust toll rates. Unless otherwise delegated,  
33 the transportation commission is the tolling authority for all state  
34 highways.

35 (2) "Eligible toll facility" or "eligible toll facilities" means  
36 portions of the state highway system specifically identified by the

1 legislature including, but not limited to, transportation corridors,  
2 bridges, crossings, interchanges, on-ramps, off-ramps, approaches,  
3 bistate facilities, and interconnections between highways.

4 (3) "Toll revenue" or "revenue from an eligible toll facility"  
5 means toll receipts, all interest income derived from the investment of  
6 toll receipts, and any gifts, grants, or other funds received for the  
7 benefit of the eligible toll facility.

8 (4) "Tolling program" means the tolling operation used by an  
9 eligible toll facility within the state, and may include toll  
10 collection and toll enforcement processes.

11 (5) "State toll agency" means the governing body that is legally  
12 empowered to operate tolling programs, including collection and  
13 enforcement of tolls on eligible toll facilities.

14 (6) "Customer-initiated payment" means the payment of a photo toll,  
15 plus an administrative fee, prior to the issuance of a toll bill.

16 (7) "Electronic toll collection system" means a system used by a  
17 toll facility that works in conjunction with a customer's toll account  
18 to facilitate the collection of tolls based on motor vehicle  
19 transponder interaction that is then used to charge the appropriate  
20 electronic toll to the customer's toll account.

21 (8) "Electronic toll" means the charge made to a customer's toll  
22 account when the customer's vehicle is detected by the electronic toll  
23 collection system at a toll facility. An electronic toll does not  
24 include an administrative fee.

25 (9) "Electronic tolling" means collecting tolls through charging  
26 electronic tolls.

27 (10) "Photo monitoring system" means a system used by a toll  
28 facility that captures images of vehicles and vehicle license plates  
29 using the toll facility. The system includes a vehicle sensor that may  
30 work in conjunction with an electronic toll collection system and may  
31 capture only the license plate image by photographing or videotaping  
32 images of the license plate of a vehicle that uses a toll facility  
33 without registering an electronic toll collection payment at the toll  
34 collection point. The state toll agency may collect and use this  
35 information for photo toll collection.

36 (11) "Photo toll" means a toll assessed pursuant to the vehicle  
37 license information gathered by a photo monitoring system. A photo  
38 toll may include an administrative fee.

1 (12) "Photo tolling" means collecting tolls by issuing photo tolls.

2 (13) "Toll bill" means the bill sent by the tolling agency to a  
3 customer for a photo toll, plus an appropriate administrative fee. If  
4 unpaid after forty-five days from the date the bill was issued, the  
5 unpaid photo toll becomes an infraction under RCW 46.61.690, and a  
6 notice of infraction may be issued to the customer.

7 (14) "Customer," for toll billing purposes, means the registered  
8 owner of the vehicle incurring a toll through the use of an eligible  
9 toll facility.

10 (15) "Variable pricing" or "variable tolling" means establishing  
11 toll rates for a toll facility that will change at set times of day to  
12 improve system performance.

13 (16) "Dynamic tolling" means establishing a range of toll rates for  
14 a toll facility that will change throughout the day in response to  
15 traffic conditions to improve system performance.

16 (17) "Transponder" means the electronic device mounted on the  
17 vehicle for collection of tolls through an electronic toll collection  
18 system.

19 (18) "Open road tolling" means a toll system that uses a  
20 combination of electronic tolling and photo tolling to collect all  
21 tolls on a toll facility.

22 NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW  
23 under the subchapter heading "toll facilities created after July 1,  
24 2008" to read as follows:

25 This section applies to toll facilities using open road tolling.

26 (1) Toll collection systems may include electronic toll collection  
27 and photo monitoring, as well as other systems as technology becomes  
28 available.

29 (2) Tolls may be collected and paid by the following methods:

30 (a) A customer may pay an electronic toll through an electronic  
31 toll collection account; or

32 (b) A customer who does not have an electronic toll collection  
33 account may pay a photo toll either through customer-initiated payment  
34 or in response to a toll bill.

35 (3) Where a photo toll is detected, a customer may initiate payment  
36 prior to or within seventy-two hours of toll facility use.

1 (4) A toll bill may be sent to the customer if the photo toll  
2 remains unpaid after seventy-two hours.

3 (5) The customer has forty-five days from the date the toll bill is  
4 issued to pay the photo toll. If the photo toll remains unpaid after  
5 the forty-five day period, the customer is guilty of an infraction  
6 under RCW 46.61.690, and a notice of infraction may be issued under RCW  
7 46.63.160.

8 (6) Photo monitoring systems may capture recorded images of  
9 vehicles and vehicle license plates only. Images may only be used for  
10 toll collection, billing, and enforcement.

11 **Sec. 4.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read  
12 as follows:

13 Any person who uses a toll bridge, toll tunnel, toll road, or toll  
14 ferry, and the approaches thereto, operated by the state of Washington,  
15 the department of transportation, a political subdivision or municipal  
16 corporation empowered to operate toll facilities, or an entity  
17 operating a toll facility under a contract with the department of  
18 transportation, a political subdivision, or municipal corporation, at  
19 the entrance to which appropriate signs have been erected to notify  
20 both pedestrian and vehicular traffic that it is entering a toll  
21 facility or its approaches and is subject to the payment of tolls (~~at~~  
22 ~~the designated station for collecting tolls~~)), commits a traffic  
23 infraction if:

24 (1) The person does not pay, refuses to pay, evades, or attempts to  
25 evade the payment of such tolls(~~(, or~~) as follows:

26 (a) Where a photo toll is assessed, failure to pay the photo toll  
27 within forty-five days from the date the photo toll bill is issued is  
28 an infraction; or

29 (b) On a toll facility that does not assess photo tolls, failure to  
30 pay a toll immediately upon using the toll facility is an infraction;

31 (2) The person uses or attempts to use any spurious, counterfeit,  
32 or stolen ticket, coupon, token, or electronic device for payment of  
33 any such tolls(~~(, or~~  
34 ~~(2))~~);

35 (3) The person turns, or attempts to turn, the vehicle around in  
36 the bridge, tunnel, loading terminal, approach, or toll plaza where  
37 signs have been erected forbidding such turns(~~(, or~~); or

1        ~~((3))~~ (4) The person refuses to move a vehicle through the toll  
2 facility after having come within the area where signs have been  
3 erected notifying traffic that it is entering the area where toll is  
4 collectible or where vehicles may not turn around and where vehicles  
5 are required to pass through the toll facility for the purpose of  
6 collecting tolls.

7        **Sec. 5.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read  
8 as follows:

9        (1) A law enforcement officer, or the state toll agency as defined  
10 under RCW 47.56.810 in the case of toll enforcement under (d) of this  
11 subsection, has the authority to issue a notice of traffic infraction:

12        (a) When the infraction is committed in the officer's presence;

13        (b) When the officer is acting upon the request of a law  
14 enforcement officer in whose presence the traffic infraction was  
15 committed;

16        (c) If an officer investigating at the scene of a motor vehicle  
17 accident has reasonable cause to believe that the driver of a motor  
18 vehicle involved in the accident has committed a traffic infraction;

19        (d) When the infraction is detected through the use of a photo  
20 ~~((enforcement))~~ monitoring system under RCW 46.63.160; or

21        (e) When the infraction is detected through the use of an automated  
22 traffic safety camera under RCW 46.63.170.

23        (2) A court may issue a notice of traffic infraction upon receipt  
24 of a written statement of the officer that there is reasonable cause to  
25 believe that an infraction was committed.

26        (3) If any motor vehicle without a driver is found parked,  
27 standing, or stopped in violation of this title or an equivalent  
28 administrative regulation or local law, ordinance, regulation, or  
29 resolution, the officer finding the vehicle shall take its registration  
30 number and may take any other information displayed on the vehicle  
31 which may identify its user, and shall conspicuously affix to the  
32 vehicle a notice of traffic infraction.

33        (4) In the case of failure to redeem an abandoned vehicle under RCW  
34 46.55.120, upon receiving a complaint by a registered tow truck  
35 operator that has incurred costs in removing, storing, and disposing of  
36 an abandoned vehicle, an officer of the law enforcement agency  
37 responsible for directing the removal of the vehicle shall send a

1 notice of infraction by certified mail to the last known address of the  
2 person responsible under RCW 46.55.105. The notice must be entitled  
3 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.  
4 The officer shall append to the notice of infraction, on a form  
5 prescribed by the department of licensing, a notice indicating the  
6 amount of costs incurred as a result of removing, storing, and  
7 disposing of the abandoned vehicle, less any amount realized at  
8 auction, and a statement that monetary penalties for the infraction  
9 will not be considered as having been paid until the monetary penalty  
10 payable under this chapter has been paid and the court is satisfied  
11 that the person has made restitution in the amount of the deficiency  
12 remaining after disposal of the vehicle.

13 **Sec. 6.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read  
14 as follows:

15 (1) In a traffic infraction case involving an infraction detected  
16 through the use of a photo (~~(enforcement)~~) monitoring system under RCW  
17 46.63.160, or detected through the use of an automated traffic safety  
18 camera under RCW 46.63.170, proof that the particular vehicle described  
19 in the notice of traffic infraction was in violation of any such  
20 provision of RCW 46.63.160 or 46.63.170, together with proof that the  
21 person named in the notice of traffic infraction was at the time of the  
22 violation the registered owner of the vehicle, constitutes in evidence  
23 a prima facie presumption that the registered owner of the vehicle was  
24 the person in control of the vehicle at the point where, and for the  
25 time during which, the violation occurred.

26 (2) For infractions detected through the use of an automated  
27 traffic safety camera under RCW 46.63.170 only, this presumption may be  
28 overcome only if the registered owner states, under oath, in a written  
29 statement to the court or in testimony before the court that the  
30 vehicle involved was, at the time, stolen or in the care, custody, or  
31 control of some person other than the registered owner.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.56 RCW  
33 to read as follows:

34 The department shall report to the transportation committees of the  
35 legislature by December 1, 2009, with recommendations for providing a  
36 similar time frame for the payment of tolls prior to the issuance of an

1 infraction on the Tacoma Narrows bridge as is contemplated for the  
2 state route number 520 floating bridge and the steps necessary to  
3 convert the toll collection system on the Tacoma Narrows bridge to an  
4 open road tolling system.

5 NEW SECTION. **Sec. 8.** The code reviser shall alphabetize and  
6 renumber the definitions in RCW 46.63.160 and 47.56.810."

7 Correct the title.

EFFECT: (1) Adds the establishment of a system for the collection of tolls through either an electronic toll system, such as the Good to Go system, or photo monitoring.

(2) Provides individuals utilizing a facility with photo tolling capabilities who do not have a Good to Go account with 72 hours after crossing in which to initiate a payment on their own or they will receive a toll bill, which may include an administrative fee as determined by the WSDOT. If the toll bill is unpaid after 45 days, the individual may be guilty of a toll infraction and owe an additional \$40 fine.

(3) Requires the department of transportation, to the extent practicable, to utilize electronic toll collection systems that allow for anonymous customers and accounts.

(4) Limits the use of toll records to the collection and billing of tolls and requires that records identifying instances of travel are not retained longer than necessary to ensure or verify payments.

(5) Sets the toll penalty for all facilities at \$12 in order to provide uniformity across the state.

(6) Redirects \$1 from the toll infraction to the judicial information system account in order to defray the costs of automated systems for the processing of photo monitoring infractions.

(7) Requires the department of transportation to report to the transportation committees of the legislature by December 1, 2009, regarding providing for the same time frame for the payment of tolls on the Tacoma Narrows bridge as is contemplated for the 520 bridge and on converting the Tacoma Narrows bridge to open road tolling.

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