
HOUSE BILL 2773

State of Washington

62nd Legislature

2012 Regular Session

By Representative Hunter

1 AN ACT Relating to account fees for inactive and closed toll
2 accounts; and amending RCW 47.56.795 and 47.46.105.

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

4 **Sec. 1.** RCW 47.56.795 and 2010 c 249 s 3 are each amended to read
5 as follows:

6 (1) A toll collection system may include, but is not limited to,
7 electronic toll collection and photo tolling.

8 (2)(a) A photo toll system may take photographs, digital
9 photographs, microphotographs, videotapes, or other recorded images of
10 the vehicle and vehicle license plate only.

11 (b) Notwithstanding any other provision of law, all photographs,
12 digital photographs, microphotographs, videotape, other recorded
13 images, or other records identifying a specific instance of travel
14 prepared under this chapter are for the exclusive use of the tolling
15 agency for toll collection and enforcement purposes and are not open to
16 the public and may not be used in a court in a pending action or
17 proceeding unless the action or proceeding relates to a civil penalty
18 under RCW 46.63.160. No photograph, digital photograph,
19 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 RCW
3 46.63.160. 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. Aggregate records that do not identify an
7 individual, vehicle, or account may be maintained.

8 (3) The department and its agents shall only use electronic toll
9 collection system technology for toll collection purposes.

10 (4) Tolls may be collected and paid by the following methods:

11 (a) A customer may pay an electronic toll through an electronic
12 toll collection account;

13 (b) A customer may pay a photo toll either through a customer-
14 initiated payment or in response to a toll bill; or

15 (c) A customer may pay with cash on toll facilities that have a
16 manual cash collection system.

17 (5) To the extent practicable, the department shall adopt
18 electronic toll collection options, which allow for anonymous customer
19 accounts and anonymous accounts that are not linked to a specific
20 vehicle.

21 (6) The transportation commission shall adopt rules, in accordance
22 with chapter 34.05 RCW, to assess administrative fees as appropriate
23 for toll collection processes. Administrative fees must not exceed
24 toll collection costs. An administrative fee may not be assessed for
25 accounts that are inactive or to close an account. All administrative
26 fees collected under this section must be deposited into the toll
27 facility account of the facility on which the toll was assessed.

28 (7) Failure to pay a photo toll by the toll payment due date is a
29 violation for which a notice of civil penalty may be issued under RCW
30 46.63.160.

31 **Sec. 2.** RCW 47.46.105 and 2010 c 249 s 4 are each amended to read
32 as follows:

33 (1) A toll collection system may include, but is not limited to,
34 electronic toll collection and photo tolling.

35 (2)(a) A photo toll system may take photographs, digital
36 photographs, microphotographs, videotapes, or other recorded images of
37 the vehicle and vehicle license plate only.

1 (b) Notwithstanding any other provision of law, all photographs,
2 digital photographs, microphotographs, videotape, other recorded
3 images, or other records identifying a specific instance of travel
4 prepared under this chapter are for the exclusive use of the tolling
5 agency for toll collection and enforcement purposes and are not open to
6 the public and may not be used in a court in a pending action or
7 proceeding unless the action or proceeding relates to a civil penalty
8 under RCW 46.63.160. No photograph, digital photograph,
9 microphotograph, videotape, other recorded image, or other record
10 identifying a specific instance of travel may be used for any purpose
11 other than toll collection or enforcement of civil penalties under RCW
12 46.63.160. Records identifying a specific instance of travel by a
13 specific person or vehicle must be retained only as required to ensure
14 payment and enforcement of tolls and to comply with state records
15 retention policies.

16 (3) The department and its agents shall only use electronic toll
17 collection system technology for toll collection purposes.

18 (4) Tolls may be collected and paid by the following methods:

19 (a) A customer may pay an electronic toll through an electronic
20 toll collection account;

21 (b) A customer who does not have an electronic toll collection
22 account may pay a photo toll either through a customer-initiated
23 payment or in response to a toll bill; or

24 (c) A customer who does not have an electronic toll collection
25 account may pay with cash on toll facilities that have a manual cash
26 collection system.

27 (5) To the extent practicable, the department shall adopt
28 electronic toll collection options, which allow for anonymous customer
29 accounts and anonymous accounts that are not linked to a specific
30 vehicle.

31 (6) The transportation commission shall adopt rules, in accordance
32 with chapter 34.05 RCW, to assess administrative fees as appropriate
33 for toll collection processes. Administrative fees must not exceed
34 toll collection costs. An administrative fee may not be assessed for
35 accounts that are inactive or to close an account. All administrative
36 fees collected under this section must be deposited into the toll
37 facility account of the facility on which the toll was assessed.

1 (7) Failure to pay a photo toll by the toll payment due date is a
2 violation for which a notice of civil penalty may be issued under RCW
3 46.63.160.

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