

HOUSE BILL REPORT

HB 1429

As Reported by House Committee On:
Transportation

Title: An act relating to enforcement, collection, and use of tolls on the Tacoma Narrows bridge.

Brief Description: Assisting toll collection for the Tacoma Narrows bridge.

Sponsors: Representatives Fisher, Woods and Rockefeller.

Brief History:

Committee Activity:

Transportation: 2/21/01, 3/8/01 [DPS].

Brief Summary of Substitute Bill

- Failure to pay a toll is made a non-moving traffic infraction.
- If a vehicle is driven through a toll facility without making payment, the registered owner or renter of the vehicle is assessed for the infraction.
- The registered owner is not responsible if he or she provides a sworn affidavit or testimony that they were not driving the vehicle at the time of the violation.
- The Department of Licensing is authorized to release lists of vehicle owner name and address information to toll facility operators.
- The toll facility may only use the information for purposes of identifying owners of vehicles using the toll facility.
- An entity operating a toll bridge under the public-private initiatives program shall insure that its automatic electronic payment devices are compatible with other such devices used by the ferry system or public transportation systems.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Fisher, Democratic Co-Chair; Mitchell,

Republican Co-Chair; Cooper, Democratic Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Lovick, Democratic Vice Chair; Ahern, Anderson, Armstrong, G. Chandler, Edmonds, Hatfield, Hurst, Jarrett, Marine, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Skinner, Sump, Wood and Woods.

Minority Report: Without recommendation. Signed by 4 members: Representatives Jackley, Mielke, Schindler and Simpson.

Staff: Paul Neal (786-7315).

Background:

In June of 1999 the Washington State Department of Transportation (WSDOT) entered into an agreement with United Infrastructure Washington, Inc. (UIW) to finance, develop, and operate the Tacoma Narrows Bridge project under the public-private initiatives law, Chapter 47.46 RCW. The UIW plans to operate the bridge utilizing transponder technology. Using that technology, frequent users of the bridge can keep a transponder in their car that records their use of the toll facility. Transponder users would then receive a monthly toll bill in the mail. Use of this system will allow traffic to move more freely than a conventional toll booth, but also could be used to facilitate toll evasion. Current law does not contemplate operation of a toll facility by a private entity nor the ability to pay tolls without stopping at a booth located at the facility.

Under current law, it is a traffic infraction to evade payment of tolls on a publicly operated toll facility. An officer is only authorized to cite a person for a traffic infraction if it is committed in the officer's presence, in the presence of a referring law enforcement officer, or the officer is at the scene of an accident and has probable cause to believe that an infraction has been committed.

The Department of Licensing's (DOL) is currently authorized to provide lists of registered and legal owners of vehicles to specified entities for specified purposes. For instance, car manufacturers are authorized to obtain lists in order to assist in factory recalls. A private entity operating a toll facility is not authorized to access the DOL vehicle records to identify toll evaders.

Summary of Substitute Bill:

Evading payment of a toll on a toll facility operated by a private company under the public-private initiatives law is made a standing traffic infraction. As a standing infraction, the violation does not go on the vehicle owner's driving record. A law enforcement officer may issue a citation for a toll evasion violation without the offense being committed in the officer's presence.

Electronic tolling systems are authorized to take pictures of vehicles and vehicle license plates and mail a notice of infraction to the registered owner of a vehicle used to commit a toll evasion violation. The registered owner is liable unless, 1) the owner is a rental car company and the company provides the name and address of the renter within 14 days of receiving the notice of infraction; or 2) the owner provides an affidavit or testimony in open court, within 15 days of receiving the notice of infraction, that he or she was not operating or in control of the vehicle at the time of the infraction.

The DOL is authorized to provide lists of registered vehicle owners to a company operating a toll facility under the public-private initiatives law for purposes of issuing a notice of a toll evasion traffic infraction. Any other use will result in a suspension of the authorization of access to vehicle records.

An entity operating a toll bridge under the public-private initiatives program shall insure that its automatic electronic payment devices are compatible with other such devices used by the ferry system or public transportation systems.

Substitute Bill Compared to Original Bill:

Clarification the evasion of a toll is not a moving violation, and that only a law enforcement officer or agency may issue a toll evasion citation.

An entity operating a toll bridge under the public-private initiatives program shall insure that its automatic electronic payment devices are compatible with other such devices used by the ferry system or public transportation systems.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Current law on toll evasion does not contemplate modern electronic payment technology. Passage of this bill will allow use of the technology and speed the flow of traffic on toll bridges.

Testimony Against: Release of citizen names and addresses to the private company operating the toll facility opens the door to potential privacy violations and misuse of the information. This bill should be opposed because it facilitates collection of tolls on the existing Tacoma Narrows Bridge, which under current law is illegal.

Testified: (Support) Jim Metcalf, Larry O'Bryon and Russ McCarty, United

Infrastructure.

(Support with amendment) Steve Gano, I.D. Micro.

(Opposed) Michael Murphy, citizen; and Mertin Cooper, citizen.