

---

HOUSE BILL 1429

---

State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Fisher, Woods and Rockefeller

Read first time 01/25/2001. Referred to Committee on Transportation.

1            AN ACT Relating to enforcement, collection, and use of tolls on the  
2 Tacoma Narrows bridge; amending RCW 46.61.690, 46.63.030, and  
3 46.63.140; reenacting and amending RCW 46.12.370; adding a new section  
4 to chapter 46.63 RCW; and creating a new section.

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

6            **Sec. 1.** RCW 46.12.370 and 1997 c 432 s 6 and 1997 c 33 s 1 are  
7 each reenacted and amended to read as follows:

8            In addition to any other authority which it may have, the  
9 department of licensing may furnish lists of registered and legal  
10 owners of motor vehicles only for the purposes specified in this  
11 section to:

12            (1) The manufacturers of motor vehicles, or their authorized  
13 agents, to be used to enable those manufacturers to carry out the  
14 provisions of the National Traffic and Motor Vehicle Safety Act of 1966  
15 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto,  
16 respecting safety-related defects in motor vehicles;

17            (2) Any governmental agency of the United States or Canada, or  
18 political subdivisions thereof or within, to be used by it or by its  
19 authorized commercial agents or contractors only in connection with the

1 enforcement of motor vehicle or traffic laws by, or programs related to  
2 traffic safety of, that government agency. Only such parts of the list  
3 as are required for completion of the work required of the agent or  
4 contractor shall be provided to such agent or contractor;

5 (3) A commercial parking company requiring the names and addresses  
6 of registered owners to notify them of outstanding parking violations.  
7 Subject to the disclosure agreement provisions of RCW 46.12.380 and the  
8 requirements of Executive Order 97-01, the department may provide only  
9 the parts of the list that are required for completion of the work  
10 required of the company;

11 (4) An authorized agent or contractor of the department, to be used  
12 only in connection with providing motor vehicle excise tax, licensing,  
13 title, and registration information to motor vehicle dealers; (~~or~~)

14 (5) Any business regularly making loans to other persons to finance  
15 the purchase of motor vehicles, to be used to assist the person  
16 requesting the list to determine ownership of specific vehicles for the  
17 purpose of determining whether or not to provide such financing; or

18 (6) Any company or its agents operating a toll facility under  
19 chapter 47.46 RCW requiring the names, addresses, and vehicle  
20 information of motor vehicle registered owners to issue a notice of  
21 traffic infraction under RCW 46.61.690.

22 In the event a list of registered and legal owners of motor  
23 vehicles is used for any purpose other than that authorized in this  
24 section, the manufacturer, governmental agency, commercial parking  
25 company, authorized agent, contractor, financial institution, toll  
26 facility operator, or their authorized agents or contractors  
27 responsible for the unauthorized disclosure or use will be denied  
28 further access to such information by the department of licensing.

29 **Sec. 2.** RCW 46.61.690 and 1983 c 247 s 1 are each amended to read  
30 as follows:

31 (1) Any person who uses a toll bridge, toll tunnel, toll road, or  
32 toll ferry, and the approaches thereto, operated by the state of  
33 Washington, the department of transportation, (~~or any~~) a political  
34 subdivision or municipal corporation empowered to operate toll  
35 facilities, or a company operating a toll facility under chapter 47.46  
36 RCW, at the entrance to which appropriate signs have been erected to  
37 notify both pedestrian and vehicular traffic that it is entering a toll  
38 facility or its approaches and is subject to the payment of tolls at

1 the designated station for collecting tolls, commits a traffic  
2 infraction if:

3 ~~((1))~~ (a) Such person does not pay, refuses to pay, evades, or  
4 attempts to evade the payment of such tolls, or uses or attempts to use  
5 any spurious ~~((or))~~, counterfeit, or stolen tickets, coupons, ~~((or))~~  
6 tokens, or electronic devices for payment of any such tolls, or

7 ~~((2))~~ (b) Such person turns, or attempts to turn, the vehicle  
8 around in the bridge, tunnel, loading terminal, approach, or toll plaza  
9 where signs have been erected forbidding such turns, or

10 ~~((3))~~ (c) Such person refuses to move a vehicle through the toll  
11 ~~((gates))~~ facility after having come within the area where signs have  
12 been erected notifying traffic that it is entering the area where toll  
13 is collectible or where vehicles may not turn around and where vehicles  
14 are required to pass through the toll ~~((gates))~~ facility for the  
15 purpose of collecting tolls.

16 (2) A law enforcement officer may issue a notice of traffic  
17 infraction, or a notice of traffic infraction may be mailed to the  
18 registered owner or person renting a vehicle for violation of this  
19 section.

20 NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW  
21 to read as follows:

22 (1) The use of electronic tolling systems is subject to the  
23 following regulations:

24 (a) Electronic tolling systems may take pictures of the vehicle and  
25 vehicle license plate only.

26 (b) A notice of infraction must be mailed to the registered owner  
27 of the vehicle.

28 (c) A person receiving a notice of an infraction based on evidence  
29 detected by an electronic tolling system may respond to the notice by  
30 mail.

31 (2) Infractions detected through the use of electronic tolling  
32 systems are not part of the registered owner's driving record under RCW  
33 46.52.101 and 46.52.120.

34 (3) If a notice of traffic infraction is sent to the registered  
35 owner under RCW 46.63.030(2) and the registered owner is a rental car  
36 business, the infraction will be dismissed against the business if it  
37 mails to the issuing agency, within fourteen days of receiving the  
38 notice, the name and known mailing address of the individual driving or

1 renting the vehicle when the infraction occurred. If the business is  
2 unable to determine who was driving or renting the vehicle at the time  
3 the infraction occurred, the business must sign an affidavit making  
4 this declaration. The affidavit must be mailed to the issuing agency  
5 within fourteen days of receiving the notice of traffic infraction.  
6 Timely mailing of this affidavit to the issuing agency relieves a  
7 rental car business of any liability under this chapter for the notice  
8 of infraction. An affidavit form suitable for this purpose must be  
9 included with each infraction issued, along with instructions for its  
10 completion and use.

11 **Sec. 4.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read  
12 as follows:

13 (1) A law enforcement officer has the authority to issue a notice  
14 of traffic infraction:

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

16 (b) When the officer is acting upon the request of a law  
17 enforcement officer in whose presence the traffic infraction was  
18 committed; (~~or~~)

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

22 (d) When the infraction is mailed to the registered owner or the  
23 person renting a vehicle as authorized under subsection (2) of this  
24 section.

25 (2) When an electronic tolling system is used in compliance with  
26 section 3 of this act, a law enforcement officer, whether present or  
27 not during the commission of the infraction, or other issuing agency  
28 may issue a notice of traffic infraction by mail to the registered  
29 owner of the vehicle, or to the person renting the vehicle. The  
30 registered owner of the vehicle or the person renting the vehicle is  
31 responsible for the infraction.

32 (3) The owner of a vehicle is responsible for a violation unless  
33 within fifteen days after notification of the violation, furnishes the  
34 officials or agents of the municipality that issued the citation with:

35 (a) An affidavit made under oath, stating that the vehicle involved  
36 was, at the time, stolen or in the care, custody, or control of some  
37 person other than the registered owner; or

1        (b) Testimony in open court under oath that the person was not the  
2 operator of the vehicle at the time of the alleged violation.

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

6        (~~(3)~~) (5) If any motor vehicle without a driver is found parked,  
7 standing, or stopped in violation of this title or an equivalent  
8 administrative regulation or local law, ordinance, regulation, or  
9 resolution, the officer finding the vehicle shall take its registration  
10 number and may take any other information displayed on the vehicle  
11 which may identify its user, and shall conspicuously affix to the  
12 vehicle a notice of traffic infraction.

13        (~~(4)~~) (6) In the case of failure to redeem an abandoned vehicle  
14 under RCW 46.55.120, upon receiving a complaint by a registered tow  
15 truck operator that has incurred costs in removing, storing, and  
16 disposing of an abandoned vehicle, an officer of the law enforcement  
17 agency responsible for directing the removal of the vehicle shall send  
18 a notice of infraction by certified mail to the last known address of  
19 the registered owner of the vehicle. The officer shall append to the  
20 notice of infraction, on a form prescribed by the department of  
21 licensing, a notice indicating the amount of costs incurred as a result  
22 of removing, storing, and disposing of the abandoned vehicle, less any  
23 amount realized at auction, and a statement that monetary penalties for  
24 the infraction will not be considered as having been paid until the  
25 monetary penalty payable under this chapter has been paid and the court  
26 is satisfied that the person has made restitution in the amount of the  
27 deficiency remaining after disposal of the vehicle.

28        **Sec. 5.** RCW 46.63.140 and 1980 c 128 s 11 are each amended to read  
29 as follows:

30        (1) In any traffic infraction case involving a violation of this  
31 title or equivalent administrative regulation or local law, ordinance,  
32 regulation, or resolution relating to the stopping, standing, or  
33 parking of a vehicle, proof that the particular vehicle described in  
34 the notice of traffic infraction was stopping, standing, or parking in  
35 violation of any such provision of this title or an equivalent  
36 administrative regulation or local law, ordinance, regulation, or  
37 resolution, together with proof that the person named in the notice of  
38 traffic infraction was at the time of the violation the registered

1 owner of the vehicle, (~~shall~~) constitutes in evidence a prima facie  
2 presumption that the registered owner of the vehicle was the person who  
3 parked or placed the vehicle at the point where, and for the time  
4 during which, the violation occurred.

5 (2) The foregoing stated presumption (~~shall apply~~) applies only  
6 when the procedure prescribed in RCW 46.63.030(~~(+3)~~) (5) has been  
7 followed.

8 NEW SECTION. **Sec. 6.** The legislature respectfully request the  
9 Washington state supreme court to amend the Infraction Rules for Courts  
10 of Limited Jurisdiction to conform to this act. Furthermore, the  
11 legislature respectfully asks the court to create a notice of  
12 infraction that is consistent with this act.

--- END ---