

FINAL BILL REPORT

SHB 2475

C 231 L 04

Synopsis as Enacted

Brief Description: Facilitating enforcement of toll violations.

Sponsors: By House Committee on Transportation (originally sponsored by Representative Murray; by request of Department of Transportation).

House Committee on Transportation
Senate Committee on Highways & Transportation

Background:

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

Summary:

Toll Evasion Violations Generally

Failure to pay a toll is made a non-moving traffic infraction. If a person violates the requirements to pay a toll, a law enforcement officer may issue a notice of a traffic infraction in person or the notice may be mailed to the registered owner. Infractions for toll violations are not part of the registered owner's driving record. If the owner does not respond to the notice of infraction, the Department of Licensing must suspend the renewal of the vehicle registration upon request by the Department of Transportation.

If the registered owner is a rental car business, the infraction will be dismissed against the business if the business provides the name and known mailing address of the person renting or driving the vehicle.

Proof that a particular vehicle was involved in a toll evasion violation, together with proof that the person named in the notice of the violation was the registered owner of the vehicle at the time of the infraction, creates a rebuttable presumption that the registered owner committed the violation.

Time Limits for Notices of Infractions

Notice of an infraction for toll violations must be mailed to the registered owner within 60 days of the toll violation, unless issued in person. A registered owner will be responsible for the violation unless he or she provides either (1) a sworn statement that the vehicle was stolen or in the care, custody, or control of some other person at the time of the violation, or (2)

testifies in open court that the person was not the operator of the vehicle at the time of the violation. The statement or testimony must be furnished to the agency issuing the notice of infraction within 15 days if issued in person, or within 18 days if mailed.

Photo Enforcement Systems

When a photo enforcement system is used at toll facilities, the content and use of the images recorded by the system are restricted. The content of the recorded images is limited to the vehicle and license plate only. Recorded images are not open to the public and may not be used in court unless the proceeding relates to a toll collection violation.

Rules adopted by the Department of Transportation must provide an open standard for interoperability with multiple transponder vendors.

Votes on Final Passage:

House	94	4	
Senate	48	0	(Senate amended)
House	93	4	(House concurred)

Effective: June 10, 2004