

ESSB 6499 - H AMD 1365

By Representatives Williams, Anderson

NOT ADOPTED 03/02/2010

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

3 "Sec. 1. RCW 47.56.010 and 2002 c 114 s 2 are each amended to read
4 as follows:

5 As used in this chapter:

6 (1) "Toll bridge" means a bridge constructed or acquired under this
7 chapter, upon which tolls are charged, together with all appurtenances,
8 additions, alterations, improvements, and replacements thereof, and the
9 approaches thereto, and all lands and interests used therefor, and
10 buildings and improvements thereon.

11 (2) "Toll road" means any express highway, superhighway, or
12 motorway at such locations and between such termini as may be
13 established by law, and constructed or to be constructed as a limited
14 access highway under the provisions of this chapter by the department,
15 and shall include, but not be limited to, all bridges, tunnels,
16 overpasses, underpasses, interchanges, entrance plazas, approaches,
17 toll houses, service areas, service facilities, communications
18 facilities, and administration, storage, and other buildings that the
19 department may deem necessary for the operation of the project,
20 together with all property, rights, easements, and interests that may
21 be acquired by the department for the construction or the operation of
22 the project, all of which shall be conducted in the same manner and
23 under the same procedure as provided for the establishing,
24 constructing, operating, and maintaining of toll bridges by the
25 department, insofar as those procedures are reasonably consistent and
26 applicable.

27 (3) "1950 Tacoma Narrows bridge" means the bridge crossing the
28 Tacoma Narrows that was opened to vehicle travel in 1950.

29 (4) "Electronic toll collection system" means a system that

1 collects tolls by crediting or debiting funds from a customer's unique
2 prepaid tolling account.

3 (5) "Photo toll" means a toll charge associated with a particular
4 vehicle that is identified by its license plate. A photo toll may be
5 paid through one of the following methods:

6 (a) A customer-initiated account that is prepaid or postpaid.

7 (b) In response to a toll bill that is sent to the registered owner
8 of the vehicle incurring the photo toll charge. The toll bill may
9 designate a toll payment due date for the photo toll assessed.

10 (6) "Photo toll system" means a camera-based imaging system that
11 uses digital video or still image formats to record license plate
12 images of vehicles using toll lanes for the purpose of collecting a
13 photo toll.

14 (7) "Toll payment due date" means the date when a toll must be paid
15 to avoid a toll violation. The toll payment due date is eighty days
16 from the date the vehicle uses the toll facility and incurs the toll
17 charge.

18 **Sec. 2.** RCW 47.46.020 and 1993 c 370 s 2 are each amended to read
19 as follows:

20 As used in this chapter((7)):

21 (1) "Electronic toll collection system" means a system that
22 collects tolls by crediting or debiting funds from a customer's unique
23 prepaid tolling account.

24 (2) "Photo toll" means a charge associated with a particular
25 vehicle that can only be identified by its license plate. A photo toll
26 may be paid through one of the following methods:

27 (a) A customer-initiated account that is prepaid or postpaid.

28 (b) In response to a toll bill that is sent to the registered owner
29 of the vehicle incurring the photo toll charge. The toll bill may
30 designate a toll payment due date for the photo toll assessed.

31 (3) "Photo toll system" means a camera-based imaging system that
32 uses digital video or still image formats to record license plate
33 images of vehicles using toll lanes for the purpose of collecting a
34 photo toll.

35 (4) "Toll payment due date" means the date when a toll must be paid
36 to avoid a toll violation. The toll payment due date is eighty days

1 from the date the vehicle uses the toll facility and incurs the toll
2 charge.

3 (5) "Transportation systems and facilities" means capital-related
4 improvements and additions to the state's transportation
5 infrastructure, including but not limited to highways, roads, bridges,
6 vehicles, and equipment, marine-related facilities, vehicles, and
7 equipment, park and ride lots, transit stations and equipment,
8 transportation management systems, and other transportation-related
9 investments.

10 NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW
11 to read as follows:

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

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

17 (b) Notwithstanding any other provision of law, all photographs,
18 digital photographs, microphotographs, videotape, other recorded
19 images, or other records identifying a specific instance of travel
20 prepared under this chapter are for the exclusive use of the tolling
21 agency for toll collection and enforcement purposes and are not open to
22 the public and may not be used in a court in a pending action or
23 proceeding unless the action or proceeding relates to a notice of
24 infraction under RCW 46.63.160. No photograph, digital photograph,
25 microphotograph, videotape, other recorded image, or other record
26 identifying a specific instance of travel may be used for any purpose
27 other than toll collection or enforcement of notices of infraction
28 under RCW 46.63.160. Records identifying a specific instance of travel
29 by a specific person or vehicle must be retained only as required to
30 ensure payment and enforcement of tolls and to comply with state
31 records retention policies as previously determined for toll
32 facilities. Aggregate records that do not identify an individual,
33 vehicle, or account may be maintained.

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

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

1 (a) A customer may pay an electronic toll through an electronic
2 toll collection account;

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

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

7 (5) To the extent practicable, the department shall adopt
8 electronic toll collection options, which allow for anonymous customer
9 accounts and anonymous accounts that are not linked to a specific
10 vehicle.

11 (6) The transportation commission shall adopt rules, in accordance
12 with chapter 34.05 RCW, to assess administrative fees as appropriate
13 for toll collection processes. Administrative fees must not exceed
14 toll collection costs. All administrative fees collected under this
15 section must be deposited into the toll facility account of the
16 facility on which the toll was assessed.

17 (7) Failure to pay a photo toll by the toll payment due date is a
18 violation under RCW 46.63.160 for which a notice of infraction may be
19 issued under RCW 46.63.030 and 46.63.160.

20 **Sec. 4.** RCW 47.46.105 and 2004 c 230 s 2 are each amended to read
21 as follows:

22 ~~((1) Tolls may be collected by any system that identifies the
23 correct toll and collects the payment. Systems may include manual cash
24 collection, electronic toll collection, and photo monitoring systems.~~

25 ~~(a) "Electronic toll collection system" means a system of
26 collecting tolls or charges that is capable of charging the account of
27 the toll patron the appropriate toll or charge by electronic
28 transmission from the motor vehicle to the toll collection system,
29 which information is used to charge the appropriate toll or charge to
30 the patron's account. The department shall adopt rules that allow an
31 open standard for automatic vehicle identification transponders used
32 for electronic toll collection to be compatible with other electronic
33 payment devices or transponders from the Washington state ferry system,
34 other public transportation systems, or other toll collection systems
35 to the extent that technology permits. The rules must also allow for
36 multiple vendors providing electronic payment devices or transponders
37 as technology permits.~~

1 ~~(b) "Photo monitoring system" means a vehicle sensor installed to~~
2 ~~work in conjunction with an electronic toll collection system in a toll~~
3 ~~facility that automatically produces one or more photographs, one or~~
4 ~~more microphotographs, a videotape, or other recorded images of each~~
5 ~~vehicle at the time it is used or operated within a toll facility.~~

6 ~~(c) No photograph, digital photograph, microphotograph, videotape,~~
7 ~~or other recorded image may be used for any purpose other than toll~~
8 ~~enforcement, nor retained longer than necessary to verify that tolls~~
9 ~~are paid, or to enforce toll evasion violations.~~

10 ~~(2) The department shall adopt rules to govern toll collection.)~~

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

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

16 (b) Notwithstanding any other provision of law, all photographs,
17 digital photographs, microphotographs, videotape, other recorded
18 images, or other records identifying a specific instance of travel
19 prepared under this chapter are for the exclusive use of the tolling
20 agency for toll collection and enforcement purposes and are not open to
21 the public and may not be used in a court in a pending action or
22 proceeding unless the action or proceeding relates to a notice of
23 infraction under RCW 46.63.160. No photograph, digital photograph,
24 microphotograph, videotape, other recorded image, or other record
25 identifying a specific instance of travel may be used for any purpose
26 other than toll collection or enforcement of notices of infraction
27 under RCW 46.63.160. Records identifying a specific instance of travel
28 by a specific person or vehicle must be retained only as required to
29 ensure payment and enforcement of tolls and to comply with state
30 records retention policies as previously determined for toll
31 facilities. Aggregate records that do not identify an individual,
32 vehicle, or account may be maintained.

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

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

36 (a) A customer may pay an electronic toll through an electronic
37 toll collection account;

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

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

7 (5) To the extent practicable, the department shall adopt
8 electronic toll collection options, which allow for anonymous customer
9 accounts and anonymous accounts that are not linked to a specific
10 vehicle.

11 (6) The transportation commission shall adopt rules, in accordance
12 with chapter 34.05 RCW, to assess administrative fees as appropriate
13 for toll collection processes. Administrative fees must not exceed
14 toll collection costs. All administrative fees collected under this
15 section must be deposited into the toll facility account of the
16 facility on which the toll was assessed.

17 (7) Failure to pay a photo toll by the toll payment due date is a
18 violation under RCW 46.63.160 for which a notice of infraction may be
19 issued under RCW 46.63.030 and 46.63.160.

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

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

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

25 (b) When the officer is acting upon the request of a law
26 enforcement officer in whose presence the traffic infraction was
27 committed;

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

31 (d) When the infraction is detected through the use of a photo
32 (~~enforcement~~) toll system under RCW 46.63.160; or

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

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

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

8 (4) In the case of failure to redeem an abandoned vehicle under RCW
9 46.55.120, upon receiving a complaint by a registered tow truck
10 operator that has incurred costs in removing, storing, and disposing of
11 an abandoned vehicle, an officer of the law enforcement agency
12 responsible for directing the removal of the vehicle shall send a
13 notice of infraction by certified mail to the last known address of the
14 person responsible under RCW 46.55.105. The notice must be entitled
15 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
16 The officer shall append to the notice of infraction, on a form
17 prescribed by the department of licensing, a notice indicating the
18 amount of costs incurred as a result of removing, storing, and
19 disposing of the abandoned vehicle, less any amount realized at
20 auction, and a statement that monetary penalties for the infraction
21 will not be considered as having been paid until the monetary penalty
22 payable under this chapter has been paid and the court is satisfied
23 that the person has made restitution in the amount of the deficiency
24 remaining after disposal of the vehicle.

25 **Sec. 6.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read
26 as follows:

27 (1) This section applies only to infractions issued under ((RCW
28 ~~46.61.690 for toll collection evasion~~)) section 3 of this act and RCW
29 47.46.105 for toll violations detected through the use of photo toll
30 systems.

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

35 (3) ((~~Toll collection systems include manual cash collection,~~
36 ~~electronic toll collection, and photo enforcement systems.~~

1 ~~(4) "Electronic toll collection system" means a system of~~
2 ~~collecting tolls or charges that is capable of charging the account of~~
3 ~~the toll patron the appropriate toll or charge by electronic~~
4 ~~transmission from the motor vehicle to the toll collection system,~~
5 ~~which information is used to charge the appropriate toll or charge to~~
6 ~~the patron's account.~~

7 ~~(5) "Photo enforcement system" means a vehicle sensor installed to~~
8 ~~work in conjunction with an electronic toll collection system that~~
9 ~~automatically produces one or more photographs, one or more~~
10 ~~microphotographs, a videotape, or other recorded images of a vehicle~~
11 ~~operated in violation of an infraction under this chapter.~~

12 ~~(6) The use of a toll collection system is subject to the following~~
13 ~~requirements:~~

14 ~~(a) The department of transportation shall adopt rules that allow~~
15 ~~an open standard for automatic vehicle identification transponders used~~
16 ~~for electronic toll collection to be compatible with other electronic~~
17 ~~payment devices or transponders from the Washington state ferry system,~~
18 ~~other public transportation systems, or other toll collection systems~~
19 ~~to the extent that technology permits. The rules must also allow for~~
20 ~~multiple vendors providing electronic payment devices or transponders~~
21 ~~as technology permits.~~

22 ~~(b) The department of transportation may not sell, distribute, or~~
23 ~~make available in any way, the names and addresses of electronic toll~~
24 ~~collection system account holders.~~

25 ~~(7)) A notice of infraction may be issued when a toll is assessed~~
26 ~~through the use of a photo toll system and the toll is not paid by the~~
27 ~~toll payment due date, which is eighty days from the date the toll was~~
28 ~~assessed.~~

29 ~~(4) A notice of infraction may be issued by a limited authority~~
30 ~~Washington peace officer as defined in RCW 10.93.020. The agency~~
31 ~~responsible for detecting toll violations may determine who serves as~~
32 ~~the limited authority Washington peace officer.~~

33 ~~(5) The use of a photo ((enforcement)) toll system ((for issuance~~
34 ~~of notices of infraction)) is subject to the following requirements:~~

35 ~~(a) Photo ((enforcement)) toll systems may take photographs,~~
36 ~~digital photographs, microphotographs, videotapes, or other recorded~~
37 ~~images of the vehicle and vehicle license plate only.~~

1 (b) (~~A notice of infraction must be mailed to the registered owner~~
2 ~~of the vehicle or to the renter of a vehicle within sixty days of the~~
3 ~~violation. The law enforcement~~) The officer issuing the notice of
4 infraction shall include with it a certificate or facsimile thereof,
5 based upon inspection of photographs, microphotographs, videotape, or
6 other recorded images produced by a photo (~~enforcement~~) toll system,
7 stating the facts supporting the notice of infraction. This
8 certificate or facsimile is prima facie evidence of the facts contained
9 in it and is admissible in a proceeding charging a violation under this
10 chapter. The photographs, digital photographs, microphotographs,
11 videotape, or other recorded images evidencing the violation must be
12 available for inspection and admission into evidence in a proceeding to
13 adjudicate the liability for the infraction.

14 (c) Notwithstanding any other provision of law, all photographs,
15 digital photographs, microphotographs, videotape, (~~or~~) other recorded
16 images, or other records identifying a specific instance of travel
17 prepared under this chapter are for the exclusive use of the tolling
18 agency for toll collection purposes and law enforcement in the
19 discharge of duties under this section and are not open to the public
20 and may not be used in a court in a pending action or proceeding unless
21 the action or proceeding relates to a violation under this chapter. No
22 photograph, digital photograph, microphotograph, videotape, (~~or~~)
23 other recorded image, or other record identifying a specific instance
24 of travel may be used for any purpose other than toll collection or
25 enforcement of violations under this chapter (~~nor retained longer than~~
26 ~~necessary to enforce this chapter or verify that tolls are paid~~).
27 Records identifying a specific instance of travel by a specific person
28 or vehicle must be retained only as required to ensure payment and
29 enforcement of tolls and to comply with state records retention
30 policies as previously determined for toll facilities. Aggregate
31 records that do not identify an individual, vehicle, or account may be
32 maintained.

33 (d) All locations where a photo (~~enforcement~~) toll system is used
34 must be clearly marked by placing signs in locations that clearly
35 indicate to a driver that he or she is entering a zone where (~~traffic~~
36 ~~laws are~~) tolls are assessed and enforced by a photo (~~enforcement~~)
37 toll system.

1 ~~((+8))~~ (6) Infractions for toll nonpayment detected through the
2 use of photo ((enforcement)) toll systems must be issued to the
3 registered owner of the vehicle identified by the photo toll system,
4 but are not part of the registered owner's driving record under RCW
5 46.52.101 and 46.52.120. Additionally, infractions generated by the
6 use of photo enforcement systems under this section shall be processed
7 in the same manner as parking infractions, including for the purposes
8 of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

9 ~~((+9))~~ (7) The penalty for ((an infraction)) toll nonpayment
10 detected through the use of a photo ((enforcement)) toll system ((shall
11 be)) is forty dollars plus an additional toll penalty((. The toll
12 penalty is equal to three times the cash toll for a standard passenger
13 car during peak hours. The toll penalty may not be reduced. The court
14 shall remit the toll penalty to the department of transportation or a
15 private entity under contract with the department of transportation for
16 deposit in the statewide account in which tolls are deposited for the
17 tolling facility at which the violation occurred. If the driver is
18 found not to have committed an infraction under this section, the
19 driver shall pay the toll due at the time the photograph was taken,
20 unless the toll has already been paid)) of twelve dollars. Two dollars
21 of the infraction amount that is not remitted to the department of
22 transportation under this subsection must be forwarded to the state
23 treasurer for deposit in the judicial information system account
24 established in RCW 2.68.020 to be used for costs associated with the
25 development and maintenance of judicial information system products and
26 services. The court may not waive, reduce, or suspend the two dollars
27 that are allocated to the judicial information system account. The
28 toll penalty may not be reduced. The court shall remit one-half of the
29 toll penalty and one-half of the forty-dollar penalty for toll
30 nonpayment to the department of transportation or a private entity
31 under contract with the department of transportation for deposit in the
32 statewide account in which tolls are deposited for the tolling facility
33 at which the violation occurred. However, beginning on July 1, 2011,
34 toll penalties and penalties for toll nonpayment deposited into the
35 Tacoma Narrows toll bridge account created under RCW 47.56.165 must
36 first be allocated toward repayment of operating loans and reserve
37 payments provided to the account from the motor vehicle account under
38 section 1005(15), chapter 518, Laws of 2007. Additionally, the one-

1 half of the toll penalty and one-half of the forty-dollar penalty for
2 toll nonpayment remitted by the courts to the department of
3 transportation, resulting from the nonpayment of tolls on the state
4 route number 520 corridor, must be deposited into the state route
5 number 520 civil penalties account created under section 4, chapter .
6 . . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010, but only
7 if chapter . . . (Engrossed Substitute Senate Bill No. 6392), Laws of
8 2010 is enacted by June 30, 2010.

9 (8) Any court system adjudicating infractions for toll nonpayment
10 must annually provide to the transportation committees of the
11 legislature a complete accounting of all the court system's costs
12 associated with such adjudication.

13 (9) If the driver is found not to have committed an infraction
14 under this section, the driver shall pay the toll due at the time the
15 photograph was taken, unless the toll has already been paid.

16 (10) If the registered owner of the vehicle is a rental car
17 business, the department of transportation or a law enforcement agency
18 shall, before a notice of infraction being issued under this section,
19 provide a written notice to the rental car business that a notice of
20 infraction may be issued to the rental car business if the rental car
21 business does not, within eighteen days of the mailing of the written
22 notice, provide to the issuing agency by return mail:

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

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

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

33 Timely mailing of this statement to the issuing law enforcement
34 agency relieves a rental car business of any liability under this
35 chapter for the notice of infraction.

36 **Sec. 7.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
37 as follows:

1 (1) In a traffic infraction case involving an infraction detected
2 through the use of (~~a photo enforcement system under RCW 46.63.160, or~~
3 ~~detected through the use of~~) an automated traffic safety camera under
4 RCW 46.63.170, proof that the particular vehicle described in the
5 notice of traffic infraction was in violation of any such provision of
6 RCW (~~46.63.160 or~~) 46.63.170, together with proof that the person
7 named in the notice of traffic infraction was at the time of the
8 violation the registered owner of the vehicle, constitutes in evidence
9 a prima facie presumption that the registered owner of the vehicle was
10 the person in control of the vehicle at the point where, and for the
11 time during which, the violation occurred.

12 (2) This presumption may be overcome only if the registered owner
13 states, under oath, in a written statement to the court or in testimony
14 before the court that the vehicle involved was, at the time, stolen or
15 in the care, custody, or control of some person other than the
16 registered owner.

17 **Sec. 8.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read
18 as follows:

19 As used in this chapter, the following terms have the meanings
20 indicated unless the context clearly requires otherwise.

21 (1) "General authority Washington law enforcement agency" means any
22 agency, department, or division of a municipal corporation, political
23 subdivision, or other unit of local government of this state, and any
24 agency, department, or division of state government, having as its
25 primary function the detection and apprehension of persons committing
26 infractions or violating the traffic or criminal laws in general, as
27 distinguished from a limited authority Washington law enforcement
28 agency, and any other unit of government expressly designated by
29 statute as a general authority Washington law enforcement agency. The
30 Washington state patrol and the department of fish and wildlife are
31 general authority Washington law enforcement agencies.

32 (2) "Limited authority Washington law enforcement agency" means any
33 agency, political subdivision, or unit of local government of this
34 state, and any agency, department, or division of state government,
35 having as one of its functions the apprehension or detection of persons
36 committing infractions or violating the traffic or criminal laws
37 relating to limited subject areas, including but not limited to, the

1 state departments of natural resources (~~and~~), social and health
2 services, and transportation, the state gambling commission, the state
3 lottery commission, the state parks and recreation commission, the
4 state utilities and transportation commission, the state liquor control
5 board, the office of the insurance commissioner, and the state
6 department of corrections.

7 (3) "General authority Washington peace officer" means any full-
8 time, fully compensated and elected, appointed, or employed officer of
9 a general authority Washington law enforcement agency who is
10 commissioned to enforce the criminal laws of the state of Washington
11 generally.

12 (4) "Limited authority Washington peace officer" means any full-
13 time, fully compensated officer of a limited authority Washington law
14 enforcement agency empowered by that agency to detect or apprehend
15 violators of the laws in some or all of the limited subject areas for
16 which that agency is responsible. A limited authority Washington peace
17 officer may be a specially commissioned Washington peace officer if
18 otherwise qualified for such status under this chapter.

19 (5) "Specially commissioned Washington peace officer", for the
20 purposes of this chapter, means any officer, whether part-time or full-
21 time, compensated or not, commissioned by a general authority
22 Washington law enforcement agency to enforce some or all of the
23 criminal laws of the state of Washington, who does not qualify under
24 this chapter as a general authority Washington peace officer for that
25 commissioning agency, specifically including reserve peace officers,
26 and specially commissioned full-time, fully compensated peace officers
27 duly commissioned by the states of Oregon or Idaho or any such peace
28 officer commissioned by a unit of local government of Oregon or Idaho.
29 A reserve peace officer is an individual who is an officer of a
30 Washington law enforcement agency who does not serve such agency on a
31 full-time basis but who, when called by the agency into active service,
32 is fully commissioned on the same basis as full-time peace officers to
33 enforce the criminal laws of the state.

34 (6) "Federal peace officer" means any employee or agent of the
35 United States government who has the authority to carry firearms and
36 make warrantless arrests and whose duties involve the enforcement of
37 criminal laws of the United States.

1 (7) "Agency with primary territorial jurisdiction" means a city or
2 town police agency which has responsibility for police activity within
3 its boundaries; or a county police or sheriff's department which has
4 responsibility with regard to police activity in the unincorporated
5 areas within the county boundaries; or a statutorily authorized port
6 district police agency or four-year state college or university police
7 agency which has responsibility for police activity within the
8 statutorily authorized enforcement boundaries of the port district,
9 state college, or university.

10 (8) "Primary commissioning agency" means (a) the employing agency
11 in the case of a general authority Washington peace officer, a limited
12 authority Washington peace officer, an Indian tribal peace officer, or
13 a federal peace officer, and (b) the commissioning agency in the case
14 of a specially commissioned Washington peace officer (i) who is
15 performing functions within the course and scope of the special
16 commission and (ii) who is not also a general authority Washington
17 peace officer, a limited authority Washington peace officer, an Indian
18 tribal peace officer, or a federal peace officer.

19 (9) "Primary function of an agency" means that function to which
20 greater than fifty percent of the agency's resources are allocated.

21 (10) "Mutual law enforcement assistance" includes, but is not
22 limited to, one or more law enforcement agencies aiding or assisting
23 one or more other such agencies through loans or exchanges of personnel
24 or of material resources, for law enforcement purposes.

25 **Sec. 9.** RCW 47.56.167 and 2008 c 122 s 23 are each amended to read
26 as follows:

27 (1) The central toll (~~(collection)~~) account is created in the
28 custody of the state treasurer for the deposit of prepaid customer
29 tolls and clearing activities benefiting multiple toll facilities.

30 (2) All receipts from prepaid customer tolls must be deposited into
31 the account. (~~(Distributions from the account)~~) Prepaid customer tolls
32 may be used only to refund customer(~~(s⁺)~~) prepaid tolls or for
33 distributions (~~(into)~~) to the appropriate toll facility account(~~(-~~
34 ~~Distributions into the appropriate toll facility account shall be based~~
35 ~~on charges incurred at each toll facility and shall include a~~
36 ~~proportionate share of interest earned from amounts deposited into the~~
37 ~~account)~~) based on an equitable methodology to be determined by the

1 department in consultation with the office of financial management.
2 For purposes of accounting, distributions from the account constitute
3 earned toll revenues in the receiving toll facility account at the time
4 of distribution.

5 (3) Operations that benefit multiple toll facilities may be
6 recorded in the account. At least monthly, operating activities must
7 be distributed to the benefiting toll facility accounts.

8 (4) On a monthly basis, interest earnings on deposits in the
9 account must be distributed to the toll facility accounts based on an
10 equitable methodology to be determined by the department in
11 consultation with the office of financial management.

12 (5) Only the secretary of transportation or the secretary's
13 designee may authorize distributions from the account. Distributions
14 of revenue and refunds from this account are not subject to the
15 allotment procedures under chapter 43.88 RCW and an appropriation is
16 not required.

17 **Sec. 10.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read
18 as follows:

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

30 ((+1)) (a) The person does not pay, refuses to pay, evades, or
31 attempts to evade the payment of such tolls, or uses or attempts to use
32 any spurious, counterfeit, or stolen ticket, coupon, token, or
33 electronic device for payment of any such tolls(~~(+1)~~);

34 ((+2)) (b) The person turns, or attempts to turn, the vehicle
35 around in the bridge, tunnel, loading terminal, approach, or toll plaza
36 where signs have been erected forbidding such turns(~~(+2)~~);

1 ~~((3))~~ (c) 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; or

7 (d) The driver of the vehicle displays any vehicle license number
8 plate or plates that have been, in any manner, changed, altered,
9 obscured, or disfigured, or have become illegible.

10 (2) Subsection (1)(a) of this section does not apply to toll
11 nonpayment detected through the use of photo toll systems under RCW
12 46.63.160.

13 NEW SECTION. Sec. 11. This act takes effect January 15, 2011."

14 Correct the title.

EFFECT: Removes the entirety of the Senate bill and inserts an amended version of the House companion measure, which chiefly differs from the Senate version in placing the adjudicatory function for toll infractions in the court system rather than an administrative process run by the Washington State Department of Transportation.

The striking amendment varies from the current House version in five ways:

(1) Remits one-half of the revenue from the toll penalty and one-half of the revenue from the toll nonpayment penalty to the toll account for the facility at which the violation occurred;

(2) It doubles the one dollar from each toll infraction currently going to the Judicial Information System Account for development and maintenance of judicial information system products and services, and requires the revenue for the Judicial Information System Account to be deducted from the portion of the penalties that does not go to the facility;

(3) In the case of the state route number 520 bridge, requires the toll penalty and toll nonpayment penalties remitted to the facility to be allocated for deposit into the state route number 520 civil penalties account created in Engrossed Substitute Senate Bill No. 6392, but only if Engrossed Substitute Senate Bill No. 6392 is enacted by June 30, 2010;

(4) In the case of the Tacoma Narrows bridge, requires the toll penalty and toll nonpayment penalties remitted to the facility to be allocated to repay operating loans and reserve payments; and

(5) Requires any court system adjudicating toll nonpayment infractions to annually provide an accounting of the costs associated

with this adjudication to the transportation committees of the legislature.

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