

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW
2 under the subchapter heading "toll facilities created after July 1,
3 2008" to read as follows:

4 (1) The imposition of tolls on the state route number 520 corridor
5 is authorized, the state route number 520 corridor is designated an
6 eligible toll facility, and toll revenue generated in the corridor must
7 only be expended as allowed under RCW 47.56.820.

8 (2) The state route number 520 corridor consists of that portion of
9 state route number 520 between the junctions of Interstate 5 and state
10 route number 202.

11 (3)(a) In setting the toll rates for the corridor pursuant to RCW
12 47.56.850, the tolling authority shall not set a toll rate:

13 (i) Prior to the completion of the replacement state route number
14 520 floating bridge of greater than three dollars and twenty-five cents
15 in one direction in 2008 dollars; and

16 (ii) After the completion of the replacement state route number 520
17 floating bridge of greater than three dollars and eighty cents in one
18 direction in 2008 dollars.

19 (b) The tolling authority shall set the toll rates to generate
20 revenue sufficient to provide for:

21 (i) The issuance of up to one billion two hundred million dollars
22 in general obligation bonds; and

23 (ii) Costs associated with the project designated in subsection (4)
24 of this section that are eligible under RCW 47.56.820.

25 (4) The proceeds of the bonds designated in subsection (3)(a) of
26 this section, which together with other appropriated and identified
27 state and federal funds is more than sufficient to pay for pontoon
28 construction and the replacement of the state route number 520 floating
29 bridge, must be used only to fund:

30 (a) The construction of a replacement state route number 520
31 floating bridge;

32 (b) The construction of projects on the east and west ends of the
33 state route number 520 floating bridge and associated landside
34 improvements; and

35 (c) Any projects on the state route number 520 corridor for which
36 the state must provide funding in order to complete a project that is
37 otherwise funded through federal stimulus funds.

1 (5) The state toll agency may carry out the construction and
2 improvements designated in subsection (4) of this section and
3 administer the tolling program on the state route number 520 corridor
4 pursuant to RCW 47.56.031, 47.56.075, and 47.56.785.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.56 RCW
6 under the subchapter heading "toll facilities created after July 1,
7 2008" to read as follows:

8 (1) Unless otherwise delegated, the department is the state toll
9 agency with the authority to administer the tolling program on toll
10 facilities on the state route number 520 corridor. The state toll
11 agency may (a) collect and retain any toll charges and penalties
12 imposed, (b) issue toll bills and notices of infraction as described
13 under RCW 46.63.160, (c) hold administrative hearings as authorized in
14 RCW 46.63.040, (d) use available resources to collect unpaid toll
15 charges, including forwarding unpaid infractions to the department of
16 licensing pursuant to RCW 46.20.270(3) and assigning the unpaid
17 infractions to collection agencies under RCW 19.16.500, (e) allocate
18 administrative fees and infraction charges to the toll facilities on
19 which the fees and charges were incurred, (f) adjudicate matters
20 involving toll charge disputes, infractions, and penalties internally,
21 and (g) adopt rules to govern eligible toll facility usage and
22 operations and toll collection, payment, and enforcement in the state.

23 (2) If the rules adopted under subsection (1) of this section
24 provide for the internal adjudication of tolling disputes, infractions,
25 and penalties, a person charged with a toll or infraction who is
26 aggrieved by the final decision in an internal adjudication may, within
27 ten days after written notice of the final decision, appeal that
28 decision by filing a written notice of appeal with the superior court
29 of the county in which the toll was enforced or the infraction occurred
30 and the state toll agency subject to the procedures under chapter 34.05
31 RCW.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.56 RCW
33 under the subchapter heading "toll facilities created after July 1,
34 2008" to read as follows:

35 A special account to be known as the state route number 520

1 corridor account is created in the motor vehicle fund in the state
2 treasury.

3 (1) Deposits to the account must include:

4 (a) All proceeds of bonds issued for construction of the state
5 route number 520 corridor, including any capitalized interest;

6 (b) All of the tolls and other revenues received from the operation
7 of the state route number 520 corridor as a toll facility, to be
8 deposited at least monthly;

9 (c) Any interest that may be earned from the deposit or investment
10 of those revenues;

11 (d) Notwithstanding RCW 47.12.063, proceeds from the sale of any
12 surplus real property acquired for the purpose of building the
13 replacement state route 520 floating bridge; and

14 (e) All liquidated damages collected under any contract involving
15 the construction of the replacement state route 520 floating bridge.

16 (2) Toll charges, other revenues, and interest may be used to:

17 (a) Pay any required costs allowed under RCW 47.56.820; and

18 (b) Repay amounts to the motor vehicle fund as required.

19 (3) When repaying the motor vehicle fund, the state treasurer shall
20 transfer funds from the state route number 520 corridor account to the
21 motor vehicle fund on or before each debt service date for bonds issued
22 for the replacement state route 520 floating bridge project in an
23 amount sufficient to repay the motor vehicle fund for amounts
24 transferred from that fund to the highway bond retirement fund to
25 provide for any bond principal and interest due on that date. The
26 state treasurer may establish subaccounts for the purpose of
27 segregating toll charges, bond sale proceeds, and other revenues.

28 II. TOLL COLLECTION

29 **Sec. 5.** RCW 47.56.810 and 2008 c 122 s 3 are each amended to read
30 as follows:

31 The definitions in this section apply throughout this subchapter
32 unless the context clearly requires otherwise:

33 (1) "Tolling authority" means the governing body that is legally
34 empowered to set, review, and adjust toll rates. Unless otherwise
35 delegated, the transportation commission is the tolling authority for
36 all state highways.

1 (2) "Eligible toll facility" (~~or "eligible toll facilities"~~)
2 means any portion((s)) of the state highway system upon which tolling
3 has been specifically identified by the legislature including, but not
4 limited to, transportation corridors, bridges, crossings, interchanges,
5 on-ramps, off-ramps, approaches, bistate facilities, and
6 interconnections between highways.

7 (3) "Toll revenue" or "revenue from an eligible toll facility"
8 means toll receipts, all interest income derived from the investment of
9 toll receipts, and any gifts, grants, or other funds received for the
10 benefit of the eligible toll facility.

11 (4) "Tolling program" means the single, integrated tolling
12 operations used by all eligible toll facilities created after July 1,
13 2008, within the state, and includes both a toll collections and a toll
14 enforcement process.

15 (5) "State toll agency" means the governing body that is legally
16 empowered to operate the tolling program, including collection and
17 enforcement of tolls on eligible toll facilities.

18 (6) "Customer-initiated payment" means the payment of a photo toll,
19 plus an administrative fee, prior to the issuance of a toll bill and
20 notice of infraction.

21 (7) "Electronic toll collection system" means a system used by a
22 toll facility that works in conjunction with a customer's toll account
23 to facilitate the collection of tolls based on radio transmissions from
24 the motor vehicle and the automatic identification or classification of
25 vehicles that is then used to charge the appropriate electronic toll to
26 the customer's toll account.

27 (8) "Electronic toll" means the charge made to a customer's toll
28 account when the customer's vehicle is detected by the electronic toll
29 collection system at a toll facility. An electronic toll does not
30 include an administrative fee.

31 (9) "Photo monitoring system" means a system used by a toll
32 facility that captures license plate images of vehicles using the toll
33 facility. The system includes a vehicle sensor that may work in
34 conjunction with an electronic toll collection system and may capture
35 only the license plate image by photographing or videotaping images of
36 the license plate of a vehicle that uses a toll facility without
37 registering an electronic toll collection payment at the toll

1 collection point. The state toll agency may collect and use this
2 information for photo toll collection.

3 (10) "Photo toll" means a toll assessed pursuant to the vehicle
4 license information gathered by a photo monitoring system. A photo
5 toll may include an administrative fee.

6 (11) "Toll bill and notice of infraction" means the bill sent by
7 the tolling agency to a customer for a photo toll, plus an appropriate
8 administrative fee, and if unpaid after forty-five days, automatically
9 becomes a notice of infraction.

10 (12) "Customer," for toll billing purposes, means the registered
11 owner of the vehicle who incurs a toll through the use of an eligible
12 toll facility.

13 NEW SECTION. Sec. 6. A new section is added to chapter 47.56 RCW
14 under the subchapter heading "toll facilities created after July 1,
15 2008" to read as follows:

16 (1) A toll may be collected by any system that identifies the
17 correct toll and collects payment. Toll collection systems may include
18 electronic toll collection and photo monitoring, as well as other
19 systems as technology becomes available.

20 (2) A toll facility customer may arrange for the payment of an
21 electronic toll through an electronic toll collection account. A
22 customer may pay a photo toll either through customer-initiated payment
23 or in response to a toll bill and notice of infraction.

24 (3) A customer-initiated payment must be made prior to or within
25 seventy-two hours of toll facility use. If payment is not received by
26 the state toll agency within the seventy-two hour period, the state
27 toll agency has sixty days from the date in which the toll was incurred
28 to issue a toll bill, or a toll bill and notice of infraction.

29 (4) A customer who receives a toll bill and notice of infraction
30 has forty-five days to appeal or pay the photo toll. If the photo toll
31 remains unpaid after the forty-five day period, the vehicle owner is
32 guilty of a toll infraction under RCW 46.61.690.

33 (5) Photo monitoring information is limited to capturing license
34 plates only and may only be used for toll collection, billing, and
35 enforcement as described in this chapter and RCW 46.63.030,
36 46.63.160(6), and 46.63.170(1).

1 **III. TOLL ENFORCEMENT--NONPAYMENT OF TOLLS**

2 **Sec. 7.** RCW 46.61.690 and 2004 c 231 s 1 are each amended to read
3 as follows:

4 Any person who uses a toll bridge, toll tunnel, toll road, or toll
5 ferry, and the approaches thereto, operated by the state of Washington,
6 the department of transportation, a political subdivision or municipal
7 corporation empowered to operate toll facilities, or an entity
8 operating a toll facility under a contract with the department of
9 transportation, a political subdivision, or municipal corporation, at
10 the entrance to which appropriate signs have been erected to notify
11 both pedestrian and vehicular traffic that it is entering a toll
12 facility or its approaches and is subject to the payment of tolls (~~at~~
13 ~~the designated station for collecting tolls~~)), commits a traffic
14 infraction if:

15 (1) The person does not pay, refuses to pay, evades, or attempts to
16 evade the payment of such tolls when due, or uses or attempts to use
17 any spurious, counterfeit, or stolen ticket, coupon, token, or
18 electronic device for payment of any such tolls, or

19 (2) The person turns, or attempts to turn, the vehicle around in
20 the bridge, tunnel, loading terminal, approach, or toll plaza where
21 signs have been erected forbidding such turns, or

22 (3) The person refuses to move a vehicle through the toll facility
23 after having come within the area where signs have been erected
24 notifying traffic that it is entering the area where toll is
25 collectible or where vehicles may not turn around and where vehicles
26 are required to pass through the toll facility for the purpose of
27 collecting tolls.

28 **Sec. 8.** RCW 46.63.030 and 2007 c 101 s 1 are each amended to read
29 as follows:

30 (1) A law enforcement officer, or the state toll agency, as defined
31 under RCW 47.56.810, in the case of toll enforcement under (d) of this
32 subsection, has the authority to issue a notice of traffic infraction:

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

34 (b) When the officer is acting upon the request of a law
35 enforcement officer in whose presence the traffic infraction was
36 committed;

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

4 (d) When ~~((the))~~ a photo toll and infraction ~~((is))~~ are detected
5 through the use of a photo ~~((enforcement))~~ monitoring system under RCW
6 46.63.160; or

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

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

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

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

36 **Sec. 9.** RCW 46.63.040 and 2002 c 237 s 20 are each amended to read
37 as follows:

1 (1) All violations of state law, local law, ordinance, regulation,
2 or resolution designated as traffic infractions in RCW 46.63.020 may be
3 heard and determined by a district court, except as otherwise provided
4 in this section.

5 (2) Any municipal court has the authority to hear and determine
6 traffic infractions pursuant to this chapter.

7 (3) Any city or town with a municipal court may contract with the
8 county to have traffic infractions committed within the city or town
9 adjudicated by a district court.

10 (4) District court commissioners have the authority to hear and
11 determine traffic infractions pursuant to this chapter.

12 (5) Any district or municipal court may refer juveniles age sixteen
13 or seventeen who are enrolled in school to a youth court, as defined in
14 RCW 3.72.005 or 13.40.020, for traffic infractions.

15 (6) The boards of regents of the state universities, and the boards
16 of trustees of the regional universities and of The Evergreen State
17 College have the authority to hear and determine traffic infractions
18 under RCW 28B.10.560.

19 (7) The state toll agency, as defined under RCW 47.56.810, may hear
20 and determine toll disputes and infractions in the state of Washington
21 under chapters 47.56 and 34.05 RCW.

22 NEW SECTION. Sec. 10. A new section is added to chapter 46.63 RCW
23 to read as follows:

24 (1) For the purposes of this section:

25 (a) "Customer," for toll billing purposes, means the registered
26 owner of the vehicle who incurs a toll through the use of an eligible
27 toll facility.

28 (b) "Electronic toll" means the charge made to a customer's toll
29 account when the customer's vehicle is detected by the electronic toll
30 collection system at a toll facility. An electronic toll does not
31 include an administrative fee.

32 (c) "Electronic toll collection system" means a system used by a
33 toll facility that works in conjunction with a customer's toll account
34 and uses various communications and electronic technologies to
35 facilitate the collection of tolls based on radio transmissions from
36 the motor vehicle and the automatic identification or classification of

1 vehicles from which information is used to charge the appropriate
2 electronic toll to the customer's toll account.

3 (d) "Photo monitoring system" means a system used by a toll
4 facility that captures license plate images of vehicles using the toll
5 facility. The system includes a vehicle sensor installed that may work
6 in conjunction with an electronic toll collection system and may
7 capture the license plate image by photographing or videotaping images
8 of the license plate of a vehicle that uses a toll facility without
9 registering an electronic toll collection payment at the toll
10 collection point. The state toll agency may collect and use this
11 information for photo toll collection.

12 (e) "Photo toll" means a toll assessed pursuant to the vehicle
13 license information gathered by a photo monitoring system. A photo
14 toll may include an administrative fee.

15 (f) "State toll agency" means the governing body that is legally
16 empowered to operate the tolling program, as defined under RCW
17 47.56.810, including collection and enforcement of tolls on eligible
18 toll facilities as defined under RCW 47.56.810.

19 (g) "Toll bill and notice of infraction" means the bill sent by the
20 state toll agency to a customer for a photo toll, plus an appropriate
21 administrative fee, and if unpaid after forty-five days, automatically
22 becomes a notice of infraction.

23 (2) This section applies only to toll bill and notice of
24 infractions issued by the state toll agency.

25 (3) This section does not prohibit a law enforcement officer from
26 issuing a notice of traffic infraction to a person in control of a
27 vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b),
28 or (c).

29 (4) Toll collection systems include electronic toll collection and
30 photo monitoring systems.

31 (5) The use of a toll collection system is subject to the following
32 requirements:

33 (a) The state toll agency shall utilize and administer toll
34 collection systems that are simple, unified, and interoperable.

35 (b) To the extent practicable, the state toll agency shall avoid
36 the use of toll booths.

37 (c) The state toll agency shall set statewide standards and

1 protocols for all toll facilities within the state, including those
2 toll facilities authorized by local authorities.

3 (d) The state toll agency may not sell, distribute, or make
4 available in any way, the names and addresses of electronic toll
5 collection system account holders, unless otherwise required to do so
6 by law.

7 (6) The use of a photo monitoring system for photo toll processing
8 and billing and the issuance of toll bills and notices of infraction is
9 subject to the following requirements:

10 (a) Photo monitoring systems may take photographs, digital
11 photographs, microphotographs, videotapes, or other recorded images of
12 the vehicle and vehicle license plate only.

13 (b) The state toll agency may issue a toll bill and notice of
14 infraction to customers who do not initiate toll payment within
15 seventy-two hours of incurring a toll. The state toll agency shall
16 mail a toll bill and notice of infraction within sixty days from the
17 date in which the customer incurs a toll charge to the registered owner
18 of the vehicle or to the renter of a vehicle. The state toll agency
19 shall include with the toll bill and notice of infraction a certificate
20 or facsimile of the certificate, based upon inspection of photographs,
21 microphotographs, videotape, or other recorded images produced by a
22 photo monitoring system, stating the facts supporting the toll bill and
23 notice of infraction. This certificate or facsimile is prima facie
24 evidence of the facts contained in it and is admissible in a proceeding
25 charging a photo toll and infraction under this chapter. The
26 photographs, digital photographs, microphotographs, videotape, or other
27 recorded images evidencing the photo toll and infraction must be
28 available for inspection and admission into evidence in a proceeding to
29 adjudicate the liability for the infraction.

30 (c) All photographs, digital photographs, microphotographs,
31 videotape, or other recorded images captured by a photo monitoring
32 system are for the exclusive use of the state toll agency in the
33 collection and billing of photo tolls and in the discharge of duties
34 under this section and are not open to the public and may not be used
35 in a court in a pending action or proceeding unless the action or
36 proceeding relates to a toll charge or violation under this chapter or
37 chapter 47.56 RCW.

1 (d) All locations where a photo monitoring system is used must be
2 clearly marked by placing signs in locations that clearly indicate to
3 a driver that he or she is entering a zone where traffic laws are
4 enforced by a photo monitoring system.

5 (7) Infractions detected through the use of photo monitoring
6 systems are not part of the registered owner's driving record under RCW
7 46.52.101 and 46.52.120. Infractions generated by the use of photo
8 monitoring systems under this section must be processed in the same
9 manner as parking infractions, including for the purposes of RCW
10 46.16.216 and 46.20.270(3).

11 (8) The monetary amount due for an infraction detected through the
12 use of a photo monitoring system is the amount of the toll and an
13 administrative fee, plus a penalty of forty dollars.

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

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

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

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

33 (c) Timely mailing of the statements described in (a)(i) and (ii)
34 of this subsection to the issuing state toll agency relieves a rental
35 car business of any liability under this chapter for the notice of
36 infraction.

37 (d) The state toll agency may mail a toll bill and notice of

1 infraction within sixty days from the date of receipt of the statements
2 described in (a)(i) and (ii) of this subsection from a rental car
3 business to the customer identified by the rental car business.

4 **Sec. 11.** RCW 46.63.075 and 2005 c 167 s 3 are each amended to read
5 as follows:

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

17 (2) For infractions detected through the use of an automated
18 traffic safety camera under RCW 46.63.170 only, this presumption may be
19 overcome only if the registered owner states, under oath, in a written
20 statement to the court or in testimony before the court that the
21 vehicle involved was, at the time, stolen or in the care, custody, or
22 control of some person other than the registered owner.

23 **IV. MISCELLANEOUS**

24 NEW SECTION. **Sec. 12.** Part headings used in this act are not any
25 part of the law.

26 NEW SECTION. **Sec. 13.** The code reviser shall alphabetize and
27 renumber the definitions in RCW 47.56.810.

28 NEW SECTION. **Sec. 14.** This act takes effect January 1, 2010.

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