

HOUSE BILL REPORT

SSB 5481

As Reported by House Committee On:
Transportation

Title: An act relating to omnibus tolling customer service reform.

Brief Description: Concerning tolling customer service reform.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hill, Litzow, Mullet, Chase, Rivers, Becker, Bailey, Warnick, Rolfes and Hasegawa).

Brief History:

Committee Activity:

Transportation: 3/23/15, 4/7/15 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Requires the Washington State Department of Transportation (WSDOT) to contact prepaid electronic toll account holders to inform such holders of unpaid tolls, unless the customer has declined such contacts.
- Provides additional discretion to administrative law judges in dismissing civil penalties due to mitigating circumstances, and authorizes the WSDOT to dismiss civil penalties in certain circumstances.
- Directs the WSDOT to allow a customer to access his or her toll account from mobile devices in certain circumstances.
- Requires that the WSDOT, when acquiring a new photo toll system, enable the system to connect with the Department of Licensing's vehicle record system and to document when any toll is assessed regardless of the method of payment.
- Requires the Secretary of the WSDOT to provide a letter apologizing to customers who have their tolls or civil penalties waived as a result of certain WSDOT errors.
- Requires the WSDOT to allow toll transponders to be sold in vehicle dealers.

HOUSE COMMITTEE ON TRANSPORTATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist, Gregerson, Harmsworth, Hayes, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Sells, Shea, Takko, Tarleton, Wilson, Young and Zeiger.

Staff: Andrew Russell (786-7143).

Background:

The Washington State Department of Transportation (WSDOT) uses a photo toll system that reads a vehicle license plate on several toll facilities within the state, including the State Route 520 Floating Bridge, the Tacoma Narrows Bridge, the State Route 167 High Occupancy Toll Lanes (HOT Lanes) Project, and the Interstate 405 (I-405) HOT Lanes Project, which is scheduled to open later in 2015.

Vehicle owners are automatically assessed a toll for using any of these toll facilities. If the vehicle does not have a Good to Go! pass with the WSDOT, the registered owner of the vehicle receives a toll bill in the mail. If the registered owner fails to pay this toll bill within 80 days, it becomes a toll violation. A civil penalty of \$40 may be assessed for a toll violation along with administrative fees.

A registered owner may contest or dispute a civil penalty within 15 days of the date of the notice of civil penalty, and the registered owner may request an in-person administrative hearing. During an administrative hearing, the WSDOT has the burden of establishing that the toll violation occurred; however, it is not a defense to a toll violation and notice of civil penalty that a person other than the registered owner was driving the vehicle at the time or that the person did not know to pay a toll. Additionally, during an administrative hearing, an administrative law judge may reduce or waive any civil penalties in response to certain mitigating circumstances.

Summary of Amended Bill:

By June 30, 2016, the WSDOT must call and use electronic mail to inform a prepaid electronic toll account holder that there is an unpaid toll for a registered vehicle listed on the prepaid electronic toll account 10 days prior to the issuance of a notice of civil penalty. The WSDOT is, however, relieved of its obligation to inform toll account holders if the customer has declined to receive communications from the WSDOT.

By June 30, 2016, the WSDOT must update its website and accommodate access to its website from mobile platforms, allowing a toll customer to manage all of the customer's tolling accounts, regardless of method of payment. Additionally, by that date, the WSDOT must provide a point of access that allows a third party to develop an application for mobile technologies that securely accesses a user's toll account and allows the user to manage his or her toll account. The WSDOT may develop a mobile application that allows toll customers

to manage their toll accounts only if it would be cost-effective and in the best interests of the citizens of Washington.

Administrative law judges are given greater discretion to waive or reduce the penalties associated with the nonpayment of a toll. A civil penalty and the associated fees may also be reduced or dismissed by the WSDOT if a toll payer provides verifiable evidence of a specified mitigating circumstance. Additionally, the WSDOT may waive penalties and fees if the issue that resulted in such penalties or fees has been resolved and the vehicle owners has established an electronic toll account. Finally, the WSDOT must allow toll transponders to be offered for sale at vehicle dealers.

If a customer's toll charge or civil penalty is waived due to an error made by the WSDOT in reading the customer's license plate, the Secretary of the WSDOT must send a letter to the customer, apologizing for the error.

Finally, a new photo toll system acquired by the WSDOT must be able to connect with the Department of Licensing's vehicle record system so that a prepaid electronic toll account can be automatically updated when a toll customer's vehicle record is updated, if the customer has provided consent. This new system must display, in the monthly statement, when any toll is assessed for a vehicle listed in a prepaid electronic toll account, regardless of whether the method of payment for the toll is pay-by-mail or a prepaid electronic toll account.

Amended Bill Compared to Substitute Bill:

The amended bill adds an error made by the WSDOT, or an agent of the WSDOT, to the list of mitigating circumstances for which the WSDOT may dismiss or reduce the civil penalty and associated fees. The amended bill also provides that the WSDOT need not contact a customer by phone and email if the customer has not provided consent to such contact from the WSDOT. The amended bill removes provisions relating to a toll amnesty program from the substitute bill and provides instead that the WSDOT may waive or reduce outstanding fees and penalties if the issue that resulted in the toll not being timely paid has been resolved and the customer has established an electronic toll account, if practicable. The amended bill removes requirements relating to the WSDOT creating a mobile application from the substitute bill and instead: (1) requires the WSDOT to update its website to allow toll customers to efficiently manage their tolling accounts, (2) allows the WSDOT to develop a mobile application only if it would be cost-effective and in the best interests of the citizens of Washington, and (3) requires the WSDOT to provide a point of access to allow a third party to develop a mobile application that allows a user to manage his or her toll account. The amended bill provides that a customer's toll account may be updated when his or her vehicle record is updated if the customer has consented to such updates, while the substitute required such updates and did not require customer consent. The amended bill requires the Secretary of the WSDOT to provide a letter apologizing for the WSDOT's error if a customer's toll charge or civil penalty is waived due to an error made in reading the customer's license plate. Finally, the amended bill requires the WSDOT to allow electronic toll collection transponders to be sold at vehicle dealers.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are multiple possible points of failure in the toll charge and civil penalty system, imposing penalties on people before they realize it. The Department of Licensing doesn't talk to the WSDOT, so if a person sells their car or changes their plates, a person can rack up penalties without knowing it. A lot of the changes in the bill are common sense, giving the WSDOT more flexibility in collecting fines and requiring systems to talk to one another. Additionally, as the Interstate 405 express toll lanes begin, the bill proposes a one-time amnesty program on fines and penalties.

(With concerns) There have been positive changes as a result of legislative changes. The WSDOT processes over 35 million transactions a year, a majority of which are from Good to Go! accounts. Out of 2.9 million monthly transactions, about 35,000 toll bills are sent out. There can be unique situations about why a toll bill was not paid, but the WSDOT remains committed to improving customer service. The WSDOT supports the spirit and intent of this bill but is concerned with the amnesty program, and how costs may be passed to customers. The WSDOT is implementing an administrative appeals process and program to forgive penalties in some cases.

(Opposed) None.

Persons Testifying: (In support) Senator Hill, prime sponsor.

(With concerns) Craig Stone, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.