

HOUSE BILL REPORT

SSB 5556

As Reported by House Committee On: Transportation

Title: An act relating to toll enforcement for infractions detected through the use of a photo enforcement system.

Brief Description: Concerning toll enforcement for infractions detected through the use of a photo enforcement system.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kilmer, Carrell and Kauffman).

Brief History:

Committee Activity:

Transportation: 3/19/09, 4/6/09 [DPA].

Brief Summary of Substitute Bill (As Amended by House)

- Provides for the establishment of a system for the collection of tolls through either an electronic toll system, such as the Good to Go system, or photo monitoring.
- Provides individuals utilizing a facility with photo tolling capabilities who do not have a Good to Go account within 72 hours after crossing in which to initiate a payment or the Washington State Department of Transportation (WSDOT) may generate a toll bill, which may include an administrative fee as determined by the WSDOT. If the toll bill is unpaid after 45 days, the individual may be guilty of a toll infraction and owe an additional \$40 fine.
- Requires the WSDOT, to the extent practicable, to utilize electronic toll collection systems that allow for anonymous customers and accounts, limits the use of toll records to the collection and billing of tolls, and requires that records identifying instances of travel are not retained longer than necessary to ensure or verify payments.
- Sets the toll penalty for toll facilities at \$12 throughout the state, and prohibits reductions in the toll penalty, which is the portion of the toll infraction that is remitted to the WSDOT for deposit in the appropriate toll account.

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.

- Requires the payment of the appropriate toll by individuals who are found to have not committed a toll infraction, unless it has already been paid.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Campbell, Dickerson, Eddy, Finn, Flannigan, Moeller, Morris, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Minority Report: Do not pass. Signed by 11 members: Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Cox, Driscoll, Ericksen, Herrera, Johnson, Klippert, Kristiansen and Shea.

Staff: David Munnecke (786-7315)

Background:

It is an infraction to refuse to pay a toll or otherwise avoid a toll at a publicly-operated toll facility. In 2004 Substitute House Bill 2475 allowed for the detection of toll violations through the use of a photo enforcement system. The photo enforcement system may record images of vehicles and vehicle license plates only, and the infractions issued through such a system are not part of the registered owners' driving records and must be processed in the same manner as traffic infractions. The penalty for toll violation infractions issued through the use of photo enforcement systems is set at \$40, plus three times the cash toll for a standard passenger vehicle during peak hours.

Drivers that do not pay a toll when they cross the new Tacoma Narrows Bridge are subject to these infractions. The court remits the toll penalty for an infraction committed on the Tacoma Narrows Bridge to the Washington State Department of Transportation (WSDOT) and it is deposited into the Tacoma Narrows Bridge Toll Account.

Any reduction by the courts of the total penalty imposed is made proportionally between the \$40 infraction penalty and the toll penalty.

Summary of Amended Bill:

The collection of tolls at a specific facility through either an electronic toll system, such as the Good to Go system, or photo monitoring is authorized. Individuals utilizing a facility with a photo monitoring system who do not have a Good to Go account have 72 hours after crossing in which to initiate a payment on their own or they will receive a toll bill, which may include an administrative fee as determined by the WSDOT. If the toll bill is unpaid after 45 days, the individual is guilty of a toll infraction, and owes an additional \$40 fine for that infraction.

Any reduction in the total amount of an infraction issued through a photo monitoring system must be made only to the infraction penalty. The toll penalty, which is set at \$12, may not be reduced, and \$1 from the toll infraction is redirected to the Judicial Information Systems Account in order to defray the costs of automated systems for the processing of photo monitoring infractions. If the driver is found by the courts to have not committed an infraction, the driver must pay the toll due at the time the photograph was taken, unless the toll has already been paid.

The WSDOT, to the extent practicable, is required to utilize electronic toll collection systems that allow for anonymous customers and accounts. The use of toll records is limited to the collection and billing of tolls and requires that records identifying instances of travel are not retained longer than necessary to ensure or verify payments.

The ability of individuals who receive a toll bill based on photo monitoring to testify under oath that they were not in the vehicle, and thus overcome the presumption that they were in the vehicle, is eliminated.

The WSDOT is required to report to the transportation committees of the Legislature by December 1, 2009, regarding providing the same time frame for the payment of tolls on the Tacoma Narrows Bridge as is contemplated for the State Route (SR) 520 Bridge and on converting the Tacoma Narrows Bridge to open road tolling.

Amended Bill Compared to Original Bill:

The establishment of a system for the collection of tolls through either an electronic toll system, such as the Good to Go system, or photo monitoring is added. Under this system, individuals utilizing a facility with photo tolling capabilities who do not have a Good to Go account have 72 hours after crossing in which to initiate a payment on their own or they will receive a toll bill, which may include an administrative fee as determined by the WSDOT. If the toll bill is unpaid after 45 days, the individual may be guilty of a toll infraction and owe an additional \$40 fine.

The WSDOT, to the extent practicable, is now required to utilize electronic toll collection systems that allow for anonymous customers and accounts. The use of toll records is limited to the collection and billing of tolls and requires that records identifying instances of travel are not retained longer than necessary to ensure or verify payments.

The toll penalty for facilities throughout the state is set at \$12, rather than three times the peak hour automobile toll, and \$1 from the toll infraction is redirected to the Judicial Information Systems Account in order to defray the costs of automated systems for the processing of photo monitoring infractions.

The ability of individuals who receive a toll bill based on photo monitoring to testify under oath that they were not in the vehicle, and thus overcome the presumption that they were in the vehicle, is eliminated.

The WSDOT is also required to report to the transportation committees of the Legislature by December 1, 2009, regarding providing for the same time frame for the payment of tolls on

the Tacoma Narrows Bridge as is contemplated for the SR 520 Bridge and on converting the Tacoma Narrows Bridge to open road tolling.

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) When a person commits a toll violation, two things should happen: (1) if there's going to be a reduction in the amount of the penalty it should be in the amount that goes to the courts, since the amount that goes to the Tacoma Narrows Toll Bridge Account helps decrease the amount of the tolls; and (2) if someone is found to have not committed the toll infraction that person should still have to pay the toll if they crossed the bridge. This bill would ensure that both of these things occur.

(With concerns) A toll violation ticket on the Tacoma Narrows Bridge results in a \$52 ticket, which is split so that \$40 goes to the courts and \$12 to the Tacoma Narrows Toll Bridge Account. This bill would require that the courts pay for the entirety of any reduction in the amount of this fine. The larger issue with this bill has to do with the courts' computer system. It's an old system that needs updating and it currently cannot reduce fines in the fashion required by this bill. Pierce County has indicated that it can do this manually, but it could be a problem if King County has to deal with toll violations.

The WSDOT wants to utilize the same system across all tolled facilities. That system should give the people who use these facilities some degree of flexibility, and allow them to pay within 45 days in order to avoid receiving an infraction. Using a unified system would also create economies of scale, which would be better for the state and the users of the facilities.

(Opposed) None.

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

(With concerns) Mellani McAleenan, Board for Judicial Administration; and Craig Stone, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.