

Transportation Committee

PSHB 1429

Brief Description: *Assisting toll collection for the Tacoma Narrows bridge.*

Sponsors: *Representatives Fisher, Woods and Rockefeller.*

Brief Summary of Bill

- *Failure to pay a toll is made a non-moving traffic infraction.*
- *If a vehicle is driven through a toll facility without making payment, the registered owner or renter of the vehicle is assessed for the infraction.*
- *The registered owner is not responsible if he or she provides a sworn affidavit or testimony that they were not driving the vehicle at the time of the violation.*
- *The Department of Licensing is authorized to release lists of vehicle owner name and address information to toll facility operators.*
- *The toll facility may only use the information for purposes of identifying owners of vehicles using the toll facility.*

Hearing Date: *2/21/01*

Staff: *Paul Neal (786-7315).*

Background:

In June of 1999 the Washington State Department of Transportation (WSDOT) entered into an agreement with United Infrastructure Washington, Inc. (UIW) to finance, develop, and operate the Tacoma Narrows Bridge project under the public-private initiatives law, Chapter 47.46 RCW. The UIW plans to operate the bridge utilizing transponder technology. Using that technology, frequent users of the bridge can keep a transponder in their car that records their use of the toll facility. Transponder users would then receive a monthly toll bill in the mail. Use of this system will allow traffic to move more freely than

a conventional toll booth, but also could be used to facilitate toll evasion. Current law does not contemplate operation of a toll facility by a private entity nor the ability to pay tolls without stopping at a booth located at the facility.

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

The DOL is currently authorized to provide lists of registered and legal owners of vehicles to specified entities for specified purposes. For instance, car manufacturers are authorized to obtain lists in order to assist in factory recalls. A private entity operating a toll facility is not authorized to access the Department of Licensing's (DOL) vehicle records to identify toll evaders.

Summary of Bill:

Evading payment of a toll on a toll facility operated by a private company under the public-private initiatives law is made a standing traffic infraction. As a standing infraction, the violation does not go on the vehicle owner's driving record. A law enforcement officer may issue a citation for a toll evasion violation without the offense being committed in the officer's presence.

Electronic tolling systems are authorized to take pictures of vehicles and vehicle license plates and mail a notice of infraction to the registered owner of a vehicle used to commit a toll evasion violation. The registered owner is liable unless, 1) the owner is a rental car company and the company provides the name and address of the renter within 14 days of receiving the notice of infraction; or 2) the owner provides an affidavit or testimony in open court, within 15 days of receiving the notice of infraction, that he or she was not operating or in control of the vehicle at the time of the infraction.

The DOL is authorized to provide lists of registered vehicle owners to a company operating a toll facility under the public-private initiatives law for purposes of issuing a notice of a toll evasion traffic infraction. Any other use will result in a suspension of the authorization of access to vehicle records.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.