
SUBSTITUTE HOUSE BILL 1405

State of Washington

65th Legislature

2017 Regular Session

By House Judiciary (originally sponsored by Representatives Harmsworth, Bergquist, Orcutt, Rodne, Muri, Chandler, Stokesbary, Pollet, Stanford, Kilduff, and Springer)

1 AN ACT Relating to establishing a statute of limitation for toll
2 collections; amending RCW 47.46.105; adding a new section to chapter
3 47.29 RCW; adding a new section to chapter 47.56 RCW; adding a new
4 section to chapter 53.34 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature intends with this act to
7 establish a clear limit on the state's authority to assess and
8 collect toll charges and related penalties from vehicle owners after
9 the time periods established in this act have elapsed, whether the
10 action is taken directly or delegated to a political subdivision,
11 contractor, or agent.

12 NEW SECTION. **Sec. 2.** The state of Washington waives its
13 sovereign immunity with respect to the application of the statutes of
14 limitation for recovery actions established under this act.

15 **Sec. 3.** RCW 47.46.105 and 2010 c 249 s 4 are each amended to
16 read as follows:

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

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

4 (b) Notwithstanding any other provision of law, all photographs,
5 digital photographs, microphotographs, videotape, other recorded
6 images, or other records identifying a specific instance of travel
7 prepared under this chapter are for the exclusive use of the tolling
8 agency for toll collection and enforcement purposes and are not open
9 to the public and may not be used in a court in a pending action or
10 proceeding unless the action or proceeding relates to a civil penalty
11 under RCW 46.63.160. No photograph, digital photograph,
12 microphotograph, videotape, other recorded image, or other record
13 identifying a specific instance of travel may be used for any purpose
14 other than toll collection or enforcement of civil penalties under
15 RCW 46.63.160. Records identifying a specific instance of travel by a
16 specific person or vehicle must be retained only as required to
17 ensure payment and enforcement of tolls and to comply with state
18 records retention policies.

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

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

22 (a) A customer may pay an electronic toll through an electronic
23 toll collection account;

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

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

30 (5) To the extent practicable, the department shall adopt
31 electronic toll collection options, which allow for anonymous
32 customer accounts and anonymous accounts that are not linked to a
33 specific vehicle.

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

1 (7) Failure to pay a photo toll by the toll payment due date is a
2 violation for which a notice of civil penalty may be issued under RCW
3 46.63.160.

4 (8) The state of Washington shall issue a toll bill within six
5 months of the date of occurrence of the toll transaction for which
6 the toll bill is issued. The state may not assess further penalties,
7 finances, or costs or take any further action to collect a toll or
8 associated penalties, fines, or costs unless the initial toll bill
9 has been issued within six months of that particular transaction. For
10 purposes of this subsection, "toll transaction" means the individual
11 instance in which a vehicle uses a toll facility and is assessed a
12 toll for that use.

13 NEW SECTION. Sec. 4. A new section is added to chapter 47.29
14 RCW to read as follows:

15 A toll bill must be issued within six months of the date of
16 occurrence of the toll transaction for which the toll bill is issued.
17 The operator of a toll facility created under this chapter may not
18 assess further penalties, fines, or costs or take any further action
19 to collect a toll or associated penalties, fines, or costs unless the
20 initial toll bill has been issued within six months of that
21 particular transaction. For purposes of this section, "toll
22 transaction" means the individual instance in which a vehicle uses a
23 toll facility and is assessed a toll for that use.

24 NEW SECTION. Sec. 5. A new section is added to chapter 47.56
25 RCW to read as follows:

26 A state agency, regional transportation investment district,
27 transportation benefit district, city, town, county, or any political
28 subdivision of the state authorized to impose a toll, or its
29 contractors, shall issue a toll bill within six months of the date of
30 occurrence of the toll transaction for which the toll bill is issued.
31 Any such agency, district, or political subdivision, or its
32 contractors, may not assess further penalties, fines, or costs or
33 take any further action to collect a toll or associated penalties,
34 fines, or costs unless the initial toll bill has been issued within
35 six months of that particular transaction. For purposes of this
36 section, "toll transaction" means the individual instance in which a
37 vehicle uses a toll facility and is assessed a toll for that use.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.34
2 RCW to read as follows:
3 The operator of a toll facility created by a port district shall
4 issue a toll bill within six months of the date of occurrence of the
5 toll transaction for which the toll bill is issued. The toll facility
6 operator may not assess further penalties, fines, or costs or take
7 any further action to collect a toll or associated penalties, fines,
8 or costs unless the initial toll bill has been issued within six
9 months of that particular transaction. For purposes of this section,
10 "toll transaction" means the individual instance in which a vehicle
11 uses a toll facility and is assessed a toll for that use.

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