

HOUSE BILL REPORT

SHB 1047

As Passed House:
February 22, 2013

Title: An act relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems.

Brief Description: Concerning photographs, microphotographs, and electronic images from traffic safety cameras and toll systems.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Dahlquist, Hurst and Magendanz).

Brief History:

Committee Activity:

Public Safety: 1/23/13, 1/30/13 [DPS].

Floor Activity:

Passed House: 2/22/13, 78-18.

Brief Summary of Substitute Bill

- Requires law enforcement to obtain a search warrant prior to obtaining the photographs, images, and other records taken by a traffic safety camera or toll photo system for investigation and prosecution purposes.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

Traffic Safety Cameras.

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.

Local governments may use automated traffic safety cameras to detect stoplight, railroad crossing, or school speed zone violations. Use of the cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones; except in the case of ongoing pilot projects involving the use of automated traffic safety cameras to detect speed violations and work zone safety violations. Prior to use, the local legislative authority must adopt an ordinance allowing their use. All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

Traffic safety cameras may only take pictures of the vehicle and vehicle license plate while an infraction is occurring, and must not reveal the face of the driver or passengers. Infractions detected through the use of cameras are not part of the registered owner's driving record. Additionally, infractions must be mailed to the registered owner of the vehicle within 14 days, processed like parking infractions, and any fines issued for infractions may not exceed the amount of fines issued for other local parking infractions.

Photo Toll Systems.

Photo toll systems are camera-based imaging systems that use digital video or still image formats used to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll. The Department of Transportation has the authority to issue a civil penalty to the registered owner of the vehicle when a toll is assessed through the use of a photo toll system and the toll is not paid by the toll payment due date. Similar to traffic safety cameras, photo toll systems may only take pictures of the vehicle and vehicle license plate and all locations where a photo toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where tolls are assessed.

Use of Camera Images.

Images, photographs, and other electronic images obtained via a traffic safety camera or a photo toll system are for the exclusive use of law enforcement in the discharge of duties or the tolling agency for toll collection and enforcement. Such images are not open to the public and may not be used in court in a pending action or proceeding unless the action or proceeding relates specifically to the traffic violation or toll collection penalties in question.

Summary of Substitute Bill:

All photographs, electronic images, microphotographs, videotapes, and other recorded images taken from a traffic safety camera or a photo toll system are available to law enforcement for the investigation and prosecution of crimes pursuant to a lawfully issued search warrant.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 was a young female shot to death in the Pioneer District of Seattle. Traffic cameras that were in that area could have possibly solved that murder if the video footage was available to law enforcement. To date that crime has not been solved. Currently, traffic and toll cameras are not allowed to be used to solve crimes.

This bill fixes an anomaly under current law that provides the evidence that is gathered in a public street can only be used to prosecute a traffic infraction and can never be used to solve a murder. Current statute stifles law enforcement officers that are trying to solve crimes. This bill would grant law enforcement and prosecutors, if they had a legally obtained search warrant, to use video and photos taken from traffic cameras to investigate a crime and prosecutors would be able to introduce this evidence in court in any prosecution.

(Opposed) There are three issues with this bill. The first issue about these cameras is that it is about government creating an infrastructure that watches what you do and that some time in the future that information can be used to prosecute you. The second issue regarding these cameras is when these cameras were originally put in place they were supposed to be solely restricted to red light cameras. The third issue is that current statute clearly states that the cameras are only supposed to take pictures of the vehicle and vehicle license plates and only while an infraction is occurring. The fact that cities have videos that are taking pictures of the drivers is disturbing and illegal under current law.

Persons Testifying: (In support) Representative Dahlquist, prime sponsor; Dan Satterberg, King County Prosecuting Attorney's Office and Washington Association of Prosecuting Attorneys; Nick Metz, Seattle Police Department; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

(Opposed) Shankar Narayan, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.