

HOUSE BILL REPORT

HB 1019

As Reported by House Committee On:
State Government

Title: An act relating to protection of identification of persons who pay tolls electronically.

Brief Description: Protecting the identity of electronic toll payers.

Sponsors: Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove.

Brief History:

Committee Activity:

State Government: 1/16/03, 1/24/03 [DPS].

Brief Summary of Substitute Bill

- Exempts from public disclosure personal identifying information of persons who acquire and use a transponder to pay tolls. Information may be released to law enforcement agencies with a subpoena.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott and Nixon.

Staff: Marsha Reilly (786-7135).

Background:

A transponder, for purposes of toll collection, may be a card with an embedded radio chip containing payment information that can be read by a radio wave. Persons may purchase a transponder that can relay payment information to the toll collection station. There are various ways transponders work for payment. A person may elect to: 1) purchase a dollar amount of toll collection in advance; 2) be billed on a regular basis; or 3) automatically be billed to a credit or debit card. Information included on every transponder would include a name, address, and vehicle license. A credit or debit card number may also be on a transponder if an option for a credit card transaction was

established in advance.

Toll systems using transponders are frequently used on the east coast. A transponder toll system will be put in place at the completion of the Tacoma Narrows Bridge project. Other future transportation related projects may also use this type of toll system.

Each state and local agency is required under the Open Public Records Act to make all public records available for public inspection and copying unless the record is exempted from disclosure. Examples of records exempted in statute include:

- personal information on students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- information revealing the identity of persons who are witnesses to or victims of crime;
- test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;
- financial and valuable trade information; and
- credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds.

The personally identifying information of persons who acquire and use transit passes and other fare payment media, including stored value smart cards and magnetic strip cards, are exempt from public disclosure under current law, however the information may be released by an agency to the news media when reporting on public transportation or public safety. It may also be disclosed to governmental agencies or groups concerned with public transportation or public safety.

Summary of Substitute Bill:

Under current statute, personally identifying information of persons who acquire and use transit passes and other fare payment media, including stored value smart cards and magnetic strip cards, is exempt from public disclosure. The personally identifying information of persons who acquire and use a transponder or other technology for payment of tolls is added to the current exemption. This information may be released by an agency to the news media when reporting on public transportation or public safety. It also may be disclosed to governmental agencies or groups concerned with public transportation or public safety. It may not be released for the purpose of facilitating real-time or near real-time monitoring or tracking of a person's location except when required by a subpoena in conjunction with a criminal investigation.

Substitute Bill Compared to Original Bill:

The substitute bill stipulates that information may not be released for real-time or near real-time monitoring or tracking a person's location unless a subpoena has been issued in conjunction with a criminal investigation.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The bill prevents personal information from being disclosed except for purposes of public transportation and public safety. Information cannot be released for commercial purposes or for tracking individuals.

Testimony Against: None.

(With concerns) Exempting this information from disclosure will prevent audits from being done. Without audits, there is no public oversight. It would also preclude groups from conducting transportation or public safety related surveys.

Testified: (In support) Representative Nixon, prime sponsor.

(With concerns) Rowland Thompson, Allied Daily Newspapers of Washington.