

---

**Community Safety, Justice, & Reentry  
Committee**

---

**SSB 5722**

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

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Kuderer, King, Dhingra, Fortunato and Wilson, C.).

**Brief Summary of Substitute Bill**

- Requires any records, photographs, microphotographs, or electronic images collected with an automated traffic safety camera or photo toll system to be made available to law enforcement, prosecuting attorneys, and defense lawyers pursuant to a valid warrant or subpoena, and exempts the use of such materials from certain statutory restrictions.

**Hearing Date:** 2/19/24

**Staff:** Corey Patton (786-7388).

**Background:**

Under state law, automated traffic safety cameras may be used to detect specific authorized traffic infractions for the purpose of issuing notices of infraction. Automated traffic safety cameras may only take photographs of a vehicle or license plate while an infraction is occurring, and such photographs must not reveal the face of the driver or passengers in the vehicle. Similarly, photo toll systems may be used to record the license plates of vehicles using toll lanes for the purpose of enforcing the collection of applicable tolls, including issuing notices of civil penalty for nonpayment of tolls. Photo toll systems may only take photographs of a vehicle or license plate, and locations where photo toll systems are used must be clearly marked.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Photographs, microphotographs, and other specified records and information obtained through an automated traffic safety camera or photo toll system:

- are not open to the public;
- may not be used in a pending court action or proceeding unless the action or proceeding relates to an applicable infraction or civil penalty for nonpayment of tolls;
- may only be used for enforcement of the infraction or toll collection; and
- may not be retained any longer than necessary for such enforcement.

**Summary of Bill:**

Any records, photographs, microphotographs, or electronic images collected with an automated traffic safety camera or photo toll system must be made available to:

- law enforcement, pursuant to a lawfully issued search warrant; or
- prosecuting attorneys and defense lawyers, pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality.

The statutory restrictions on the use of such materials do not apply to materials made available pursuant to an applicable warrant or subpoena.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.