

HOUSE BILL REPORT

SHB 1019

As Passed House:

February 10, 2003

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

Brief Description: Protecting the identity of electronic toll payers.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 2/10/03, 94-0.

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 system, for purposes of toll collection, is a technology that allows for electronic payment of highway tolls. The system uses a vehicle-to-roadside communication technology to perform an electronic monetary transaction between a vehicle passing through a toll station and the toll agency.

An electronic toll collection system typically includes three components: 1) automatic vehicle identification; 2) automatic vehicle classification; and 3) video enforcement systems.

Automatic vehicle identification entails the use of electronic tags installed in the vehicle which communicate with roadside readers to identify vehicle ownership. Once the ownership is determined, the toll cost can be deducted from the corresponding account. Traditionally, tolls have been differentiated by vehicle class; automatic vehicle classification technologies installed in the roadway can determine a vehicle's class by its physical attributes. Toll violators are monitored by video enforcement systems, which photograph their license plates in order to identify and fine the vehicle owner.

Automatic vehicle identification tags are about the size of a credit card and are usually placed on the inside of the vehicle's windshield. Embedded in the card is a personal identifier that can be read by the toll booth. The identifier relates to the holder's account that contains information relating to payment or billing instructions.

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.

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.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: 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.