

SENATE BILL REPORT

SB 6619

As Reported By Senate Committee On:
Judiciary, February 08, 2008

Title: An act relating to traffic safety camera images.

Brief Description: Addressing the use and storage of traffic safety camera images.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Judiciary: 2/08/08 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6619 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems. The photo enforcement system includes an electronic toll collection system that automatically produces one or more photographs, a videotape, or other recorded images of a vehicle operated in violation of a traffic infraction.

Automated traffic safety cameras may be used when the appropriate local legislative authority has enacted an ordinance allowing for their use to detect stoplight, railroad crossing, or school speed zone violations. The cameras may only take pictures of the rear of a motor vehicle and the vehicle license plate at the time an infraction is occurring. It must not reveal the face of the driver or of passengers in the vehicle. The photographs, microphotographs, or electronic images obtained from these cameras are for the exclusive use of law enforcement in the discharge of their duties as they relate to stoplight, railroad crossing, and school speed zone violations. The images are not allowed to be retained longer than necessary to enforce stoplight, railroad crossing, and school speed zone violations.

Summary of Bill: The bill as referred to committee not considered.

SUMMARY OF BILL (Recommended Substitute): In an action or proceeding relating to a traffic infraction, all photographs, videotape, or other recorded images taken by traffic safety cameras are for the use of law enforcement in the discharge of their duties and are not open to

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the public, except under the following circumstances. If the action relates to a traffic violation, the photographs, videotape, or other recorded images must be made available to a party in the action and for admission into evidence. If the action relates to a civil action for personal injury or property damage or the action relates to a criminal violation of law, the photographs, videotape, or other recorded images must be made available to a party in the action and for admission into evidence. The admission into evidence of photographs, videotape, or other recorded images in a pending court action or proceeding is subject to the rules of evidence.

The photographs and other recorded images must be retained for a minimum of three years from the date of a traffic violation. A fee, not to exceed \$10, may be charged for any photograph, videotape, or other recorded image requested for an action or proceeding relating to a civil action for personal injury or property damage.

Appropriation: None.

Fiscal Note: Requested on February 7, 2008.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: The intent of this bill is that we want to be sure that when there is evidence from a situation in which there has been an injury or property damage, that evidence can be brought in to court. Photographs of an incident which has resulted in injury or property damage should be admissible into court as evidence. The pictures that are taken now by traffic safety cameras are destroyed very quickly, in less than 24 hours.

Persons Testifying: Senator Bob Morton, prime sponsor.