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**SUBSTITUTE HOUSE BILL 1909**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Transportation (originally sponsored by Representatives Appleton, Taylor, Ryu, Harmsworth, Condotta, Buys, Goodman, Shea, and Morris)

AN ACT Relating to automated license plate recognition systems; adding a new chapter to Title 46 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the state of Washington, its state and local agencies and political subdivisions, and their respective employees and agents.

(2) "Automated license plate recognition system" or "system" means any system consisting of one or more cameras combined with optical character recognition or other computer algorithms to convert images of license plates into computer-readable or human-readable characters.

(3) "Parking enforcement agency" means a public agency that enforces parking regulations.

(4) "Secured area" means an area, enclosed by clear boundaries, to which access is not open to the public and to which entry is only obtainable through specific access control points.

(5) "Watch list" means a list of license plate numbers to be compared against a license plate number obtained from an automated license plate recognition system. "Watch list" does not include a list not used for comparison to license plate numbers obtained from an automated license plate recognition system.

NEW SECTION. **Sec.**  (1) An automated license plate recognition system may be used as a component of any photo toll system authorized under RCW 47.56.795 or 47.46.105, or as a component of an automated traffic safety camera authorized under RCW 46.63.170.

(2) Any law enforcement agency or parking enforcement agency may use an automated license plate recognition system for the purpose of locating vehicles on a watch list. Except as explicitly set forth in this section, any image or data generated by such an automated license plate recognition system must not be used for any purpose other than comparison to license plate numbers on the watch list. If the image or data does not match a license plate number on the watch list, the image or data must not be: Used to identify the owner or driver of a vehicle; shared with any other agency, entity, or person; used for any other purpose; or retained for more than twelve hours. A watch list must be updated with current information at least every twenty-four hours. Any watch list used by a parking enforcement agency must contain, at a maximum, only license plates of vehicles subject to impoundment or immobilization pursuant to a local ordinance enacted pursuant to RCW 46.55.240. Any watch list used by a law enforcement agency must contain, at a maximum, only license plates of:

(a) Stolen vehicles or stolen license plates;

(b) Vehicles listed as part of an "Amber alert" issued pursuant to chapter 13.60 RCW;

(c) Vehicles associated with individuals for whom there are outstanding felony warrants; and

(d) Vehicles associated with individuals for whom there is probable cause to believe they have committed a felony, but exigent circumstances prevent the immediate procurement of a warrant. The license plate of such a vehicle may not be included in a watch list for more than forty-eight hours.

(3) Any parking enforcement agency may use an automated license plate recognition system for the purpose of enforcing time restrictions on the use of parking spaces. Any image or data generated by such an automated license plate recognition system must be used and retained solely to detect whether a vehicle has violated a time restriction on parking. Unless such a violation is detected, the image or data must not be: Used to identify the owner or driver of the vehicle; shared with any other agency, entity, or person; used for any other purpose; or retained for more than twelve hours.

(4) Any transportation agency may use an automated license plate recognition system for the purpose of providing real time traffic information to the public; traffic modeling purposes; and traffic studies such as origin and destination studies, ramp meter efficiencies, determining construction delays and route use, or other traffic study purposes. Any image or data generated by such an automated license plate recognition system must be used solely for computing travel times or a travel study, and must not be: Used to identify the owner or driver of a vehicle; shared with any other agency, entity, or person; or retained for more than sixty days.

(5) Any transportation agency may use an automated license plate recognition system for the purpose of commercial vehicle systems at Washington state patrol enforcement sites and weigh stations. Any image or data of noncommercial vehicles generated by such an automated license plate recognition system must not be: Used to identify the owner or driver of the vehicle; shared with any other agency, entity, or person; or retained for more than four hours.

(6) Any agency may use an automated license plate recognition system for the purpose of controlling access to secured areas. Any image or data generated by such an automated license plate recognition system must be used solely for comparison against a list of vehicles authorized to enter the area. If access to the area is not granted, the image or data must not be: Used to identify the owner or driver of the vehicle; shared with any other agency, entity, or person; or retained for more than four hours.

(7) Any agency may use an automated license plate recognition system only as explicitly set forth in this section, and an agency may not obtain or use information collected by an automated license plate recognition system operated by a third-party entity unless that entity follows the requirements set forth in this section.

NEW SECTION. **Sec.**  Any information obtained in violation of section 2 of this act is inadmissible in any civil or criminal case in any court of general or limited jurisdiction in this state, except in an action brought for damages by a person claiming that his or her rights have been violated by use of an automated license plate recognition system in violation of section 2 of this act and only with the permission of such person.

NEW SECTION. **Sec.**  Any person who violates this chapter is subject to legal action for damages, to be brought by any other person claiming that a violation of this chapter has injured his or her business, person, or reputation. Any such injured person is entitled to actual damages, including mental pain and suffering endured by him or her on account of a violation of this chapter, or liquidated damages of one thousand dollars, and reasonable attorneys' fees and other costs of litigation.

NEW SECTION. **Sec.**  Any agency that uses an automated license plate recognition system pursuant to section 2(2) of this act must annually report its system usage in a conspicuously and timely posted report on the entity's public web site. The report must include:

(1) The number of license plates scanned;

(2) The source of and categories of information included on watch lists used by the agency;

(3) The number of confirmed matches and the number of tentative matches that upon further investigation did not correlate to an actual match;

(4) The number of matches that resulted in arrest and prosecution;

(5) The number of stolen vehicles and stolen license plates recovered due to use of the system; and

(6) The number of vehicles impounded or immobilized due to use of the system.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

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