

HOUSE BILL REPORT

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

Brief History:

Committee Activity:

State Government: 1/22/04 [DP2S].

Brief Summary of Second Substitute Bill

- Personally identifying information of persons who use transponders and other technology for the payment of tolls is exempt from public disclosure. Aggregate data devoid of personally identifying information may be released to agencies or groups concerned with public transportation or public safety. Personally identifying information may be released to law enforcement agencies when required by a court order.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

Background:

Transponder systems, for purposes of toll collection, allow for electronic payment of highway tolls. Transponders provide automatic vehicle identification through the use of electronic tags installed in the vehicle which communicate with roadside readers to identify vehicle ownership. Embedded in the tag is a personal identifier that relates to the vehicle owner's account which can be read by the toll booth. Once ownership is determined, the toll can be deducted from the corresponding account. Toll violators are monitored by a video

enforcement system that photographs the license plates of violators in order to identify and fine the vehicle owner.

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 except when 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 Second Substitute Bill:

The personally identifying information of persons who acquire and use a transponder or other technology for the payment of tolls is added to the current list of exemptions. The information may be disclosed in aggregate form, as long as the data does not contain any personally identifying information, to governmental agencies or groups concerned with public transportation or public safety. Personally identifying information may be released to law enforcement agencies when required by a court order.

Second Substitute Bill Compared to Substitute Bill:

Information may be disclosed to governmental agencies or groups concerned with public transportation or safety *in aggregate form*, as long as the data does not contain any personally identifying information. The specific reference that did not allow release for the purpose of facilitating real-time or near real-time monitoring or tracking of a person's location is removed. An addition is made allowing personally identifying information to be released to law enforcement agencies when required by a court order.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The second substitute bill is offered to address the concerns on the substitute bill. Language has been strengthened and information may be released under a court order, rather than a subpoena as it is more difficult to get a court order. In this new age of technology, there is increased concern about surveillance through the use of transponders. There is more and more concern of what surveillance the government is using. The general public does not need to know how many times someone crosses a toll bridge or uses a toll highway. An amendment is recommended, however, that would allow law enforcement access to information without a court order to enforce non-payment of tolls.

Testimony Against: None.

(With concerns) We have been following this issue for many years regarding mass transit and where we are going with our highway system. There is a concern with accountability any time public money is handled by private vendors. It would be hard to account for all the money without some identifying attributes. Identity theft is improbable with the little amount of detail available. This is also a problem for law enforcement and their inability to access information regarding safety issues.

Persons Testifying: (In support) Representative Nixon, prime sponsor; and Jerry Sheehan, American Civil Liberties Union of Washington.

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

Persons Signed In To Testify But Not Testifying: None.