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## Public Safety Committee

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### HB 1047

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

**Sponsors:** Representatives Dahlquist, Hurst and Magendanz.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires law enforcement to obtain a search warrant prior to obtaining the photographs, images, and other records taken by a traffic safety camera or toll photo system.</li></ul>
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**Hearing Date:** 1/23/13

**Staff:** Yvonne Walker (786-7841).

**Background:**

Traffic Safety Cameras.

Local governments may use automated traffic safety cameras to detect stoplight, railroad crossing, or school speed zone violations. Use of the cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones; except in the case of ongoing pilot projects involving the use of automated traffic safety cameras to detect speed violations and work zone safety violations. Prior to use, the local legislative authority must adopt an ordinance allowing their use. All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

Traffic safety cameras may only take pictures of the vehicle and vehicle license plate while an infraction is occurring, and must not reveal the face of the driver or passengers. Infractions detected through the use of cameras are not part of the registered owner's driving record. Additionally, infractions must be mailed to the registered owner of the vehicle within 14 days,

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processed like parking infractions, and any fines issued for infractions may not exceed the amount of fines issued for other local parking infractions.

Photo Toll Systems. Photo toll systems are camera-based imaging systems that use digital video or still image formats used to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll. The Department of Transportation has the authority to issue a civil penalty to the registered owner of the vehicle when a toll is assessed through the use of a photo toll system and the toll is not paid by the toll payment due date. Similar to traffic safety cameras, photo toll systems may only take pictures of the vehicle and vehicle license plate and all locations where a photo toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where tolls are assessed.

Use of Camera Images. Images, photographs, and other electronic images obtained via a traffic safety camera or a photo toll system are for the exclusive use of law enforcement in the discharge of duties or the tolling agency for toll collection and enforcement. Such images are not open to the public and may not be used in court in a pending action or proceeding unless the action or proceeding relates specifically to the traffic violation or toll collection penalties in question.

**Summary of Bill:**

Law enforcement may only obtain the records, photographs, digital photographs, microphotographs, videotapes, and other recorded images taken from a traffic safety camera or a photo toll system pursuant to a search warrant.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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