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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)

READ FIRST TIME 02/24/17.

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

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires  
6 otherwise.

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

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

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

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

20 (5) "Watch list" means a list of license plate numbers to be  
21 compared against a license plate number obtained from an automated

1 license plate recognition system. "Watch list" does not include a  
2 list not used for comparison to license plate numbers obtained from  
3 an automated license plate recognition system.

4 NEW SECTION. **Sec. 2.** (1) An automated license plate recognition  
5 system may be used as a component of any photo toll system authorized  
6 under RCW 47.56.795 or 47.46.105, or as a component of an automated  
7 traffic safety camera authorized under RCW 46.63.170.

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

- 25 (a) Stolen vehicles or stolen license plates;
- 26 (b) Vehicles listed as part of an "Amber alert" issued pursuant  
27 to chapter 13.60 RCW;
- 28 (c) Vehicles associated with individuals for whom there are  
29 outstanding felony warrants; and
- 30 (d) Vehicles associated with individuals for whom there is  
31 probable cause to believe they have committed a felony, but exigent  
32 circumstances prevent the immediate procurement of a warrant. The  
33 license plate of such a vehicle may not be included in a watch list  
34 for more than forty-eight hours.

35 (3) Any parking enforcement agency may use an automated license  
36 plate recognition system for the purpose of enforcing time  
37 restrictions on the use of parking spaces. Any image or data  
38 generated by such an automated license plate recognition system must  
39 be used and retained solely to detect whether a vehicle has violated

1 a time restriction on parking. Unless such a violation is detected,  
2 the image or data must not be: Used to identify the owner or driver  
3 of the vehicle; shared with any other agency, entity, or person; used  
4 for any other purpose; or retained for more than twelve hours.

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

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

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

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

35 NEW SECTION. **Sec. 3.** Any information obtained in violation of  
36 section 2 of this act is inadmissible in any civil or criminal case  
37 in any court of general or limited jurisdiction in this state, except  
38 in an action brought for damages by a person claiming that his or her  
39 rights have been violated by use of an automated license plate

1 recognition system in violation of section 2 of this act and only  
2 with the permission of such person.

3 NEW SECTION. **Sec. 4.** Any person who violates this chapter is  
4 subject to legal action for damages, to be brought by any other  
5 person claiming that a violation of this chapter has injured his or  
6 her business, person, or reputation. Any such injured person is  
7 entitled to actual damages, including mental pain and suffering  
8 endured by him or her on account of a violation of this chapter, or  
9 liquidated damages of one thousand dollars, and reasonable attorneys'  
10 fees and other costs of litigation.

11 NEW SECTION. **Sec. 5.** Any agency that uses an automated license  
12 plate recognition system pursuant to section 2(2) of this act must  
13 annually report its system usage in a conspicuously and timely posted  
14 report on the entity's public web site. The report must include:

- 15 (1) The number of license plates scanned;  
16 (2) The source of and categories of information included on watch  
17 lists used by the agency;  
18 (3) The number of confirmed matches and the number of tentative  
19 matches that upon further investigation did not correlate to an  
20 actual match;  
21 (4) The number of matches that resulted in arrest and  
22 prosecution;  
23 (5) The number of stolen vehicles and stolen license plates  
24 recovered due to use of the system; and  
25 (6) The number of vehicles impounded or immobilized due to use of  
26 the system.

27 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act  
28 constitute a new chapter in Title 46 RCW.

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