
HOUSE BILL 1909

State of Washington

65th Legislature

2017 Regular Session

By Representatives Appleton, Taylor, Ryu, Harmsworth, Condotta, Buys, Goodman, Shea, and Morris

Read first time 02/02/17. Referred to Committee on Transportation.

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. Any image or data generated by such an
8 automated license plate recognition system must be used solely to
9 compute travel times or speeds of vehicles, and must not be: Used to
10 identify the owner or driver of a vehicle; shared with any other
11 agency, entity, or person; or retained for more than four hours.

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

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

25 NEW SECTION. **Sec. 3.** Any information obtained in violation of
26 section 2 of this act is inadmissible in any civil or criminal case
27 in any court of general or limited jurisdiction in this state, except
28 in an action brought for damages by a person claiming that his or her
29 rights have been violated by use of an automated license plate
30 recognition system in violation of section 2 of this act and only
31 with the permission of such person.

32 NEW SECTION. **Sec. 4.** Any person who violates this chapter is
33 subject to legal action for damages, to be brought by any other
34 person claiming that a violation of this chapter has injured his or
35 her business, person, or reputation. Any such injured person is
36 entitled to actual damages, including mental pain and suffering
37 endured by him or her on account of a violation of this chapter, or

1 liquidated damages of one thousand dollars, and reasonable attorneys'
2 fees and other costs of litigation.

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

7 (1) The number of license plates scanned;

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

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

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

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

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

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

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