
Public Safety Committee

HB 1229

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

Sponsors: Representatives Caldier, Kilduff, Klippert, Pettigrew, Appleton and Santos.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies the permissible uses of photographs, electronic images, and other specified records collected with traffic safety cameras and photo toll systems.
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Hearing Date: 1/21/19

Staff: Kelly Leonard (786-7147).

Background:

Automated Traffic Safety Cameras. State law provides restrictions on the use of automated traffic safety cameras by local governments. Generally, automated traffic safety cameras may only be used for the purpose of detecting stoplight, railroad crossing, or school speed zone violations. Certain cities participating in state-authorized pilot projects may also use traffic safety cameras to detect speed violations.

Before installing and using automatic traffic safety cameras, a local government must adopt an ordinance meeting certain requirements. A location with an automated traffic safety camera must be clearly marked, indicating to a driver that he or she is entering a zone where traffic laws are enforced with a camera. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate while an infraction is occurring, and may not reveal the face of the driver or passengers.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record. Infractions must be mailed to the registered owner of the

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vehicle within 14 days, 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 use digital photography and video technology to record the license plates of vehicles using toll lanes in order to collect applicable tolls. 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 license plate, and locations where a photo toll system is used must be clearly marked.

Images and Records Collected with Automatic Traffic Safety Cameras and Photo Toll Systems. Images, photographs, and other specified records obtained with an automated traffic safety camera or photo toll system may be used only for the applicable traffic infractions or for toll collection and enforcement. The records 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 to the traffic violation or toll collection penalties in question.

Summary of Bill:

Restrictions on the use of images, photographs, and other specified records collected from automatic traffic safety cameras and photo toll systems are modified. The specified records are for the exclusive use of enforcing related traffic infractions and tolls or are available for criminal investigations or prosecutions pursuant to a lawfully issued search warrant. The records are not open to the public.

Language that expressly prohibits using the records in unrelated court actions and proceedings is removed.

The restriction against retaining records collected from automated traffic safety cameras longer than necessary is removed.

Appropriation: None.

Fiscal Note: Requested on January 18, 2019.

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