

SENATE BILL REPORT

SB 5529

As of February 15, 2019

Title: An act relating to automated license plate recognition systems.

Brief Description: Authorizing the use of automated license plate recognition systems.

Sponsors: Senators Saldaña, Hobbs, Nguyen, Hunt and McCoy.

Brief History:

Committee Activity: Law & Justice: 2/14/19.

Brief Summary of Bill

- Limits the use of automated license plate recognition (ALPR) systems to specifically authorized purposes and prescribes retention periods for captured images and data.
- Requires agencies that use an ALPR system to annually report its usage on the agency's public website.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: Automated license plate readers are a type of technology that captures computer readable images from a vehicle allowing law enforcement or some other agency to use the data in some mechanism of enforcement. A reader may be mounted on a police car, road sign, or traffic light and captures thousands of images of license plates. The captured license plates are typically compared against a list of plates maintained by law enforcement or another agency; for example, a list of stolen cars or stolen license plates, the license of a vehicle wanted in a an Amber alert, or a list of vehicles owned by an individual wanted on criminal charges.

At least 16 states have statutes relating to the use of license plate readers and how the data captured from these readers may be retained.

Summary of Bill: An ALPR system and the images captured may only be used as specifically authorized by statute and generally may not be shared with any other agency,

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entity, or person. Images captured that are not a match may not be used to identify the owner or driver of a vehicle and must be purged within short time periods.

Law Enforcement. An ALPR system may only be used by law enforcement for the purpose of locating vehicles on a watch list. If the image does not match a license plate number on the watch list, the image may not be retained longer than 12 hours. The watch list must be updated at least every 24 hours and may only contain:

- stolen vehicles or stolen license plates;
- vehicles listed as part of an Amber alert;
- vehicles associated with individuals for whom there are outstanding felony warrants; and
- vehicles associated with individuals for whom there is probable cause to believe have committed a felony, but exigent circumstances prevent the immediate procurement of a warrant.

Parking and Toll Enforcement. An ALPR system may be used for parking or toll enforcement as follows:

- as a component of any photo toll system or automated traffic safety camera authorized by statute.
- by a parking enforcement agency for the purpose of locating vehicles on a watch list. A watch list used by parking enforcement may only contain vehicles subject to impoundment or immobilization pursuant to a local ordinance. If the image does not match a license plate number on the watch list, the image may not be retained longer than 12 hours.
- by a parking enforcement agency for the purpose of enforcing time restrictions in the use of parking spaces. Unless a violation is detected, the image may not be retained longer than 12 hours.

Other Authorized Purposes. An ALPR system may additionally be used:

- by a transportation agency for the purpose of providing real time traffic information, traffic modeling purposes, or traffic studies. The image may not be retained more than 60 days.
- by a transportation agency for the purpose of commercial vehicle systems at Washington State Patrol enforcement sites and weigh stations. The image may not be retained more than four hours.
- by any agency for the purpose of controlling access to secured areas. The image must be used solely for comparison against a list of authorized vehicles and may not be retained more than four hours.

Information obtained in violation of the law is inadmissible in any civil or criminal case, except in an action brought for damages by a person claiming their rights have been violated by use of an ALPR system. Any person violating these provisions is subject to legal action for damages, which may include actual damages or liquidated damages of \$1,000 and reasonable attorneys' fees and costs of litigation.

An agency using an ALPR system must annually report its system usage on the entity's public website and must include:

- the number of license plates scanned;

- the source and categories of information included on watch lists used by the agency;
- the number of confirmed matches and the number of tentative matches that upon further investigation did not correlate to an actual match;
- the number of matches that resulted in arrest and prosecution;
- the number of stolen vehicles and stolen license plates recovered due to use of the system; and
- the number of vehicles impounded or immobilized due to use of the system.

An ALPR system is defined as a system consisting of one or more cameras combined with optical character recognition or other technology to convert images of license plates into computer readable or human readable characters. Agency means the state, state and local agencies and political subdivisions, and their respective employees and agents. Other relevant terms are defined.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: ALPR systems have a number of uses as articulated in this bill, yet there are not any limits on how that data can be used. There needs to be limits on how this data can be used to protect a person's privacy rights. The data becomes a comprehensive history of a person's whereabouts. Further, the information is subject to public disclosure and potential abuse. A clever burglar or stalker could determine the whereabouts of a person.

Ensuring ALPR data is deleted once it is no longer needed is a reasonable safeguard. This is an urgent matter considering the proliferation of data breaches in today's society.

This legislation supports the ability to peaceably assemble. Law enforcement has targeted the second amendment community for harassment by scanning license plates at gun shows and other activities. This is powerful technology and should not be misused. Other similar types of technology have been similarly regulated and limited. It is appropriate to regulate this data as well.

CON: The four hour retention period does not give the WSP sufficient time to utilize the data for enforcement purposes. Further, the bill would not authorize use for the license investigation unit which ensures that people pay their required registration fees.

There is no reasonable expectation of privacy regarding a government issued license plate or while a person drive's on a public roadway. This bill changes that. Have not heard anyone complain about someone manually entering a license plate in the system. ALPR simply automates that process.

There are many legitimate law enforcement uses of ALPR that are prohibited by this bill. We should be encouraging law enforcement to be efficient and effective in maintaining public safety. This bill is bad for public policy.

OTHER: The retention periods for parking enforcement are problematic. Parking permits span more than four hours. Further, there are limitations on the sharing of data. Some entities use contracted enforcers. The data also needs shared with the court.

Persons Testifying: PRO: Eric Gonzalez Alfaro, Legislative Director, American Civil Liberties Union of Washington; Jevan Hutson, UW Law; Philip Watson, Firearms Policy Coalition.

CON: Monica Alexander, WSP; James McMahan, Washington Association of Sheriffs and Police Chiefs.

OTHER: Briahna Murray, Cities of Tacoma; Kyle Moore, City of Seatac.

Persons Signed In To Testify But Not Testifying: No one.