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HOUSE BILL 2566

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State of Washington                      66th Legislature                      2020 Regular Session

By Representatives Valdez, Ortiz-Self, and Ryu

Read first time 01/15/20. Referred to Committee on Transportation.

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

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

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

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

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

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

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

1 (5) "Watch list" means a list of license plate numbers to be  
2 compared against a license plate number obtained from an automated  
3 license plate recognition system. "Watch list" does not include a  
4 list not used for comparison to license plate numbers obtained from  
5 an automated license plate recognition system.

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

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

27 (a) Stolen vehicles or stolen license plates;

28 (b) Vehicles listed as part of an "Amber alert" issued pursuant  
29 to chapter 13.60 RCW;

30 (c) Vehicles associated with individuals for whom there are  
31 outstanding felony warrants; and

32 (d) Vehicles associated with individuals for whom there is  
33 probable cause to believe they have committed a felony, but exigent  
34 circumstances prevent the immediate procurement of a warrant. The  
35 license plate of such a vehicle may not be included in a watch list  
36 for more than forty-eight hours.

37 (3) Any parking enforcement agency may use an automated license  
38 plate recognition system for the purpose of enforcing time  
39 restrictions on the use of parking spaces. Any image or data

1 generated by such an automated license plate recognition system must  
2 be used and retained solely to detect whether a vehicle has violated  
3 a time restriction on parking. Unless such a violation is detected,  
4 the image or data must not be: Used to identify the owner or driver  
5 of the vehicle; shared with any other agency, entity, or person; used  
6 for any other purpose; or retained for more than twelve hours.

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

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

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

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

37 NEW SECTION. **Sec. 3.** Any information obtained in violation of  
38 section 2 of this act is inadmissible in any civil or criminal case  
39 in any court of general or limited jurisdiction in this state, except

1 in an action brought for damages by a person claiming that his or her  
2 rights have been violated by use of an automated license plate  
3 recognition system in violation of section 2 of this act and only  
4 with the permission of such person.

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

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

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

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

31 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2020.

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