

# SENATE BILL REPORT

## SB 5722

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As of February 9, 2023

**Title:** An act relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems.

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

**Sponsors:** Senators Kuderer, King, Dhingra, Fortunato and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 2/13/23.

**Brief Summary of Bill**

- Allows photographs, microphotographs, electronic images, or any records collected with an automated traffic safety camera or photo toll system to be made available to law enforcement pursuant to a lawfully issued search warrant.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**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 detecting stoplight; railroad crossing; school speed zone violations; speed violations on any roadway identified in a school walk area; speed violations in public park speed zones; hospital speed zones; and speed violations in priority locations, locations that have significantly higher rates of collisions, or specific areas subject to restrictions and penalties on racing and race attendance. Certain cities participating in state-authorized pilot projects may also use traffic safety cameras to detect speed, stopping, and lane violations, subject to various requirements.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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 that the driver 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.

Photo Toll Systems. Photo toll systems use photographs and video technology to record the license plates of vehicles using toll lanes, 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 only be used for the applicable traffic infractions or 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:** Any photograph, microphotographs, electronic images, or records collected with an automated traffic safety camera or photo toll system are made available to law enforcement pursuant to a lawfully issued search warrant. Restrictions that these records be used solely for the purposes of tolls, civil penalties, or infractions do not apply.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2023.

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

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