

HB 2566 would impose round-the-clock camera surveillance on the traveling public

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February 2020

Key Findings

1. **The state is seeking to expand license plate recording and tracking.**
2. **The Washington State Patrol can use the tracking data to identify stolen vehicles.**
3. **WSDOT can use the data for determining trip origin and destination, average speed and traffic counts.**
4. **Use of this data could be used to violate civil rights.**

Introduction

Traveling in your car in Washington state today, you can be assured that the government is not filming and tracking your every move. While we have some toll and red-light cameras, along with a couple of speed-zone cameras in Seattle, the majority of the time you travel you are un-observed by the government.

Under a proposed bill in Olympia, however, that could soon change.

House Bill 2566¹ would give the state new surveillance powers to track your license plate as you pass cameras on the side of the road. The sponsors of the new legislation intend to help the state identify vehicles that either WSDOT wants to monitor or law enforcement is looking for. In the case of law enforcement, this is a laudable goal as everyone would want the return of a stolen vehicle. However, blanket surveillance is a slippery slope and pits privacy against convenience and safety.

Bill summary

House Bill 2566 provides for general data collection and tracking through the regulation of automated license plate recognition systems (ALPRS), including a provision for matching vehicles that have been added previously to a watch list. This includes stolen vehicles, parking time violations and toll charges. It also includes vehicles associated with people who have felony warrants and individuals for whom there is probable cause to believe they have committed a felony.

This bill also restricts the use of ALPRS for anything other than what is allowed under the act, so that information obtained in violation of the act is not admissible in court and sets out annual reporting requirements for any agency that uses ALPRS. The annual report must include how many license plates were scanned, the number of matches that resulted in an arrest and prosecution, and the number of stolen vehicles and license plates that were recovered as a result of the system, and other requirements.

Bill analysis

WSDOT officials will be able to use ALPRS data to track traffic volumes, including origin and destination information. They would be able to track drivers from the beginning to the end of their trips.

With some simple mathematics, the average speed of vehicles could also be calculated, which opens the door to an average speed ticketing system². No official would actually observe the driver breaking the law. Instead, computer software would be used to determine whether a speeding ticket should be issued and mailed. This blind, machine-based

¹ "Authorizing the use of automated license plate recognition systems," Washington state legislature, introduced January 15, 2020, at <https://app.leg.wa.gov/bills/summary?BillNumber=2566&Initiative=false&Year=2019>.

² "Speed cameras – how they work," RAC, January 20, 2020, at <https://www.rac.co.uk/drive/advice/cameras/speed-cameras/>.

system is already being used on drivers in the United Kingdom.

The bill requires that cameras not take photographs of the occupants of the car, but as stated by WSDOT Secretary Roger Millar³, the agency wants to use this technology to count car occupants in order to catch toll lane violators. It would take one small legislative change and the state would be able to record drivers, their families and other passengers in their cars.

With the state's history of personal data leaks⁴ and lack of data security, how would officials protect the data they collect from us? This could cost the taxpayers of Washington millions of dollars in settlements after a breach. With recent developments in privacy statutes in Washington⁵, storage and the ultimate removal of this data is also complicated and expensive.

Policy recommendation

If the goal is to monitor traffic flows and counts, there are already many ways to do this anonymously without creating a new government program. In fact, WSDOT already has loop counters in roads that measure traffic volumes and locations⁶, while protecting personal privacy. No change to the existing statutory authority is required for WSDOT to collect this data.

Conclusion

The policy proposed in HB 2566 is too broad in scope and poses a significant threat to privacy. Imposing round-the-clock

government surveillance risks violating civil rights, would grant enormous power to state officials, and would open all of us to potential data breaches and other abuses. Citizens should have a right to travel without being watched. HB 2566 would take away one of Washingtonians' most basic rights – the right to go about one's daily business and be left alone.

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Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.

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3 “WSDOT wants to see who’s in your car,” Mariya Frost, Washington Policy Center, February 8, 2019 at <https://www.washingtonpolicy.org/publications/detail/wsdot-wants-to-see-whos-in-your-car>.

4 “Washington State University identifies and addresses security incident involving stolen hard drive,” Kirk H Schultz, President WSU accessed February 5, 2020 at <https://wsu.edu/security-incident/>.

5 “Washington state considers new privacy law to regulate data collection and facial recognition tech,” Monica Nickelsburgh, Geekwire, January 22, 2019, at <https://www.geekwire.com/2019/washington-state-considers-new-privacy-law-regulate-data-collection-facial-recognition-tech/>.

6 “Traffic Geo Portal,” WSDOT at <https://www.wsdot.wa.gov/mapsdata/tools/trafficplanningtrends.htm>.