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S.150

Introduced by Senators Ashe, Benning, Nitka, Sears, and White

Referred to Committee on Judiciary

Date: January 3, 2018

Subject: Right to know; public safety; motor vehicles

Statement of purpose of bill as introduced: This bill proposes to extend from July 1, 2018 to July 1, 2020 the sunset of the laws regulating the use of automated license plate recognition (ALPR) systems and the retention and disclosure of data collected by such systems.

An act relating to automated license plate recognition systems

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. EXTENSION OF SUNSET~~

~~2013 Acts and Resolves No. 69, Sec. 3, as amended by 2015 Acts and Resolves No. 32, Sec. 1 as further amended by 2016 Acts and Resolves No. 169, Sec. 6, is further amended to read:~~

~~Sec. 3. EFFECTIVE DATE AND SUNSET~~

~~* * *~~

~~(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed~~

~~on July 1, 2018 2020.~~

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

Sec. 1. EXTENSION OF SUNSET

Subsection (b) of 2013 Acts and Resolves No. 69, Sec. 3, as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6, is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2018~~ 2020.

*Sec. 2. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS;
AUDITOR EXAMINATION OF COMPLIANCE*

(a) On or before January 15, 2019, with respect to data collected by Automated License Plate Recognition (ALPR) systems, the Auditor of Accounts (Auditor) shall:

(1) examine requests for “historical data” as defined in 23 V.S.A. § 1607 that resulted in a release of historical data to the requester from July 1, 2016 through June 30, 2018 by the Vermont Intelligence Center (VIC), and shall examine such additional records as may be required, to enable the Auditor to determine whether the request and the release complied with requirements of 23 V.S.A. § 1607(c)(2); and

(2) submit a written report to the House and Senate Committees on Judiciary and on Transportation summarizing the findings of the examination required under this subsection.

(b) Notwithstanding any exemption under the Public Records Act (PRA) or other provision of State law to the contrary, a public agency shall release to the Auditor records that the Auditor may need in order to conduct the examination required under subsection (a) of this section. After receiving any record that is exempt from public inspection and copying under the PRA, the Auditor shall have the authority and the obligation to assert the PRA exemption if the Auditor receives a request to inspect or copy the record.

Sec. 3. 23 V.S.A. § 1607(e) is amended to read:

(e) Oversight; rulemaking.

(1) The Department of Public Safety, in consultation with the Department of Motor Vehicles, shall establish a review process to ensure that information obtained through use of ALPR systems is used only for the purposes permitted by this section. The Department of Public Safety shall report the results of this review annually on or before January 15 to the Senate

and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:

(A) the total number of ALPR units being operated by government agencies in the State, the number of such units that are stationary, and the number of units submitting data to the statewide ALPR database;

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Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.