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Automated License Plate Readers | State Statutes Regulating Their Use
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Automated license plate readers (ALPRs) capture computer-readable images that allow law enforcement to compare plate numbers against plates of stolen cars or cars driven by individuals wanted on criminal charges. The devices are mounted on police cars, road signs or traffic lights and capture thousands of images of plates.

The data collected can enhance law enforcement's ability to investigate and enforce the law, but also raise concerns that the information collected may be inaccurate, placed into databases and shared without restrictions on use, retained longer than necessary, and used or abused in ways that could infringe on individuals' privacy.

Twelve states have statutes relating to the use of ALPRs or the retention of data collected by ALPRs, as listed below.

State Year Law	Summary
Arkansas (2013) <u>Ark. Code §§ 12-12-1801 to 12-12-1805</u>	Prohibits use of ALPRs by individuals, partnerships, companies, associations or state agencies. Provides exceptions for limited use by law enforcement, by parking enforcement entities or for controlling access to secure areas. Prohibits data from being preserved for more than 150 days.
California (2011) <u>Calif. Veh. Code § 2413</u>	Provides that the California Highway Patrol (CHP) may retain data from a license plate reader for no more than 60 days, unless the data is being used as evidence in felony cases. Prohibits selling or making available ALPR data to non-law enforcement officers or agencies. Requires CHP to report to the legislature how ALPR data is being used.
California (2015) <u>Calif. Civil Code §§ 1798.29, 1798.90.5</u>	Establishes regulations on the privacy and usage of automatic license plate recognition (ALPR) data and expands the meaning of "personal information" to include information or data collected through the use or operation of an ALPR system. Imposes privacy protection requirements on entities that use ALPR information, as defined; prohibit public agencies from selling or sharing ALPR information, except to another public agency, as specified; and require operators of ALPR systems to use that information only for authorized purposes.

State Year Law	Summary
<p>Colorado (2014) <u>Colo. Rev. Stat. § 24-72-113</u></p>	<p>Requires that video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within three years after the recording of the images. Specifies that the custodian of a passive surveillance record may only access the record beyond the first anniversary after the date of creation of the record if there has been a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding. Creates exceptions allowing retention of passive surveillance records of any correctional facility, local jail, or private contract prison and passive surveillance records made or maintained as required under federal law.</p>
<p>Florida (2014) <u>Fla. Stat. 316.0777</u></p>	<p>Creates a public records exemption for certain images and data obtained through the use of an automated license plate recognition system and personal identifying information of an individual in data generated from such images. Provides that images and data containing personal information obtained from automated license plate recognition systems are confidential. Allows for disclosure to criminal justice agencies and to individuals to whom the license plate is registered in certain circumstances.</p>
<p>Maine (2009) <u>29-A M.R.S.A. § 2117-A(2)</u></p>	<p>Prohibits the use of automatic license plate recognition systems except for certain public safety purposes. Provides that data collected is confidential and may be used only for law enforcement purposes. Data collected may not be stored more than 21 days.</p>
<p>Maryland (2014) <u>Md. Public Safety Code § 3-509</u></p>	<p>Prohibits the use of captured plate data except for a legitimate law enforcement purpose. Requires the State Police to adopt procedures to address who has access to the data and training for those individuals and to create an audit process. Provides that data gathered by an automatic license plate reader system are not subject to disclosure under the Public Information Act.</p>
<p>Minnesota (2015) <u>Minn .Stat. §§ 13.82,13.824, 626.8472</u></p>	<p>Relates to data practices; classifies data and provides procedures related to automated license plate readers; provides the data that may be collected by such readers; relates to requirements for the sharing of such data among law enforcement agencies; requires the maintenance of a public log recording the uses of such data; requires related records maintenance and the auditing of such records; requires written procedures governing access to the data; requires certain notification when setting up readers.</p>
<p>New Hampshire (2007) <u>N.H. Rev. Stat. Ann. §§ 261.75-b, 236.130</u></p>	<p>Prohibits the use of automatic license plate recognition systems or vehicle surveillance except in specific circumstances, unless specifically authorized by statute. For example, use may be authorized on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony; for purposes of operation of the toll collection system; and for the security of specified bridges and approach structures.</p>

State Year Law	Summary
<p>North Carolina (2015) N.C. Gen. Stat. §§ 20-183.22 to .24</p>	<p>Requires state or local law enforcement agencies to adopt a written policy governing the use of an ALPR system that addresses databases used to compare data obtained by the system, data retention and sharing of data with other law enforcement agencies, system operator training, supervision of system use, and data security and access. Requires audits and reports of system use and effectiveness. Limits retention of ALPR data to no more than 90 days, except in specified circumstances. Provides that data obtained by the system is confidential and not a public record.</p>
<p>Tennessee (2014) <u>Tenn. Code § 55-10-302</u></p>	<p>Provides that any captured automatic license plate data collected by a government entity may not be stored for more than 90 days unless they are part of an ongoing investigation, and in that case provides for data to be destroyed after the conclusion of the investigation.</p>
<p>Utah (2013, 2014) Utah Code Ann. §§ <u>41-6a-2001 to -2005</u></p>	<p>Provides that a governmental entity may not use an automatic license plate reader system except for specified uses, such as by law enforcement agencies for the purpose of protecting public safety or conducting criminal investigations and by other government entities for limited other purposes. Provides that captured plate data are a protected record under the Government Records Access and Management Act, if the captured plate data are maintained by a governmental entity. Provides that captured plate data may only be shared for specified purposes, may only be preserved for a certain time and may only be disclosed pursuant to specific circumstances such as a disclosure order or a warrant. Government entities may not use privately held captured plate data without a warrant or court order, unless the private provider retains captured plate data for 30 days or fewer.</p>
<p>Vermont (2013, 2015) 23 V.S.A. Section <u>1607, 1608</u></p>	<p>Requires a law enforcement officer to be certified in the use of an automated license plate reader to operate such a system. Provides that active system data may only be accessed by an officer with a legitimate law enforcement purpose for the data. Limits retention of information gathered through use of an ALPR system to 18 months after the date it was obtained. <i>(Repealed effective July 1, 2016)</i></p>

Attorney General Opinions and Directives

State Year Citation	Summary
<p>New Jersey (December 2010) <u>Attorney General Directive No. 2010-5</u></p>	<p>Provides guidelines “to ensure that ALPRs are used only for <i>bona fide</i> law enforcement purposes, and that the data collected by these devices are used in accordance with substantive standards and procedural safeguards that appropriately balance the need for law enforcement agencies to prevent and respond to terrorism and other forms of crime against the legitimate privacy interests of persons operating motor vehicles on the roadways of this state.” Provides that records of ALPR activity and access to ALPR data shall be maintained by the department for a period of five years.</p>

State Year Citation	Summary
<p>Virginia (February 2013) <u>Attorney General Opinion 12-073</u></p>	<p>Opines that the Data Act does not preclude law enforcement agencies from maintaining, using and disseminating personal information collected by a license plate reader (LPR), provided such data specifically pertain to investigations and intelligence gathering relating to criminal activity. LPR data collected in the continuous, passive manner, that is not properly classified as “criminal intelligence information” and not otherwise relating directly to law enforcement investigations and intelligence-gathering respecting criminal activity, is subject to the Data Act’s strictures and prohibitions, and it may not lawfully be collected through use of LPR technology.</p>