



AUTO ALLIANCE
DRIVING INNOVATION®

April 15, 2016

Hon. Maxine Grad, Chair
House Committee on Judiciary
State House, Room 30
115 State Street
Montpelier, VT 05633

RE: Senate Bill 155 – New Section 6 – Oppose

Dear Chairwoman Grad,

On behalf of the Alliance of Automobile Manufacturers (Alliance), thank you for the opportunity to express our concerns with Senate Bill 155, legislation which, among other things, seeks to further regulate the use of automatic license plate reader (ALPR) data within the state. The Alliance is a trade association representing twelve of the world's leading car and light truck manufacturers, comprised of BMW Group, FCA US LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche Cars North America, Toyota, Volkswagen Group of America, and Volvo Cars of North America. Together, Alliance members sell three out of every four new cars and light trucks on the road each year.

Our particular interest in this legislation relates to the use of ALPR data to identify and recover vehicles from owners who have defaulted on their loans and are not responding to good-faith efforts to contact them. As drafted (page 18, lines 4-6), the language under discussion would prohibit the use of ALPR data by non-law enforcement entities. Our member companies rely on private companies to gather and catalog captured data. They do so because ALPR data is the single best way they have of recovering collateral where the consumer is in serious default, and may be deliberately trying to hide the vehicle. Having a public debate over the limitations on government intrusion into the lives of the citizenry is appropriate and can be traced all the way back to our founding fathers. We simply think there should be a distinction between governmental behavior and behavior by private entities.

The purpose of a license plate is identification. While consumers certainly have a reasonable expectation of privacy inside their homes, there is no reasonable expectation of privacy in identifying a publically-displayed plate issued by the state for the very purpose of identifying that vehicle. Furthermore, this technology only records the date, time, and location of where a photograph was taken; it does not contain personally identifiable information. It is not unlike a private citizen standing on a corner and recording the license plates of each car that passes. While such behavior would be odd, it should not be illegal. The Alliance and its members understand concerns about consumer privacy; however, we believe that the use of these technologies in public does not interfere with an individual's reasonable expectation of privacy.

ALPR data saves time and effort in the repossession process – which translates to cost savings for vehicle finance companies. It reduces the financial risk to the creditor of extending credit and thus helps to keep financing prices low, and allows a broader field of consumers to access vehicle credit. If the use of ALPR is restricted, the business costs associated with asset recovery in the state will go up, increasing the costs borne by all other consumers who pay their bills on time.

Over the last few years, a number of states have sought to regulate this new technology, some more successfully than others. One model to consider – which addresses the Alliance’s concerns relative to the use of ALPR data by non-law enforcement entities – can be found in Section 7 of Massachusetts House Bill 3102. I have attached this language below for your consideration. The approach used by the Massachusetts Legislature allows the collection of data by non-law enforcement entities, but requires the data be erased or destroyed within a 90-day window. We think that such a compromise would successfully balance the interests of proponents to limit the actions of law enforcement, while still allowing the legitimate use of ALPR data by private entities.

Thank you in advance for your time and consideration of the Alliance’s views on Senate Bill 155. Please do not hesitate to contact me directly should you have any questions or need additional information –202-326-5550 or wweikel@autoalliance.org.

Respectfully submitted,



Wayne Weikel
Senior Director, State Government Affairs

cc: House Committee on Judiciary

Massachusetts House Bill 3102

2015-2016 Legislative Session

Section 7. ALPR data; retention by non-governmental entities

- (a) Notwithstanding any general or special law or regulation to the contrary, a non-governmental entity shall permanently erase or destroy all ALPR data in its possession, custody, or control that is derived from vehicles registered or operated within the commonwealth, including any portions of documents or records derived from such ALPR data, not later than 90 days following the date such data was captured, created or originated by an ALPR system.

- (b) Such ALPR data may be retained beyond the 90-day period established under subsection (a) as necessary:
 - (1) to comply with a search warrant, a production order, or a preservation request;
 - (2) to document, investigate or litigate civil claims related to individual instances of insurance fraud or motor vehicle theft;
 - (3) to document or litigate civil claims related to individual instances of motor vehicle repossession; or
 - (4) in connection with the payment or collection of unpaid tolls or parking fees, or civil claims related thereto.