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H.562

Introduced by Representatives Coffey of Guilford, LaLonde of South
Burlington, and Shaw of Pittsford

Referred to Committee on

Date:

Subject: Motor vehicles; traffic enforcement; traffic violations; moving
violations; automated law enforcement; traffic cameras; automated
license plate recognition systems; automated traffic law enforcement
systems

Statement of purpose of bill as introduced: This bill proposes to authorize,
until July 1, 2027, automated law enforcement in work zones and up to two
locations with an increased incidence of crashes or speeding, or both, through
the use of automated traffic law enforcement (ATLE) systems that utilize radar
and cameras and, in some instances, automated license plate recognition
(ALPR) systems for the enforcement of monetary civil penalty only speeding
violations against the registered owner of the violating motor vehicle.

An act relating to the temporary use of automated traffic law enforcement
(ATLE) systems

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

2 Sec. 1. 23 V.S.A. chapter 15 is amended to read:

3 CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS

4 Subchapter 1. General Provisions

5 § 1600. DEFINITION

6 Notwithstanding subdivision 4(4) of this title, as used in this chapter,

7 “Commissioner” means the Commissioner of Public Safety.

8 * * *

9 Subchapter 2. Automated Law Enforcement

10 § 1605. DEFINITIONS

11 As used in this subchapter:

12 (1) “Active data” is distinct from historical data as defined in
13 subdivision (5) of this section and means data uploaded to individual
14 automated license plate recognition system units before operation as well as
15 data gathered during the operation of an ALPR system. Any data collected by
16 an ALPR system in accordance with section 1607 of this subchapter shall be
17 considered collected for a legitimate law enforcement purpose.

18 (2) “Agency” or “law enforcement agency” means an entity of State
19 government authorized under Vermont law to issue a Vermont civil violation
20 complaint for a violation of State motor vehicle laws or rules that employs at

1 least one law enforcement officer certified in ALPR or ATLE operation by the
2 Vermont Criminal Justice Council.

3 (3) “Automated license plate recognition system” or “ALPR system”
4 means a system of one or more mobile or fixed high-speed cameras combined
5 with computer algorithms to convert images of registration number plates into
6 computer-readable data.

7 (4) “Automated traffic law enforcement system” or “ATLE system”
8 means a device with one or more sensors working in conjunction with a speed
9 measuring device to produce recorded images of the rear registration number
10 plates of motor vehicles traveling at more than five miles above the speed
11 limit.

12 (5) “Historical data” means any data collected by an ALPR system and
13 stored on the statewide automated law enforcement server operated by the
14 Vermont Justice Information Sharing System of the Department of Public
15 Safety. Any data collected by an ALPR system in accordance with section
16 1607 of this subchapter shall be considered collected for a legitimate law
17 enforcement purpose.

18 (6) “Law enforcement officer” means a State Police officer, municipal
19 police officer, motor vehicle inspector, Capitol Police officer, constable,
20 sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as
21 a Level II or Level III law enforcement officer under 20 V.S.A. § 2358.

1 (7) “Legitimate law enforcement purpose” applies to access to active or
2 historical data and means investigation, detection, analysis, or enforcement of a
3 crime or of a commercial motor vehicle violation or a person’s defense against
4 a charge of a crime or commercial motor vehicle violation, or operation of
5 AMBER alerts or missing or endangered person searches.

6 (8) “Owner” means the registered owner of a motor vehicle or a lessee
7 of a motor vehicle under a lease of one year or more.

8 (9) “Recorded image” means a photograph, microphotograph, electronic
9 image, or electronic video that shows, clearly enough to identify, the rear
10 registration number plate of a motor vehicle that has activated the radar
11 component of an ATLE system by traveling past the ATLE system at more
12 than five miles above the speed limit.

13 (10) “Vermont Intelligence Center analyst” means any sworn or civilian
14 employee who through employment with the Vermont Intelligence Center
15 (VIC) has access to secure storage systems that support law enforcement
16 investigations.

17 § 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;

18 SPEEDING

19 (a) Use. Deployment of ATLE systems by Vermont law enforcement
20 agencies is intended to provide automated law enforcement for speeding
21 violations in instances of insufficient staffing or inherent on-site difficulties in

1 such a way so as to improve work crew safety and reduce traffic crashes
2 resulting from an increased adherence to traffic laws achieved by effective
3 deterrence of potential violators, which could not be achieved by traditional
4 law enforcement methods or traffic calming measures, or both. Deployment of
5 ATLE systems by Vermont law enforcement agencies is not intended to
6 replace law enforcement personnel, nor is it intended to mitigate problems
7 caused by deficient road design, construction, or maintenance.

8 (b) Operation. A Vermont law enforcement officer shall be certified in
9 ATLE operation by the Vermont Criminal Justice Council in order to operate
10 an ATLE system.

11 (c) Locations. An automated traffic law enforcement system may only be
12 utilized:

13 (1) at a location in the vicinity of a work zone and if the agency with
14 jurisdiction over the location determines, in its sole discretion, that it may be
15 impractical or unsafe to utilize traditional law enforcement methods or traffic
16 calming measures, or both, or that the use of law enforcement personnel or
17 traffic calming measures, or both, has failed to deter violators, provided that:

18 (A) the agency confirms, through a traffic engineering analysis of the
19 proposed location, that the location meets highway safety standards;

20 (B) the ATLE system is not used as a means of combating
21 deficiencies in roadway design or environment;

1 (C) at least two signs notifying members of the traveling public of the
2 use of an ATLE system are in place before any recorded images or other data
3 is collected by the ATLE system;

4 (D) there is a sign at the end of the work zone;

5 (E) the ATLE system is only in operation when workers are present
6 in the work zone and at least one of the signs required under subdivision (C) of
7 this subdivision (1) indicates whether the ATLE system is currently in
8 operation; and

9 (F) there is notice of the use of the ATLE system on the agency's
10 website, including the location and typical hours when workers are present and
11 the ATLE system is in operation; and

12 (2) at up to two additional locations with a high incidence of crashes or
13 speeding, or both, if the Department of Public Safety determines, in its sole
14 discretion, that it may be impractical or unsafe to utilize traditional law
15 enforcement methods or that the use of law enforcement personnel or traffic
16 calming measures, or both, has failed to deter violators, provided that:

17 (A) the Agency of Transportation confirms, through a traffic
18 engineering analysis of the proposed location, that the location meets highway
19 safety standards;

20 (B) the ATLE system is not used as a means of combating
21 deficiencies in roadway design or environment;

1 (C) at least two signs notifying members of the traveling public of the
2 use of an ATLE system are in place before any recorded images or other data
3 is collected by the ATLE system; and

4 (D) there is notice of the use of the ATLE system, including its
5 location, on the Department of Public Safety and the Agency of
6 Transportation’s websites.

7 (d) Daily log.

8 (1) The law enforcement agency that deploys an ATLE system in
9 accordance with this section must maintain a daily log for each deployed
10 ATLE system that includes:

11 (A) the date, time, and location of the ATLE system setup; and

12 (B) the name of the law enforcement officer that performed any self-
13 tests required by the ATLE system manufacturer and the results of those self-
14 tests.

15 (2) The daily log shall be retained in perpetuity and admissible in any
16 proceeding for a violation involving ATLE systems deployed by the law
17 enforcement agency.

18 (e) Annual calibration. All ATLE systems shall undergo an annual
19 calibration check performed by a calibration laboratory. The calibration
20 laboratory shall issue a signed certificate of calibration after the annual

1 calibration check, which shall be retained in perpetuity and admissible in any
2 proceeding for a violation involving the ATLE system.

3 (f) Penalty.

4 (1) The owner of the motor vehicle bearing the rear registration number
5 plate captured in a recorded image shall be liable for one of the following civil
6 penalties unless, for the violation in question, the owner is convicted of
7 exceeding the speed limit under chapter 13 of this title or has a defense under
8 subsection (h) of this section:

9 (A) \$0.00, which shall be exempt from surcharges under 13 V.S.A.
10 § 7282(a), and a written warning for a first violation within 12 months;

11 (B) \$200.00 for a second violation within 12 months; and

12 (C) \$500.00 for a third or subsequent violation within 12 months.

13 (2) The owner of the motor vehicle bearing the rear registration number
14 plate captured in a recorded image shall not be deemed to have committed a
15 crime or moving violation unless otherwise convicted under another section of
16 this title, and a violation of this section shall not be made a part of the
17 operating record of the owner or considered for insurance purposes.

18 (g) Notice and complaint.

19 (1) An action to enforce this section shall be initiated by issuing a
20 Vermont civil violation complaint to the owner of a motor vehicle bearing the

1 rear registration number plate captured in a recorded image and mailing the
2 Vermont civil violation complaint to the owner by U.S. mail.

3 (2) The civil violation complaint shall:

4 (A) be based on an inspection of recorded images and data produced
5 by one or more ATLE systems or one or more ATLE and ALPR systems;

6 (B) be issued, sworn, and affirmed by the law enforcement officer
7 that inspected the recorded images and data;

8 (C) enclose copies of applicable recorded images and at least one
9 recorded image showing the rear registration number plate of the motor
10 vehicle;

11 (D) include the date, time, and place of the violation;

12 (E) include the applicable civil penalty amount and the dates, times,
13 and places for any prior violations from the prior 12 months; and

14 (F) include written verification that the ATLE system was operating
15 correctly at the time of the violation and the date of the most recent inspection
16 that confirms the ATLE system to be operating properly.

17 (3) In the case of a violation involving a motor vehicle registered under
18 the laws of this State, the civil violation complaint shall be mailed within 30
19 days after the violation to the address of the owner as listed in the records of
20 the Department of Motor Vehicles.

1 (4) In the case of a violation involving a motor vehicle registered under
2 the laws of a jurisdiction other than this State, the notice of violation shall be
3 mailed within 30 days after the discovery of the identity of the owner to the
4 address of the owner as listed in the records of the official in the jurisdiction
5 having charge of the registration of the motor vehicle and shall be invalid
6 unless provided to the owner within 90 days after the violation.

7 (5) The civil violation and complaint shall include the following text:

8 This civil violation and complaint shall be returned personally, by mail, or
9 by an agent duly authorized in writing within 30 days after issuance. A
10 hearing may be obtained upon the written request of the registered owner.

11 (h) Defenses. The following shall be defenses to a violation under this
12 section:

13 (1) that the vehicle was reported to an agency as stolen prior to the time
14 the violation occurred and was not recovered prior to the time the violation
15 occurred;

16 (2) that the individual receiving the notice of violation was no longer the
17 owner at the time of the violation; and

18 (3) that the radar component of the ATLE system was not properly
19 calibrated or tested at the time of the violation.

20 (i) Contest or payment.

1 (1) Contest. Notwithstanding 4 V.S.A. chapter 29, an owner may,
2 within 30 days after the issuance of the Vermont civil violation complaint,
3 request a hearing in writing on the prescribed form returned to the Vermont
4 Judicial Bureau. Upon receipt, the Bureau shall schedule a hearing and
5 hearings shall be held pursuant to 4 V.S.A. § 1106 and appealable pursuant to
6 4 V.S.A. § 1107.

7 (2) Admission.

8 (A) Notwithstanding 4 V.S.A. chapter 29, failure to request a hearing
9 pursuant to subdivision (1) of this subsection (i) shall be deemed an admission
10 of responsibility for the violation and, if there is a civil penalty provided in the
11 Vermont civil violation complaint, payment shall be made personally, through
12 an authorized agent, electronically, or by U.S. mail to the Vermont Judicial
13 Bureau within 90 days after the issuance of the Vermont civil violation
14 complaint.

15 (B) Payment of the civil penalty shall operate as a final disposition of
16 the case.

17 (C) If payment is not received by the Vermont Judicial Bureau within
18 90 days after the issuance of the Vermont civil violation complaint, the
19 payment shall be treated as if owed under 4 V.S.A. § 1109 and the Vermont
20 Judicial Bureau may turn the matter over to a designated collection agency.

21 (j) Retention.

1 (1) All recorded images shall be sent to the Department of Public Safety
2 to be retained pursuant to the requirements of subdivision (2) of this
3 subsection. The Department of Public Safety shall maintain the automated
4 traffic law enforcement storage system for Vermont law enforcement agencies.

5 (2) A recorded image shall only be retained for 12 months after the date
6 it was obtained or until the resolution of the applicable violation and the appeal
7 period if the violation is contested. When the retention period has expired, the
8 Department of Public Safety and any law enforcement agency with custody of
9 the recorded image shall destroy it and cause to have destroyed any copies or
10 backups made of the original recorded image.

11 (k) Review process and annual report.

12 (1) The Department of Public Safety, in consultation with the Agency of
13 Transportation, shall establish a review process to ensure that recorded images
14 are used only for the purposes permitted by this section. The Department of
15 Public Safety shall report the results of this review annually on or before
16 January 15 to the Senate and House Committees on Judiciary and on
17 Transportation. The report shall contain the following information based on
18 prior calendar year data:

19 (A) the total number of ATLE systems units being operated by law
20 enforcement agencies in the State;

1 (B) the total number of law enforcement officers certified in ATLE
2 operation;

3 (C) all of the locations where an ATLE system was deployed along
4 with the dates and hours that the ATLE system was in operation;

5 (D) the number of violations issued based on recorded images and
6 the outcomes of those violations by category, including first, second, and third
7 and subsequent violations and contested violations;

8 (E) the number of recorded images each agency submitted to the
9 automated traffic law enforcement storage system;

10 (F) the total amount paid in civil penalties; and

11 (G) any recommended changes for the use of ATLE systems in
12 Vermont.

13 (2) Notwithstanding 2 V.S.A. § 20(d), the annual report required under
14 this section shall continue to be required if an ATLE system is deployed in the
15 State unless the General Assembly takes specific action to repeal the report
16 requirement.

17 (1) Limitations.

18 (1) ATLE systems shall only record violations of this section and shall
19 not be used for any other surveillance purposes.

20 (2) Recorded images shall only be accessed to determine if a violation
21 of this section was committed in the prior 12 months.

1 (3)(A) Recorded images are exempt from public inspection and copying
2 under the Public Records Act

3 (B) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act
4 exemption created in subdivision (A) of this subdivision (1)(3) shall continue in
5 effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

6 (m) Rulemaking. The Department of Public Safety may adopt rules
7 pursuant to 3 V.S.A. chapter 25 to implement this section.

8 § 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

9 (a) ~~Definitions. As used in this section:~~

10 ~~(1) “Active data” is distinct from historical data as defined in~~
11 ~~subdivision (3) of this subsection and means data uploaded to individual~~
12 ~~automated license plate recognition system units before operation as well as~~
13 ~~data gathered during the operation of an ALPR system. Any data collected by~~
14 ~~an ALPR system in accordance with this section shall be considered collected~~
15 ~~for a legitimate law enforcement purpose.~~

16 ~~(2) “Automated license plate recognition system” or “ALPR system”~~
17 ~~means a system of one or more mobile or fixed high-speed cameras combined~~
18 ~~with computer algorithms to convert images of registration plates into~~
19 ~~computer-readable data.~~

20 ~~(3) “Historical data” means any data collected by an ALPR system and~~
21 ~~stored on the statewide ALPR server operated by the Vermont Justice~~

1 ~~Information Sharing System of the Department of Public Safety. Any data~~
2 ~~collected by an ALPR system in accordance with this section shall be~~
3 ~~considered collected for a legitimate law enforcement purpose.~~

4 ~~(4) “Law enforcement officer” means a State Police officer, municipal~~
5 ~~police officer, motor vehicle inspector, Capitol Police officer, constable,~~
6 ~~sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as~~
7 ~~a level II or level III law enforcement officer under 20 V.S.A. § 2358.~~

8 ~~(5) “Legitimate law enforcement purpose” applies to access to active or~~
9 ~~historical data, and means investigation, detection, analysis, or enforcement of~~
10 ~~a crime or of a commercial motor vehicle violation or a person’s defense~~
11 ~~against a charge of a crime or commercial motor vehicle violation, or operation~~
12 ~~of AMBER alerts or missing or endangered person searches.~~

13 ~~(6) “Vermont Intelligence Center analyst” means any sworn or civilian~~
14 ~~employee who through his or her employment with the Vermont Intelligence~~
15 ~~Center (VIC) has access to secure databases that support law enforcement~~
16 ~~investigations.~~

17 ~~(b) Operation. A Vermont law enforcement officer shall be certified in~~
18 ~~ALPR operation by the Vermont Criminal Justice Council in order to operate~~
19 ~~an ALPR system.~~

20 ~~(e)(b) ALPR use and data access; confidentiality.~~

1 (1)(A) Deployment of ALPR equipment by Vermont law enforcement
2 agencies is intended to provide access to law enforcement reports of wanted or
3 stolen vehicles and wanted persons and to further other legitimate law
4 enforcement purposes. Use of ALPR systems by law enforcement officers and
5 access to active data are restricted to legitimate law enforcement purposes.

6 (B) Active data may be accessed by a law enforcement officer
7 operating the ALPR system only if ~~he or she~~ the law enforcement officer has a
8 legitimate law enforcement purpose for the data. Entry of any data into the
9 system other than data collected by the ALPR system itself must be approved
10 by a supervisor and shall have a legitimate law enforcement purpose.

11 (C)(i) Requests to access active data shall be in writing and include
12 the name of the requester, the law enforcement agency the requester is
13 employed by, if any, and the law enforcement agency's Originating Agency
14 Identifier (ORI) number. To be approved, the request must provide specific
15 and articulable facts showing that there are reasonable grounds to believe that
16 the data are relevant and material to an ongoing criminal, missing person, or
17 commercial motor vehicle investigation or enforcement action. The written
18 request and the outcome of the request shall be transmitted to VIC and retained
19 by VIC for not less than three years.

20 (ii) In each department operating an ALPR system, access to
21 active data shall be limited to designated personnel who have been provided

1 account access by the department to conduct authorized ALPR stored data
2 queries. Access to active data shall be restricted to data collected within the
3 past seven days.

4 (2)(A) A VIC analyst shall transmit historical data only to a Vermont or
5 out-of-state law enforcement officer or person who has a legitimate law
6 enforcement purpose for the data. A law enforcement officer or other person
7 to whom historical data are transmitted may use such data only for a legitimate
8 law enforcement purpose. Entry of any data onto the ~~statewide ALPR server~~
9 automated traffic law enforcement storage system other than data collected by
10 an ALPR system itself must be approved by a supervisor and shall have a
11 legitimate law enforcement purpose.

12 (B) Requests for historical data within six months ~~of~~ after the date of
13 the data's creation, whether from Vermont or out-of-state law enforcement
14 officers or other persons, shall be made in writing to a VIC analyst. The
15 request shall include the name of the requester, the law enforcement agency the
16 requester is employed by, if any, and the law enforcement agency's ORI
17 number. To be approved, the request must provide specific and articulable
18 facts showing that there are reasonable grounds to believe that the data are
19 relevant and material to an ongoing criminal, missing person, or commercial
20 motor vehicle investigation or enforcement action. VIC shall retain all
21 requests and shall record in writing the outcome of the request and any

1 information that was provided to the requester or, if applicable, why a request
2 was denied or not fulfilled. VIC shall retain the information described in this
3 subdivision ~~(e)(2)(B)~~ (b)(2)(B) for ~~no~~ not fewer than three years.

4 (C) After six months from the date of its creation, VIC may only
5 disclose historical data:

6 (i) pursuant to a warrant if the data are not sought in connection
7 with a pending criminal charge; or

8 (ii) to the prosecution or the defense in connection with a pending
9 criminal charge and pursuant to a court order issued upon a finding that the
10 data are reasonably likely to be relevant to the criminal matter.

11 (3) Active data and historical data shall not be subject to subpoena or
12 discovery, or be admissible in evidence, in any private civil action.

13 (4) Notwithstanding any contrary provisions of subdivision (2) of this
14 subsection, in connection with commercial motor vehicle screening,
15 inspection, and compliance activities to enforce the Federal Motor Carrier
16 Safety Regulations, the Department of Motor Vehicles (DMV):

17 (A) may maintain or designate a server for the storage of historical
18 data that is separate from the ~~statewide server~~ automated traffic law
19 enforcement storage system;

1 (B) may designate a DMV employee to carry out the same
2 responsibilities as a VIC analyst and a supervisor as specified in subdivision
3 (2) of this subsection (b); and

4 (C) shall have the same duties as the VIC with respect to the
5 retention of requests for historical data.

6 ~~(d)~~(c) Retention.

7 (1) Any ALPR information gathered by a Vermont law enforcement
8 agency shall be sent to the Department of Public Safety to be retained pursuant
9 to the requirements of subdivision (2) of this subsection. The Department of
10 Public Safety shall maintain the ~~ALPR~~ automated traffic law enforcement
11 storage system for Vermont law enforcement agencies.

12 (2) Except as provided in this subsection and section 1608 of this title,
13 information gathered by a law enforcement officer through use of an ALPR
14 system shall only be retained for 18 months after the date it was obtained.
15 When the permitted 18-month period for retention of the information has
16 expired, the Department of Public Safety and any local law enforcement
17 agency with custody of the information shall destroy it and cause to have
18 destroyed any copies or backups made of the original data. Data may be
19 retained beyond the 18-month period pursuant to a preservation request made
20 or disclosure order issued under section 1608 of this title or pursuant to a

1 warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal
2 Procedure.

3 ~~(e)~~(d) Oversight; rulemaking.

4 (1) The Department of Public Safety, in consultation with the
5 Department of Motor Vehicles, shall establish a review process to ensure that
6 information obtained through use of ALPR systems is used only for the
7 purposes permitted by this section. The Department of Public Safety shall
8 report the results of this review annually on or before January 15 to the Senate
9 and House Committees on Judiciary and on Transportation. The report shall
10 contain the following information based on prior calendar year data:

11 (A) the total number of ALPR units being operated by government
12 agencies in the State, the number of such units that are stationary, and the
13 number of units submitting data to the ~~statewide ALPR database~~ automated
14 traffic law enforcement storage system;

15 (B) the number of ALPR readings each agency submitted, and the
16 total number of all such readings submitted, to the ~~statewide ALPR database~~
17 automated traffic law enforcement storage system;

18 (C) the 18-month cumulative number of ALPR readings being
19 housed on the ~~statewide ALPR database~~ automated traffic law enforcement
20 storage system as of the end of the calendar year;

1 (D) the total number of requests made to VIC for historical data, the
2 average age of the data requested, and the number of these requests that
3 resulted in release of information from the ~~statewide ALPR database~~
4 automated traffic law enforcement storage system;

5 (E) the total number of out-of-state requests to VIC for historical
6 data, the average age of the data requested, and the number of out-of-state
7 requests that resulted in release of information from the ~~statewide ALPR~~
8 ~~database~~ automated traffic law enforcement storage system;

9 (F) the total number of alerts generated on ALPR systems operated
10 by law enforcement officers in the State by a match between an ALPR reading
11 and a plate number on an alert ~~database~~ storage system and the number of
12 these alerts that resulted in an enforcement action;

13 (G) the total number of criminal, missing person, and commercial
14 motor vehicle investigations and enforcement actions to which active data
15 contributed, and a summary of the nature of these investigations and
16 enforcement actions;

17 (H) the total number of criminal, missing person, and commercial
18 motor vehicle investigations and enforcement actions to which historical data
19 contributed, and a summary of the nature of these investigations and
20 enforcement actions; and

1 (I) the total annualized fixed and variable costs associated with all
2 ALPR systems used by Vermont law enforcement agencies and an estimate of
3 the total of such costs per unit.

4 (2) ~~Before January 1, 2018, the~~ The Department of Public Safety ~~shall~~
5 may adopt rules to implement this section.

6 § 1608. PRESERVATION OF DATA

7 (a) Preservation request.

8 (1) A law enforcement agency or the Department of Motor Vehicles or
9 other person with a legitimate law enforcement purpose may apply to the
10 Criminal Division of the Superior Court for an extension of up to 90 days of
11 the 18-month retention period established under subdivision 1607(d)(2) of this
12 ~~title subchapter~~ if the agency or Department offers specific and articulable
13 facts showing that there are reasonable grounds to believe that the captured
14 plate data are relevant and material to an ongoing criminal or missing persons
15 investigation or to a pending court or Judicial Bureau proceeding involving
16 enforcement of a crime or of a commercial motor vehicle violation. Requests
17 for additional 90-day extensions or for longer periods may be made to the
18 Superior Court subject to the same standards applicable to an initial extension
19 request under this subdivision.

20 (2) A governmental entity making a preservation request under this
21 section shall submit an affidavit stating:

1 Sec. 3. RULEMAKING

2 The Department of Public Safety shall either adopt rules as permitted under
3 23 V.S.A. §§ 1606(m) and 1607(d)(2) as added or amended by Sec. 1 of this
4 act to be effective not later than July 1, 2025 or shall file a written report with
5 the House and Senate Committees on Judiciary and on Transportation not later
6 than March 1, 2025 explaining why rules regulating automated traffic law
7 enforcement systems or automated license plate recognition systems, or both,
8 are not necessary.

9 Sec. 4. OUTREACH

10 (a) The Department of Public Safety, in consultation with the Agency of
11 Transportation, shall implement a public outreach campaign not later than
12 January 1, 2025 that, at a minimum, addresses:

13 (1) the use of automated traffic law enforcement (ATLE) systems in
14 work zones and at certain locations within the State;

15 (2) the non-work zone locations where ATLE systems may be used
16 within the State;

17 (3) what recorded images captured by ATLE systems will show;

18 (4) the legal significance of recorded images captured by ATLE
19 systems; and

20 (5) the process to challenge and defenses to a Vermont civil violation
21 complaint issued based on a recorded image captured by an ATLE system.

1 (b) The public outreach campaign shall disseminate information on ATLE
2 systems through the Department of Public Safety’s web page and through other
3 mediums such as social media platforms, community posting websites, radio,
4 television, and printed materials.

5 Sec. 5. REPEAL OF CURRENT PROSPECTIVE REPEAL

6 2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and
7 Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts
8 and Resolves No. 175, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and
9 2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated
10 License Plate Recognition system standards), is repealed.

11 Sec. 6. PROSPECTIVE REPEAL

12 4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over
13 automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608
14 (automated law enforcement) are repealed on July 1, 2027.

15 Sec. 7. 23 V.S.A. § 1605 is amended to read:

16 § 1605. DEFINITIONS

17 As used in this subchapter:

18 (1) ~~“Active data” is distinct from historical data as defined in~~
19 ~~subdivision (5) of this section and means data uploaded to individual~~
20 ~~automated license plate recognition system units before operation as well as~~
21 ~~data gathered during the operation of an ALPR system. Any data collected by~~

1 ~~an ALPR system in accordance with section 1607 of this subchapter shall be~~
2 ~~considered collected for a legitimate law enforcement purpose. [Repealed.]~~

3 (2) “Agency” or “law enforcement agency” means an entity of State
4 government authorized under Vermont law to issue citations for a violation of
5 State motor vehicle laws or rules that employs at least one law enforcement
6 officer certified in ALPR or ATLE operation by the Vermont Criminal Justice
7 Council.

8 (3) “Automated license plate recognition system” or “ALPR system”
9 means a system of one or more mobile or fixed high-speed cameras combined
10 with computer algorithms to convert images of registration number plates into
11 computer-readable data.

12 (4) “Automated traffic law enforcement system” or “ATLE system”
13 means a device with one or more sensors working in conjunction with a speed
14 measuring device to produce recorded images of the rear registration number
15 plates of motor vehicles traveling at more than five miles above the speed
16 limit.

17 (5) ~~“Historical data” means any data collected by an ALPR system and~~
18 ~~stored on the statewide automated law enforcement server operated by the~~
19 ~~Vermont Justice Information Sharing System of the Department of Public~~
20 ~~Safety. Any data collected by an ALPR system in accordance with section~~

1 ~~1607 of this subchapter shall be considered collected for a legitimate law~~
2 ~~enforcement purpose. [Repealed.]~~

3 (6) ~~“Law enforcement officer” means a State Police officer, municipal~~
4 ~~police officer, motor vehicle inspector, Capitol Police officer, constable,~~
5 ~~sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as~~
6 ~~a level II or level III law enforcement officer under 20 V.S.A. § 2358.~~

7 ~~[Repealed.]~~

8 (7) ~~“Legitimate law enforcement purpose” applies to access to active or~~
9 ~~historical data, and means investigation, detection, analysis, or enforcement of~~
10 ~~a crime or of a commercial motor vehicle violation or a person’s defense~~
11 ~~against a charge of a crime or commercial motor vehicle violation, or operation~~
12 ~~of AMBER alerts or missing or endangered person searches. [Repealed.]~~

13 (8) ~~“Owner” means the registered owner of a motor vehicle or a lessee~~
14 ~~of a motor vehicle under a lease of one year or more. [Repealed.]~~

15 (9) ~~“Recorded image” means a photograph, microphotograph, electronic~~
16 ~~image, or electronic video that shows, clearly enough to identify, the rear~~
17 ~~registration number plate of a motor vehicle that has activated the radar~~
18 ~~component of an ATLE system by traveling past the ATLE system at more~~
19 ~~than five miles above the speed limit. [Repealed.]~~

20 (10) ~~“Vermont Intelligence Center analyst” means any sworn or civilian~~
21 ~~employee who through his or her employment with the Vermont Intelligence~~

1 ~~Center (VIC) has access to storage systems that support law enforcement~~
2 ~~investigations. [Repealed.]~~

3 Sec. 8. 23 V.S.A. § 1609 is added to read:

4 § 1609. PROHIBITION ON USE OF AUTOMATED LAW

5 ENFORCEMENT

6 No agency shall use automated license plate recognition systems or
7 automated traffic law enforcement systems.

8 Sec. 9. EFFECTIVE DATES

9 (a) Secs. 1 (powers of enforcement officers; 23 V.S.A. chapter 15) and 2
10 (Judicial Bureau jurisdiction; 4 V.S.A. § 1102) shall take effect on July 1,
11 2025.

12 (b) Secs. 7 (amended automated law enforcement definitions; 23 V.S.A.
13 § 1605) and 8 (prohibition on the use of automated law enforcement; 23
14 V.S.A. § 1609) shall take effect upon the repeal of 4 V.S.A. § 1102(b)(3)
15 (Vermont Judicial Bureau jurisdiction over automated traffic law enforcement
16 violations) and 23 V.S.A. §§ 1606–1608 (automated law enforcement).

17 (c) All other sections shall take effect on passage.