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S.184

Introduced by Senators Gulick, Chittenden and Hashim

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  
automated law enforcement in work zones; at locations with an increased  
incidence of crashes or speeding, or both; and at intersections with traffic  
control signals 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 and red-light violations against the  
registered owner of the violating motor vehicle.

An act relating to the 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 10 miles above the speed limit  
11 or going through a steady red signal in violation of section 1022 of this title.

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 10 miles above the speed limit or by going through a steady red signal in  
13           violation of section 1022 of this title.

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

18           § 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;  
19           SPEEDING; RED-LIGHT VIOLATIONS

20           (a) Use. Deployment of ATLE systems by Vermont law enforcement  
21           agencies is intended to provide automated law enforcement for speeding and

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

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

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

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

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

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

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

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

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

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

14          (2) at additional locations with a high incidence of crashes or speeding,  
15          or both, if the agency with jurisdiction over the location determines, in its sole  
16          discretion, that it may be impractical or unsafe to utilize traditional law  
17          enforcement methods or that the use of traditional law enforcement personnel  
18          has failed to deter violators, provided that:

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

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

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

6           (D) there is notice of the use of the ATLE system, including its  
7           location, on the Department of Public Safety's and the Agency of  
8           Transportation's websites and, as applicable, the municipality with jurisdiction  
9           over the location's website; and

10          (3) any intersections controlled by a traffic-control signal, provided that:

11           (A) at least two signs notifying members of the traveling public of  
12           the use of an ATLE system are in place before any recorded images or other  
13           data is collected by the ATLE system; and

14           (B) there is notice of the use of the ATLE system, including its  
15           location, on the Department of Public Safety's and the Agency of  
16           Transportation's websites and, as applicable, the municipality with jurisdiction  
17           over the location's website.

18          (d) Daily log.

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

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

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

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

8           (e) Annual calibration. All ATLE systems shall undergo an annual  
9 calibration check performed by a calibration laboratory. The calibration  
10 laboratory shall issue a signed certificate of calibration after the annual  
11 calibration check, which shall be retained in perpetuity and admissible in any  
12 proceeding for a violation involving the ATLE system.

13           (f) Penalty.

14           (1) The owner of the motor vehicle bearing the rear registration number  
15 plate captured in a recorded image shall be liable for one of the following civil  
16 penalties unless, for the violation in question, the owner is convicted of  
17 exceeding the speed limit under chapter 13 of this title, going through a red  
18 light in violation of section 1022 of this title, or has a defense under subsection

19 (h) of this section:

20           (A) \$0.00, which shall be exempt from surcharges under 13 V.S.A.  
21 § 7282(a), and a written warning for a first violation within 12 months;

1           (B) for a second violation within 12 months:

2           (i) \$2.00 per mile per hour over the posted speed limit if the  
3 vehicle is going 11–20 miles per hour over the posted speed limit in a non-  
4 work zone;

5           (ii) \$4.00 per mile per hour over the posted speed limit if the  
6 vehicle is going 11–20 miles per hour over the posted speed limit in a work  
7 zone;

8           (iii) \$2.50 per mile per hour over the posted speed limit if the  
9 vehicle is going 21–30 miles per hour over the posted speed limit in a non-  
10 work zone;

11           (iv) \$5.00 per mile per hour over the posted speed limit if the  
12 vehicle is going 21–30 miles per hour over the posted speed limit in a work  
13 zone;

14           (v) \$4.00 per mile per hour over the posted speed limit if the  
15 vehicle is going 31 or more miles per hour over the posted speed limit in a  
16 non-work zone;

17           (vi) \$8.00 per mile per hour over the posted speed limit if the  
18 vehicle is going 31 or more miles per hour over the posted speed limit in a  
19 work zone; and

20           (vii) \$75.00 for going through a red light in violation of section  
21 1022 of this title; and

1           (C) for a third or subsequent violation within 12 months:

2           (i) \$4.00 per mile per hour over the posted speed limit if the  
3 vehicle is going 11–20 miles per hour over the posted speed limit in a non-  
4 work zone;

5           (ii) \$8.00 per mile per hour over the posted speed limit if the  
6 vehicle is going 11–20 miles per hour over the posted speed limit in a work  
7 zone;

8           (iii) \$5.00 per mile per hour over the posted speed limit if the  
9 vehicle is going 21–30 miles per hour over the posted speed limit in a non-  
10 work zone;

11           (iv) \$10.00 per mile per hour over the posted speed limit if the  
12 vehicle is going 21–30 miles per hour over the posted speed limit in a work  
13 zone;

14           (v) \$8.00 per mile per hour over the posted speed limit if the  
15 vehicle is going 31 or more miles per hour over the posted speed limit in a  
16 non-work zone;

17           (vi) \$16.00 per mile per hour over the posted speed limit if the  
18 vehicle is going 31 or more miles per hour over the posted speed limit in a  
19 work zone; and

20           (vii) \$150.00 for going through a red light in violation of section  
21 1022 of this title.

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

6           (g) Notice and complaint.

7           (1) An action to enforce this section shall be initiated by issuing a  
8           Vermont civil violation complaint to the owner of a motor vehicle bearing the  
9           rear registration number plate captured in a recorded image and mailing the  
10           Vermont civil violation complaint to the owner by U.S. mail.

11           (2) The civil violation complaint shall:

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

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

16           (C) enclose copies of applicable recorded images and at least one  
17           recorded image showing the rear registration number plate of the motor  
18           vehicle;

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

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

1           (F) include the waiver penalty for the violation in question when the  
2           Vermont civil violation complaint is issued without the use of an ATLE system  
3           and include a clear explanation that had the complaint been issued without the  
4           use of an ATLE system the waiver penalty would have been the greater  
5           amount; and

6           (G) include written verification that the ATLE system was operating  
7           correctly at the time of the violation and the date of the most recent inspection  
8           that confirms the ATLE system to be operating properly.

9           (3) In the case of a violation involving a motor vehicle registered under  
10          the laws of this State, the civil violation complaint shall be mailed within  
11          30 days after the violation to the address of the owner as listed in the records of  
12          the Department of Motor Vehicles.

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

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

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

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

6            (1) that the vehicle was reported to an agency as stolen prior to the time  
7        the violation occurred and was not recovered prior to the time the violation  
8        occurred;

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

11           (3) that a component of the ATLE system was not properly calibrated or  
12       tested at the time of the violation.

13        (i) Contest or payment.

14           (1) Contest. Notwithstanding 4 V.S.A. chapter 29, an owner may,  
15       within 30 days after the issuance of the Vermont civil violation complaint,  
16       request a hearing in writing on the prescribed form returned to the Vermont  
17       Judicial Bureau. Upon receipt, the Bureau shall schedule a hearing and  
18       hearings shall be held pursuant to 4 V.S.A. § 1106 and appealable pursuant to  
19       4 V.S.A. § 1107.

20        (2) Admission.

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

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

10           (C) If payment is not received by the Vermont Judicial Bureau within  
11           90 days after the issuance of the Vermont civil violation complaint, the  
12           payment shall be treated as if owed under 4 V.S.A. § 1109 and the Vermont  
13           Judicial Bureau may turn the matter over to a designated collection agency.

14           (j) Retention.

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

19           (2) A recorded image shall only be retained for 12 months after the date  
20           it was obtained or until the resolution of the applicable violation and the appeal  
21           period if the violation is contested. When the retention period has expired, the

1 Department of Public Safety and any law enforcement agency with custody of  
2 the recorded image shall destroy it and cause to have destroyed any copies or  
3 backups made of the original recorded image.

4 (k) Review process and annual report.

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

12 (A) the total number of ATLE system units being operated by law  
13 enforcement agencies in the State;

14 (B) the total number of law enforcement officers certified in ATLE  
15 operation;

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

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

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

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

4           (G) any recommended changes for the use of ATLE systems in  
5           Vermont.

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

10          (l) Limitations.

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

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

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

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

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

1 § 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

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

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

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

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

18 (4) ~~“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           ~~(5) “Legitimate law enforcement purpose” applies to access to active or~~  
2           ~~historical data, and means investigation, detection, analysis, or enforcement of~~  
3           ~~a crime or of a commercial motor vehicle violation or a person’s defense~~  
4           ~~against a charge of a crime or commercial motor vehicle violation, or operation~~  
5           ~~of AMBER alerts or missing or endangered person searches.~~

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

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

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

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

19          (B) Active data may be accessed by a law enforcement officer  
20          operating the ALPR system only if ~~he or she~~ the law enforcement officer has a  
21          legitimate law enforcement purpose for the data. Entry of any data into the

1 system other than data collected by the ALPR system itself must be approved  
2 by a supervisor and shall have a legitimate law enforcement purpose.

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

12 (ii) In each department operating an ALPR system, access to  
13 active data shall be limited to designated personnel who have been provided  
14 account access by the department to conduct authorized ALPR stored data  
15 queries. Access to active data shall be restricted to data collected within the  
16 past seven days.

17 (2)(A) A VIC analyst shall transmit historical data only to a Vermont or  
18 out-of-state law enforcement officer or person who has a legitimate law  
19 enforcement purpose for the data. A law enforcement officer or other person  
20 to whom historical data are transmitted may use such data only for a legitimate  
21 law enforcement purpose. Entry of any data onto the ~~statewide ALPR server~~

1 automated traffic law enforcement storage system other than data collected by  
2 an ALPR system itself must be approved by a supervisor and shall have a  
3 legitimate law enforcement purpose.

4 (B) Requests for historical data within six months ~~of~~ after the date of  
5 the data's creation, whether from Vermont or out-of-state law enforcement  
6 officers or other persons, shall be made in writing to a VIC analyst. The  
7 request shall include the name of the requester, the law enforcement agency the  
8 requester is employed by, if any, and the law enforcement agency's ORI  
9 number. To be approved, the request must provide specific and articulable  
10 facts showing that there are reasonable grounds to believe that the data are  
11 relevant and material to an ongoing criminal, missing person, or commercial  
12 motor vehicle investigation or enforcement action. VIC shall retain all  
13 requests and shall record in writing the outcome of the request and any  
14 information that was provided to the requester or, if applicable, why a request  
15 was denied or not fulfilled. VIC shall retain the information described in this  
16 subdivision ~~(e)(2)(B)~~ (b)(2)(B) for ~~no~~ not fewer than three years.

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

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

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

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

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

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

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

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

18                   ~~(d)~~(c) Retention.

19                   (1) Any ALPR information gathered by a Vermont law enforcement  
20 agency shall be sent to the Department of Public Safety to be retained pursuant  
21 to the requirements of subdivision (2) of this subsection. The Department of

1 Public Safety shall maintain the ~~ALPR~~ automated traffic law enforcement  
2 storage system for Vermont law enforcement agencies.

3 (2) Except as provided in this subsection and section 1608 of this title,  
4 information gathered by a law enforcement officer through use of an ALPR  
5 system shall only be retained for 18 months after the date it was obtained.

6 When the permitted 18-month period for retention of the information has  
7 expired, the Department of Public Safety and any local law enforcement  
8 agency with custody of the information shall destroy it and cause to have  
9 destroyed any copies or backups made of the original data. Data may be  
10 retained beyond the 18-month period pursuant to a preservation request made  
11 or disclosure order issued under section 1608 of this title or pursuant to a  
12 warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal  
13 Procedure.

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

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

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

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

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

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

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

19           (F) the total number of alerts generated on ALPR systems operated  
20 by law enforcement officers in the State by a match between an ALPR reading

1 and a plate number on an alert ~~database~~ storage system and the number of  
2 these alerts that resulted in an enforcement action;

3 (G) the total number of criminal, missing person, and commercial  
4 motor vehicle investigations and enforcement actions to which active data  
5 contributed, and a summary of the nature of these investigations and  
6 enforcement actions;

7 (H) the total number of criminal, missing person, and commercial  
8 motor vehicle investigations and enforcement actions to which historical data  
9 contributed, and a summary of the nature of these investigations and  
10 enforcement actions; and

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

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

16 § 1608. PRESERVATION OF DATA

17 (a) Preservation request.

18 (1) A law enforcement agency or the Department of Motor Vehicles or  
19 other person with a legitimate law enforcement purpose may apply to the  
20 Criminal Division of the Superior Court for an extension of up to 90 days of  
21 the 18-month retention period established under subdivision 1607(d)(2) of this

1 ~~the~~ subchapter if the agency or Department offers specific and articulable  
2 facts showing that there are reasonable grounds to believe that the captured  
3 plate data are relevant and material to an ongoing criminal or missing persons  
4 investigation or to a pending court or Judicial Bureau proceeding involving  
5 enforcement of a crime or of a commercial motor vehicle violation. Requests  
6 for additional 90-day extensions or for longer periods may be made to the  
7 Superior Court subject to the same standards applicable to an initial extension  
8 request under this subdivision.

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

11 (A) the particular camera or cameras for which captured plate data  
12 must be preserved or the particular license plate for which captured plate data  
13 must be preserved; and

14 (B) the date or dates and time frames for which captured plate data  
15 must be preserved.

16 (b) Destruction. Captured plate data shall be destroyed on the schedule  
17 specified in section 1607 of this ~~the~~ subchapter if the preservation request is  
18 denied or 14 days after the denial, whichever is later.

1 Sec. 2. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 (a) The Judicial Bureau is created within the Judicial Branch under the  
4 supervision of the Supreme Court.

5 (b) The Judicial Bureau shall have jurisdiction of the following matters:

6 (1) Traffic violations alleged to have been committed on or after July 1,  
7 1990.

8 \* \* \*

9 (33) Automated traffic law enforcement violations issued pursuant to  
10 23 V.S.A. § 1606.

11 \* \* \*

12 Sec. 3. RULEMAKING

13 The Department of Public Safety shall either adopt rules as permitted under  
14 23 V.S.A. §§ 1606(m) and 1607(d)(2) as added or amended by Sec. 1 of this  
15 act to be effective not later than July 1, 2025 or shall file a written report with  
16 the House and Senate Committees on Judiciary and on Transportation not later  
17 than March 1, 2025 explaining why rules regulating automated traffic law  
18 enforcement systems or automated license plate recognition systems, or both,  
19 are not necessary.

1       Sec. 4. OUTREACH

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

5           (1) the use of automated traffic law enforcement (ATLE) systems in  
6       work zones; locations with a high incidence of crashes or speeding, or both;  
7       and at intersections controlled by traffic-control signals within the State;

8           (2) what recorded images captured by ATLE systems will show;

9           (3) the legal significance of recorded images captured by ATLE  
10       systems; and

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

13          (b) The public outreach campaign shall disseminate information on ATLE  
14       systems through the Department of Public Safety's web page and through other  
15       mediums such as social media platforms, community posting websites, radio,  
16       television, and printed materials.

17       Sec. 5. REPEAL OF PROSPECTIVE REPEAL

18          2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and  
19       Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts  
20       and Resolves No. 175, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and

1 2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated  
2 License Plate Recognition system standards), is repealed.

3 Sec. 6. EFFECTIVE DATES

4 (a) Secs. 1 (powers of enforcement officers; 23 V.S.A. chapter 15) and 2  
5 (Judicial Bureau jurisdiction; 4 V.S.A. § 1102) shall take effect on July 1,  
6 2025.

7 (b) All other sections shall take effect on passage.