

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill No.
3 184 entitled “An act relating to the temporary use of automated traffic law
4 enforcement (ATLE) systems” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. PURPOSE; AUTOMATED TRAFFIC LAW ENFORCEMENT

9 The purpose of this act is to improve work crew safety and reduce traffic
10 crashes in limited-access highway work zones by establishing an automated
11 traffic law enforcement (ATLE) pilot program that uses radar and cameras to
12 enforce speeding violations against the registered owner of the violating motor
13 vehicle.

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

15 CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS

16 Subchapter 1. General Provisions

17 § 1600. DEFINITION

18 Notwithstanding subdivision 4(4) of this title, as used in this chapter,
19 “Commissioner” means the Commissioner of Public Safety.

20 * * *

1 Subchapter 2. Automated Law Enforcement

2 § 1605. DEFINITIONS

3 As used in this subchapter:

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

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

14 (3) “Automated traffic law enforcement system” or “ATLE system”
15 means a device with one or more sensors working in conjunction with a speed
16 measuring device to produce recorded images of the rear registration number
17 plates of motor vehicles traveling at more than 10 miles above the speed limit.

18 (4) “Calibration laboratory” means an International Organization for
19 Standardization (ISO) 17025 accredited testing laboratory that is approved by
20 the Commissioner of Public Safety.

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

7 (6) “Law enforcement officer” means an individual certified by the
8 Vermont Criminal Justice Council as a Level II or Level III law enforcement
9 officer under 20 V.S.A. § 2358 and is a State Police officer, municipal police
10 officer, sheriff, or deputy sheriff; or a constable who exercises law
11 enforcement authority pursuant to 24 V.S.A. § 1936a.

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

17 (8) “Owner” means the first or only listed registered owner of a motor
18 vehicle or the first or only listed lessee of a motor vehicle under a lease of one
19 year or more.

20 (9) “Recorded image” means a photograph, microphotograph, electronic
21 image, or electronic video that shows, clearly enough to identify, the rear

1 registration number plate of a motor vehicle that has activated the radar
2 component of an ATLE system by traveling past the ATLE system at more
3 than 10 miles above the speed limit.

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

8 § 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;
9 SPEEDING

10 (a) Use. Deployment of ATLE systems on behalf of the Agency of
11 Transportation by a third party pursuant to subsection (b) of this section is
12 intended to investigate the benefits of automated law enforcement for speeding
13 violations as a way to improve work crew safety and reduce traffic crashes
14 resulting from an increased adherence to traffic laws achieved by effective
15 deterrence of potential violators, which could not be achieved by traditional
16 law enforcement methods or traffic calming measures, or both. Deployment of
17 ATLE systems on behalf of the Agency is not intended to replace law
18 enforcement personnel, nor is it intended to mitigate problems caused by
19 deficient road design, construction, or maintenance.

20 (b) Vendor.

1 (1) The Agency of Transportation shall enter into a contract with a third
2 party for the operation and deployment of ATLE systems on behalf of the
3 Agency.

4 (2) The Agency, in consultation with the Department of Public Safety,
5 may require the vendor to maintain a storage system to store any recorded
6 images or other data collected by the ATLE system. Any storage system shall
7 adhere to the use, retention, and limitation requirements pursuant to this
8 section.

9 (c) Locations. An ATLE system may only be utilized at a location in the
10 vicinity of a work zone on a limited-access highway under the jurisdiction of
11 the Agency of Transportation and selected by the Agency, provided that:

12 (1) the Agency shall document through an appropriate engineering
13 analysis that the location meets highway standards;

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

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

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

20 (5) the ATLE system is only in operation when workers are present in
21 the work zone and at least one of the signs required under subdivision (3) of

1 this subsection indicates whether the ATLE system is currently in operation;

2 and

3 (6) there is notice of the use of the ATLE system on the Agency’s
4 website, including the location and typical hours when workers are present and
5 the ATLE system is in operation.

6 (d) Daily log.

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

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

11 (B) a demonstration that the equipment is operating properly before
12 and after daily use;

13 (C) a verification that the signage and equipment placement meet
14 applicable highway standards; and

15 (D) the name of the employee who performed any self-tests required
16 by the ATLE system manufacturer and the results of those self-tests.

17 (2) The daily log shall be retained for not fewer than three years by the
18 Agency and admissible in any proceeding for a violation involving ATLE
19 systems deployed on behalf of the Agency.

20 (e) Annual calibration. All ATLE systems shall undergo an annual
21 calibration check performed by an independent calibration laboratory. The

1 calibration laboratory shall issue a signed certificate of calibration after the
2 annual calibration check, which shall be retained for not fewer than three years
3 by the Agency and admissible in any proceeding for a violation involving the
4 ATLE system.

5 (f) Penalty.

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

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

13 (B) \$80.00 for a second violation within 12 months; provided,
14 however, that a violation shall be considered a second violation for purposes of
15 this subdivision only if it has occurred at least 30 days after the date on which
16 the notice of the first violation was mailed; and

17 (C) \$160.00 for a third or subsequent violation within 12 months.

18 (2) The owner of the motor vehicle bearing the rear registration number
19 plate captured in a recorded image shall not be deemed to have committed a
20 crime or moving violation unless otherwise convicted under another section of

1 this title, and a violation of this section shall not be made a part of the
2 operating record of the owner or considered for insurance purposes.

3 (g) Notice and complaint.

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

8 (2) The civil violation complaint shall:

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

11 (B) be issued, sworn, and affirmed by the law enforcement officer
12 who inspected the recorded images and data;

13 (C) enclose copies of applicable recorded images and at least one
14 recorded image showing the rear registration number plate of the motor
15 vehicle;

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

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

19 (F) include written verification that the ATLE system was operating
20 correctly at the time of the violation and the date of the most recent inspection
21 that confirms the ATLE system to be operating properly;

1 (G) contain a notice of language access services in accordance with
2 federal and state law; and

3 (H) in compliance with 4 V.S.A. § 1105(f), include an affidavit that
4 the issuing officer has determined the owner’s military status to the best of the
5 officer’s ability by conducting a search of the available Department of Defense
6 Manpower Data Center (DMDC) online records, together with a copy of the
7 record obtained from the DMDC that is the basis for the issuing officer’s
8 affidavit.

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 30
11 days after the violation to the address of the owner as listed in the records of
12 the Department of Motor Vehicles. A notice of violation issued under this
13 subdivision shall be mailed not more than 30 days after the date of the
14 violation. A notice mailed after 30 days is void.

15 (4) In the case of a violation involving a motor vehicle registered under
16 the laws of a jurisdiction other than this State, the notice of violation shall be
17 mailed within 30 days after the discovery of the identity of the owner to the
18 address of the owner as listed in the records of the official in the jurisdiction
19 having charge of the registration of the motor vehicle. A notice of violation
20 issued under this subdivision shall be mailed not more than 90 days after the
21 date of the violation. A notice mailed after 90 days is void.

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

3 (1) that the motor vehicle or license plates shown in one or more
4 recorded images was in the care, custody, or control of another person at the
5 time of the violation; and

6 (2) that the radar component of the ATLE system was not properly
7 calibrated or tested at the time of the violation.

8 (i) Proceedings before the Judicial Bureau.

9 (1) To the extent not inconsistent with this section, the provisions for the
10 adjudication of a Vermont civil violation complaint, the payment of a Vermont
11 civil violation complaint, and the collection of civil penalties associated with a
12 civil violation complaint in 4 V.S.A. chapter 29 shall apply to civil violation
13 complaints issued under this section.

14 (2) Notwithstanding an owner’s failure to request a hearing, a Vermont
15 civil violation complaint issued pursuant to this section shall be dismissed with
16 prejudice upon showing by the owner, by a preponderance of the evidence, that
17 the motor vehicle in question was not in the care, custody, or control of the
18 owner at the time of the violation because, at the time, the owner was a person
19 in military service as defined in 50 U.S.C. § 3911.

20 (j) Retention.

1 (1) All recorded images shall be retained by the vendor pursuant to the
2 requirements of subdivision (2) of this subsection.

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

9 (k) Review process and annual report.

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

17 (A) the total number of ATLE systems units being operated on behalf
18 of the Agency in the State;

19 (B) the terms of any contracts entered into with any vendors for the
20 deployment of ATLE on behalf of the Agency;

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

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

6 (E) the number of recorded images the Agency submitted to the
7 automated traffic law enforcement storage system;

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

9 (G) any recommended changes for the use of ATLE systems in
10 Vermont.

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

15 (1) Limitations.

16 (1) ATLE systems shall only record violations of this section and shall
17 not be used for any other purpose, including other surveillance purposes.

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

20 (3) Notwithstanding any applicable law to the contrary, the Agency of
21 Transportation may permit the vendor to coordinate with designated law

1 enforcement agencies to obtain a recorded image from the vendor to determine
2 whether a violation of this section occurred within the prior 12 months.

3 § 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

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

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

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

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

20 (4) ~~“Law enforcement officer” means a State Police officer, municipal~~
21 ~~police officer, motor vehicle inspector, Capitol Police officer, constable,~~

1 ~~sheriff, or deputy sheriff certified by the Vermont Criminal Justice Council as~~
2 ~~a level II or level III law enforcement officer under 20 V.S.A. § 2358.~~

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

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

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

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

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

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

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

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

20 (2)(A) A VIC analyst shall transmit historical data only to a Vermont or
21 out-of-state law enforcement officer or person who has a legitimate law

1 enforcement purpose for the data. A law enforcement officer or other person
2 to whom historical data are transmitted may use such data only for a legitimate
3 law enforcement purpose. Entry of any data onto the ~~statewide ALPR server~~
4 automated traffic law enforcement storage system other than data collected by
5 an ALPR system itself must be approved by a supervisor and shall have a
6 legitimate law enforcement purpose.

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

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

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

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

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

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

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

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

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

20 ~~(d)~~(c) Retention.

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

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

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

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

18 (1) The Department of Public Safety, in consultation with the
19 Department of Motor Vehicles, shall establish a review process to ensure that
20 information obtained through use of ALPR systems is used only for the
21 purposes permitted by this section. The Department of Public Safety shall

1 report the results of this review annually on or before January 15 to the Senate
2 and House Committees on Judiciary and on Transportation. The report shall
3 contain the following information based on prior calendar year data:

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

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

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

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

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

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

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

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

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

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

18 § 1608. PRESERVATION OF DATA

19 (a) Preservation request.

20 (1) A law enforcement agency or the Department of Motor Vehicles or
21 other person with a legitimate law enforcement purpose may apply to the

1 Criminal Division of the Superior Court for an extension of up to 90 days of
2 the 18-month retention period established under subdivision 1607(~~d~~)(c)(2) of
3 this ~~title~~ subchapter if the agency or Department offers specific and articulable
4 facts showing that there are reasonable grounds to believe that the captured
5 plate data are relevant and material to an ongoing criminal or missing persons
6 investigation or to a pending court or Judicial Bureau proceeding involving
7 enforcement of a crime or of a commercial motor vehicle violation. Requests
8 for additional 90-day extensions or for longer periods may be made to the
9 Superior Court subject to the same standards applicable to an initial extension
10 request under this subdivision.

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

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

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

18 (b) Destruction. Captured plate data shall be destroyed on the schedule
19 specified in section 1607 of this ~~title~~ subchapter if the preservation request is
20 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. IMPLEMENTATION; OUTREACH

13 (a) The Agency shall develop an implementation plan and seek federal
14 funding from the Federal Highway Administration for a work zone ATLE pilot
15 program to run in locations throughout Vermont from July 1, 2025 until
16 October 1, 2026.

17 (b) The Agency of Transportation, in consultation with the Department of
18 Public Safety, shall implement a public outreach campaign not later than April
19 1, 2025 that, at a minimum, addresses:

20 (1) the use of automated traffic law enforcement (ATLE) systems in
21 work zones throughout the State;

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

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

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

6 (c)(1) The public outreach campaign shall disseminate information on
7 ATLE systems through the Agency of Transportation’s web page and through
8 other mediums such as social media platforms, community posting websites,
9 radio, television, and printed materials.

10 (2) The information disseminated pursuant to subdivision (1) of this
11 subsection shall be available in languages other than English that are
12 commonly spoken in Vermont and neighboring states whose residents travel to
13 Vermont. The Agency of Transportation shall consult with the Office of
14 Racial Equity and Vermont language services organizations to determine the
15 appropriate languages for translation.

16 Sec. 4. REPEAL OF CURRENT PROSPECTIVE REPEAL

17 2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and
18 Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts
19 and Resolves No. 175, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and
20 2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated
21 License Plate Recognition system standards), is repealed.

1 Sec. 5. PROSPECTIVE REPEAL

2 4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over
3 automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608
4 (automated law enforcement) are repealed on July 1, 2027; provided, however,
5 if the Agency is unable to secure federal funding for a work zone ATLE pilot
6 program by June 30, 2025, then 4 V.S.A. § 1102(b)(33) and 23 V.S.A.
7 §§ 1606–1608 are repealed on July 2, 2025.

8 Sec. 6. 23 V.S.A. § 1605 is amended to read:

9 § 1605. DEFINITIONS

10 As used in this subchapter:

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

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

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

5 (4) ~~“Calibration laboratory” means an International Organization for~~
6 ~~Standardization (ISO) 17025 accredited testing laboratory that is approved by~~
7 ~~the Commissioner of Public Safety. [Repealed.]~~

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

14 (6) ~~“Law enforcement officer” means an individual certified by the~~
15 ~~Vermont Criminal Justice Council as a Level II or Level III law enforcement~~
16 ~~officer under 20 V.S.A. § 2358 and is a State Police officer, municipal police~~
17 ~~officer, sheriff, or deputy sheriff; or a constable who exercises law~~
18 ~~enforcement authority pursuant to 24 V.S.A. § 1936a. [Repealed.]~~

19 (7) ~~“Legitimate law enforcement purpose” applies to access to active or~~
20 ~~historical data, and means investigation, detection, analysis, or enforcement of~~
21 ~~a crime or of a commercial motor vehicle violation or a person’s defense~~

1 ~~against a charge of a crime or commercial motor vehicle violation, or operation~~
2 ~~of AMBER alerts or missing or endangered person searches. [Repealed.]~~

3 (8) ~~“Owner” means the first or only listed registered owner of a motor~~
4 ~~vehicle or the first or only listed lessee of a motor vehicle under a lease of one~~
5 ~~year or more. [Repealed.]~~

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

11 (10) ~~“Vermont Intelligence Center analyst” means any sworn or civilian~~
12 ~~employee who through his or her employment with the Vermont Intelligence~~
13 ~~Center (VIC) has access to storage systems that support law enforcement~~
14 ~~investigations. [Repealed.]~~

15 Sec. 7. 23 V.S.A. § 1609 is added to read:

16 § 1609. PROHIBITION ON USE OF AUTOMATED LAW

17 ENFORCEMENT

18 No State agency or department or any political subdivision of the State shall
19 use automated license plate recognition systems or automated traffic law
20 enforcement systems.

1 Sec. 8. EFFECTIVE DATES

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

5 (b) Secs. 6 (amended automated law enforcement definitions; 23 V.S.A.
6 § 1605) and 7 (prohibition on the use of automated law enforcement; 23
7 V.S.A. § 1609) shall take effect upon the repeal of 4 V.S.A. § 1102(b)(33)
8 (Vermont Judicial Bureau jurisdiction over automated traffic law enforcement
9 violations) and 23 V.S.A. §§ 1606–1608 (automated law enforcement)
10 pursuant to the provisions of Sec. 5.

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

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE