

1 TO THE HONORABLE SENATE:

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

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

8 CHAPTER 15. POWERS OF ENFORCEMENT OFFICERS

9 Subchapter 1. General Provisions

10 § 1600. DEFINITION

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

13 \* \* \*

14 Subchapter 2. Automated Law Enforcement

15 § 1605. DEFINITIONS

16 As used in this subchapter:

17 (1) “Active data” is distinct from historical data as defined in  
18 subdivision (5) of this section and means data uploaded to individual  
19 automated license plate recognition system units before operation as well as  
20 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.

3 (2) “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 (3) “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 (4) “Calibration laboratory” means an International Organization for  
13 Standardization (ISO) 17025 accredited testing laboratory that is approved by  
14 the Commissioner of Public Safety.

15 (5) “Historical data” means any data collected by an ALPR system and  
16 stored on the statewide automated law enforcement server operated by the  
17 Vermont Justice Information Sharing System of the Department of Public  
18 Safety. Any data collected by an ALPR system in accordance with section  
19 1607 of this subchapter shall be considered collected for a legitimate law  
20 enforcement purpose.

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

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

10           (8) “Owner” means the first- or only listed registered owner of a motor  
11           vehicle or the first- or only listed lessee of a motor vehicle under a lease of one  
12           year or more.

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

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

1     § 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;

2             SPEEDING

3             (a) Use. Deployment of ATLE systems on behalf of the Agency of  
4     Transportation by a third-party pursuant to subsection (b) of this section is  
5     intended to provide automated law enforcement for speeding violations in  
6     instances of insufficient staffing or inherent on-site difficulties in such a way  
7     so as to improve work crew safety and reduce traffic crashes resulting from an  
8     increased adherence to traffic laws achieved by effective deterrence of  
9     potential violators, which could not be achieved by traditional law enforcement  
10    methods or traffic calming measures, or both. Deployment of ATLE systems  
11    on behalf of the Agency is not intended to replace law enforcement personnel,  
12    nor is it intended to mitigate problems caused by deficient road design,  
13    construction, or maintenance.

14            (b) Vendor. The Agency of Transportation shall enter into a contract with  
15    a third party for the operation and deployment of ATLE systems on behalf of  
16    the Agency.

17            (c) Locations. An ATLE system may only be utilized at a location in the  
18    vicinity of a work zone on a limited-access highway under the jurisdiction of  
19    the Agency of Transportation and selected by the Agency, in consultation with  
20    the Department of Public Safety, upon determination that it may be impractical  
21    or unsafe to utilize traditional law enforcement methods or traffic calming

1 measures, or both, or that the use of law enforcement personnel or traffic  
2 calming measures, or both, has failed to deter violators, provided that:

3 (1) the Agency confirms, through a traffic engineering analysis of the  
4 proposed location, that the location meets highway safety standards;

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

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

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

11 (5) the ATLE system is only in operation when workers are present in  
12 the work zone and at least one of the signs required under subdivision (3) of  
13 this subsection indicates whether the ATLE system is currently in operation;  
14 and

15 (6) there is notice of the use of the ATLE system on the Agency's  
16 website, including the location and typical hours when workers are present and  
17 the ATLE system is in operation.

18 (d) Daily log.

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

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

2           (B) the name of the employee who performed any self-tests required

3 by the ATLE system manufacturer and the results of those self-tests.

4           (2) The daily log shall be retained in perpetuity by the Agency and

5 admissible in any proceeding for a violation involving ATLE systems

6 deployed on behalf of the Agency.

7           (e) Annual calibration. All ATLE systems shall undergo an annual

8 calibration check performed by a calibration laboratory. The calibration

9 laboratory shall issue a signed certificate of calibration after the annual

10 calibration check, which shall be retained in perpetuity by the Agency and

11 admissible in any proceeding for a violation involving the ATLE system.

12           (f) Penalty.

13           (1) The owner of the motor vehicle bearing the rear registration number

14 plate captured in a recorded image shall be liable for one of the following civil

15 penalties unless, for the violation in question, the owner is convicted of

16 exceeding the speed limit under chapter 13 of this title or has a defense under

17 subsection (h) of this section:

18           (A) \$0.00, which shall be exempt from surcharges under 13 V.S.A.

19 § 7282(a), for a first violation within 12 months;

20           (B) \$80.00 for a second violation within 12 months; provided,

21 however, that a violation shall be considered a second violation for purposes of

1 this subdivision only if it has occurred at least 30 days after the date on which  
2 the notice of the first violation was mailed; and

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

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

9 (g) Notice and complaint.

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

14 (2) The civil violation complaint shall:

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

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

19 (C) enclose copies of applicable recorded images and at least one  
20 recorded image showing the rear registration number plate of the motor  
21 vehicle;

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

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

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

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

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

17           (4) In the case of a violation involving a motor vehicle registered under  
18 the laws of a jurisdiction other than this State, the notice of violation shall be  
19 mailed within 30 days after the discovery of the identity of the owner to the  
20 address of the owner as listed in the records of the official in the jurisdiction  
21 having charge of the registration of the motor vehicle. A notice of violation

1 issued under this subdivision shall be issued not more than 90 days after the  
2 date of the violation. A notice issued after 90 days is void.

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

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

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

10 (i) Proceedings before the Judicial Bureau.

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

16 (2) Notwithstanding an owner's failure to request a hearing, a Vermont  
17 civil violation complaint issued pursuant to this section shall be dismissed,  
18 without consequence, upon showing by the owner that the motor vehicle in  
19 question was not in the care, custody, or control of the owner at the time of the  
20 violation because, at the time, the owner was a person in military service as  
21 defined in 50 U.S.C. § 3911.

1        (j) Retention.

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

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

10        (k) Review process and annual report.

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

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

20            (B) the terms of any contracts entered into with any vendors for the  
21 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 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)(A) Recorded images are exempt from public inspection and copying  
21               under the Public Records Act.

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

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

6           § 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

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

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

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

18           ~~(3) “Historical data” means any data collected by an ALPR system and~~  
19           ~~stored on the statewide ALPR server operated by the Vermont Justice~~  
20           ~~Information Sharing System of the Department of Public Safety. Any data~~

1 collected by an ALPR system in accordance with this section shall be  
2 considered collected for a legitimate law enforcement purpose.

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

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

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

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

20 (1)(A) Deployment of ALPR equipment by Vermont law enforcement  
21 agencies is intended to provide access to law enforcement reports of wanted or

1 stolen vehicles and wanted persons and to further other legitimate law  
2 enforcement purposes. Use of ALPR systems by law enforcement officers and  
3 access to active data are restricted to legitimate law enforcement purposes.

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

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

18 (ii) In each department operating an ALPR system, access to  
19 active data shall be limited to designated personnel who have been provided  
20 account access by the department to conduct authorized ALPR stored data

1 queries. Access to active data shall be restricted to data collected within the  
2 past seven days.

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

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

1 was denied or not fulfilled. VIC shall retain the information described in this  
2 subdivision ~~(e)(2)(B)~~ (b)(2)(B) for ~~no~~ not fewer than three years.

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

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

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

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

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

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

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

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

3 ~~(d)~~(c) Retention.

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

9 (2) Except as provided in this subsection and section 1608 of this title,  
10 information gathered by a law enforcement officer through use of an ALPR  
11 system shall only be retained for 18 months after the date it was obtained.  
12 When the permitted 18-month period for retention of the information has  
13 expired, the Department of Public Safety and any local law enforcement  
14 agency with custody of the information shall destroy it and cause to have  
15 destroyed any copies or backups made of the original data. Data may be  
16 retained beyond the 18-month period pursuant to a preservation request made  
17 or disclosure order issued under section 1608 of this title or pursuant to a  
18 warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal  
19 Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

1 § 1608. PRESERVATION OF DATA

2 (a) Preservation request.

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

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

17 (A) the particular camera or cameras for which captured plate data  
18 must be preserved or the particular license plate for which captured plate data  
19 must be preserved; and

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

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

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

5 § 1102. JUDICIAL BUREAU; JURISDICTION

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

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

9 (1) Traffic violations alleged to have been committed on or after July 1,  
10 1990.

11 \* \* \*

12 (33) Automated traffic law enforcement violations issued pursuant to  
13 23 V.S.A. § 1606.

14 \* \* \*

15 Sec. 3. RULEMAKING

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

1 enforcement systems or automated license plate recognition systems, or both,  
2 are not necessary.

3 Sec. 4. IMPLEMENTATION; OUTREACH

4 (a) The Agency shall develop an implementation plan and secure federal  
5 funding from the Federal Highway Administration for a work zone ATLE pilot  
6 program to run in locations throughout Vermont from July 1, 2025 until  
7 October 1, 2026.

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

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

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

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

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

18 (c) The public outreach campaign shall disseminate information on ATLE  
19 systems through the Department of Public Safety’s web page and through other  
20 mediums such as social media platforms, community posting websites, radio,  
21 television, and printed materials.

1       Sec. 5. REPEAL OF CURRENT PROSPECTIVE REPEAL

2           2013 Acts and Resolves No. 69, Sec. 3(b), as amended by 2015 Acts and  
3       Resolves No. 32, Sec. 1, 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts  
4       and Resolves No. 175, Sec. 1, 2020 Acts and Resolves No. 134, Sec. 3, and  
5       2022 Acts and Resolves No. 147, Sec. 34 (July 1, 2024 repeal of Automated  
6       License Plate Recognition system standards), is repealed.

7       Sec. 6. PROSPECTIVE REPEAL

8           4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over  
9       automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608  
10       (automated law enforcement) are repealed on July 1, 2027; provided, however,  
11       if the Agency is unable to secure federal funding for a work zone ATLE pilot  
12       program by June 30, 2025, then 4 V.S.A. § 1102(b)(33) and 23 V.S.A.  
13       §§ 1606–1608 are repealed on July 2, 2025.

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

15       § 1605. DEFINITIONS

16           As used in this subchapter:

17           (1) ~~“Active data” is distinct from historical data as defined in~~  
18       ~~subdivision (5) of this section and means data uploaded to individual~~  
19       ~~automated license plate recognition system units before operation as well as~~  
20       ~~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) “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 (3) “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 (4) ~~“Calibration laboratory” means an International Organization for~~  
13 ~~Standardization (ISO) 17025 accredited testing laboratory that is approved by~~  
14 ~~the Commissioner of Public Safety. [Repealed.]~~

15 (5) ~~“Historical data” means any data collected by an ALPR system and~~  
16 ~~stored on the statewide automated law enforcement server operated by the~~  
17 ~~Vermont Justice Information Sharing System of the Department of Public~~  
18 ~~Safety. Any data collected by an ALPR system in accordance with section~~  
19 ~~1607 of this subchapter shall be considered collected for a legitimate law~~  
20 ~~enforcement purpose. [Repealed.]~~

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

5 [Repealed.]

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

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

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

19           (10) ~~“Vermont Intelligence Center analyst” means any sworn or civilian~~  
20 ~~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 State agency or department or any political subdivision of the State shall  
7 use automated license plate recognition systems or automated traffic law  
8 enforcement systems.

9 Sec. 9. EFFECTIVE DATES

10 (a) Secs. 1 (powers of enforcement officers; 23 V.S.A. chapter 15) and 2  
11 (Judicial Bureau jurisdiction; 4 V.S.A. § 1102) shall take effect on July 1,  
12 2025.

13 (b) Secs. 7 (amended automated law enforcement definitions; 23 V.S.A.  
14 § 1605) and 8 (prohibition on the use of automated law enforcement; 23  
15 V.S.A. § 1609) shall take effect upon the repeal of 4 V.S.A. § 1102(b)(3)  
16 (Vermont Judicial Bureau jurisdiction over automated traffic law enforcement  
17 violations) and 23 V.S.A. §§ 1606–1608 (automated law enforcement)  
18 pursuant to the provisions of Sec. 6.

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

20 and that after passage the title of the bill be amended to read: “An act relating  
21 to the temporary use of automated traffic law enforcement (ATLE) systems”

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4 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE