

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1996

Amendment Number: H1

Bill Subtitle: TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

Basic Change :

Representatives Steel, Bell

The bill adds a new subchapter to the Arkansas Code to restrict the use of automatic license plate reader systems. The bill provides that it is unlawful for an individual, partnership, corporation, association, or the State of Arkansas, its agencies, and political subdivisions to use such systems. The bill places restrictions on disclosure of the data as defined in the bill and defines penalties for violations of the subchapter. The bill as originally written provides that such system may be used by a state, county, or municipal law enforcement for the comparison of license plate data held by the Office of Motor Vehicle, the Arkansas Crime Information Center, and the Federal Bureau of Investigation for purposes defined in the bill. Amendment 1 adds a provision that the data may also be compared to a database created by law enforcement for the purposes of an ongoing investigation.

The bill as originally written stated that captured data could not be preserved for more than seven (7) days; the amendment changes that requirement to thirty (30) days. The amendment adds a new provision that data retained as part of an ongoing investigation must be destroyed at the conclusion of an investigation that does not result in the filing of any criminal charges, or result criminal action undertaken in the matter involving the captured data. The bill states that a governmental entity shall not sell, trade, or exchange captured data for any purpose. The amendment adds a provision that captured plate data obtained by a law enforcement agency may be shared with other law enforcement agencies.

The amendment adds new provisions to the bill as originally written to require an entity that uses an automatic license plate reader to promulgate rules and policies concerning the manner and method of obtaining, retaining, and destroying captured plate data, and provides that failure to do so will be grounds for a court to exclude evidence obtained by the license plate reader.

The amendment adds new language to specify that captured plate data obtained from the Office of Motor Vehicle are not public record for purposes of the Freedom of Information Act of 1967, and may be disclosed only to the person to whom the vehicle is registered, after written consent from the registered owner, or if the disclosure is permitted by the Driver Privacy Protection Act.

Revenue Impact :

None

Taxpayer Impact :

Restrictions would be placed on use of the data retrieved from the license plate of a vehicle owner. The amendment specifies that an owner's data are not public record for purposes of the Freedom of Information Act of 1967, and may be disclosed only to the person to whom the vehicle is registered, after written consent from the registered owner, or if the disclosure is permitted by the Driver Privacy Protection Act.

Resources Required :

None

Time Required :

None

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Procedural Changes :

None

Other Comments :

None

Legal Analysis :

HB1996 creates the Automatic License Plate Reader System Act, to be codified at § 12-12-1801, et seq. Amendment No.1 to HB1996 incorporates changes to the original bill which include an amendment requested by DFA. More specifically, DFA requested that motor vehicle records obtained from DFA by law enforcement agencies would not be subject to the Arkansas Freedom of Information Act and could only be disclosed if permitted by the Driver Privacy Protection Act, 18 U.S.C. § 2721, et seq. The amendment incorporated into the bill resolves DFA's concerns regarding the original draft of the bill. Also, the engrossed version of the bill correctly incorporates the amendment.