Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

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# Proposed Rulemaking

## Title 12. Law Enforcement, Emergency Management, and Military Affairs
## Chapter XXII. Arkansas Department of Transportation, State Highway Commission
## Subchapter A. Generally
## Part 150. License Plate Reader Rules
## Subpart 1. Generally
## ~~Title~~

**Promulgated by:** Arkansas Highway Commission

12 CAR § 150-101. Title.

This part shall be known as the License Plate Reader rules.

12 CAR § 150-102. Definitions.

As used in this part:

(1) "ACIC" means Arkansas Crime Information Center;

(2) "Alert" means a visual and/or auditory notice that is triggered when the LPR system receives a potential hit on a license plate;

(3) "Hit" means a read matched to a plate that has previously been:

(A) Registered on an agency's hot list of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation; or

(B) Manually entered by a user for further investigation;

(4)(A) "Hot list" means license plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER Alerts, Silver Alerts, and similar alerts that are regularly added to hot lists circulated among law enforcement agencies.

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(B) Information can come from a variety of sources, including the National Crime Information Center database and the Arkansas Crime Information Center database.

(C) In addition to lists provided by other sources, users may enter license plate numbers into hot lists to be alerted if and when a vehicle license plate of interest is read by the LPR system;

(5)(A) "Legitimate law enforcement purpose" means accessing, imputing, reviewing, or receiving data from the LPR system in the performance of his or her duties and in compliance with Arkansas Code §§ 12-12-1803 and 12-12-1804.

(B) Duties include, but are not limited to:

(i) Locating wanted persons;

(ii) Locating missing persons;

(iii) AMBER Alerts;

(iv) Silver Alerts;

(v) Stolen vehicles;

(vi) Crime vehicles;

(vii) Narcotic investigations;

(viii) Criminal investigations; and

(ix) Similar circumstances.

(C) "Legitimate law enforcement purpose" does not include:

(i) Enhancing or assisting a member's position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the member or a member's family;

(ii) Causing a pecuniary or professional gain for the member or a member's family; or

(iii) Any political purpose;

(6)(A) "License plate reader (LPR)" means a system of one (1) or more mobile or fixed automated high-speed cameras used to convert images of license plates into computer-readable data.

(B) "Fixed LPR system" means LPR cameras that are permanently affixed to a structure such as a:

(i) Pole;

(ii) Traffic barrier;

(iii) Building; or

(iv) Bridge.

(C) "Mobile LPR system" means LPR cameras that are affixed, either permanently or temporarily, to a law enforcement vehicle for mobile deployment.

(D) "Portable LPR system" means LPR cameras that are transportable and can be moved and deployed in a variety of venues as needed;

(7) "LPR data query logs" means a record of a search or query of LPR data from the server;

(8) "Member" means a sworn law enforcement officer of theArkansas Highway Police;

(9) "NCIC" means National Crime Information Center, which allows access to criminal history and other law enforcement information through the Federal Bureau of Investigation; and

(10) "Read" means digital images of license plates and vehicles associated and metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the LPR system.

12 CAR § 150-103. Procedures.

(a) The use of LPR systems is restricted to the uses found under Arkansas Code § 12-12-1803.

(b) Anyone with access who misuses the LPR systems that result in Arkansas Crime Information Center data being released or disclosed to an unauthorized person is punishable under Arkansas Code § 12-12-212 (Class A misdemeanor or Class D felony).

(c) Anyone with access who misuses LPR systems as defined in Arkansas Code § 12-12-1803 is subject to penalties outlined in Arkansas Code § 12-12-1807.

(d) Arkansas Highway Police LPR systems, associated equipment, databases, and data are the property of the Arkansas Highway Police and for use in conducting official business for official law enforcement purposes.

(e) The Arkansas Highway Police Special Operation Commanders shall serve as the Arkansas Highway Police LPR Administrator and shall establish and maintain protocols to document LPR usage and results, including appropriate documentation of all incidents, arrests, and property recoveries related to LPR usage in accordance with Arkansas Code § 12-12-1805.

(f)(1) Statistical data shall be compiled in accordance with Arkansas Code § 12-12-1805 to allow the general public to review the compiled data.

(2) The compiled data shall be retained for eighteen (18) months.

12 CAR § 150-104. Arkansas Highway Police LPR data usage and retention.

(a) LPR alerts/hits. Prior to the initiation of a traffic stop based on an LPR alert, the officer must:

(1) Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance;

(2) Verify the status of the plate through the communications center or ACIC/NCIC query; and

(3) Make reasonable efforts to verify that the driver and/or occupants physically match the description of any wanted person or persons.

(b) LPR operation and access to LPR-collected data shall be for law enforcement purposes only and can be shared with other law enforcement agencies only as outlined in this part and Arkansas Code § 12-12-1804.

(c) When Arkansas Highway Police data is disseminated to another law enforcement agency, it shall be documented on a dissemination log that is maintained by the LPR Administrator.

(d) All Arkansas Highway Police LPR system data will be stored on the designated LPR system server for a period not to exceed one hundred fifty (150) days.

(e)(1) If the LPR Administrator, or designee, determines that data should be retained based upon the criteria in Arkansas Code § 12-12-1804(b), the LPR Administrator will authorize the transfer of the applicable data from the LPR server to a form of digital storage media (CD, DVD, etc.) or other portable storage device and make a notation in the log of the transfer of the data.

(2) Once the data is no longer needed as outlined in Arkansas Code § 12-12-1804(b):

(A) The data shall be permanently deleted; and

(B) A note of the deletion made on the log.

State of Arkansas
95th General Assembly
Regular Session, 2025

# A Bill

SENATE BILL 446

By: Senator Gilmore
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO AMEND THE AUTOMATIC LICENSE PLATE READER SYSTEM ACT; TO PROVIDE FOR THE USE OF AUTOMATIC LICENSE PLATE READERS BY PRIVATE LANDOWNERS, PRIVATE LEASEHOLDER, AND COMMERCIAL BUSINESSES; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE AUTOMATIC LICENSE PLATE READER SYSTEM ACT; AND TO PROVIDE FOR THE USE OF AUTOMATIC LICENSE PLATE READERS BY PRIVATE LANDOWNERS, PRIVATE LEASEHOLDER, AND COMMERCIAL BUSINESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 12-12-1802, concerning definitions with respect to the Automatic License Plate Reader System Act, is amended to add an additional subdivision to read as follows:

(6) "Private landowner, private leaseholder, or commercial business" means a landowner, leaseholder, or commercial business that is not a governmental entity.

SECTION 2. Arkansas Code §§ 12-12-1803 — 12-12-1805 are amended to read as follows:

12-12-1803. Restrictions on use.

(a) Except as provided in subsection (b) of this section, it is unlawful for an individual, partnership, corporation, limited liability

company, association, or the State of Arkansas, its agencies, and political subdivisions to use an automatic license plate reader system.

(b) An automatic license plate reader system may be used:

(1) By a state, county, or municipal law enforcement agency for the comparison of captured plate data with data held by the Office of Motor Vehicle, the Arkansas Crime Information Center, the National Crime Information Center, a database created by law enforcement for the purposes of an ongoing investigation, and the Federal Bureau of Investigation for any lawful purpose;

(2) By parking enforcement entities for regulating the use of parking facilities;

(3) For the purpose of controlling access to secured areas; ~~or~~

(4) By a private landowner, private leaseholder, or commercial business for the purpose of promoting public safety, deterring crime, and monitoring access to private property owned or leased by the private landowner, private leaseholder, or commercial business, including ingress and egress to private property on a private road owned by the private landowner, private leaseholder, or commercial business; or

(5)(A) By the Arkansas Highway Police Division of the Arkansas Department of Transportation for the electronic verification of registration, logs, and other compliance data to provide more efficient movement of commercial vehicles on a state highway.

(B) An automatic license plate reader system used under subdivision ~~(b)(4)(A)~~ (b)(5)(A) of this section shall be installed at an entrance ramp at a weigh station facility for the review of a commercial motor vehicle entering the weigh station facility.

12-12-1804. Protections.

(a) ~~Captured~~ Except as provided under subsection (b) of this section, captured plate data obtained for the purposes described under § 12-12-1803(b) shall not be ~~used or shared for any other purpose and shall not be~~ preserved for more than:

(1) Sixty (60) days by a private landowner, private leaseholder, or commercial business; or

(2) ~~one~~ One hundred fifty (150) days by all other eligible entities.

(b) Captured plate data obtained by an entity under § 12-12-1803(b)(1) may be retained as part of an ongoing investigation and shall be destroyed at the conclusion of either:

(1) An investigation that does not result in any criminal charges being filed; or

(2) Any criminal action undertaken in the matter involving the captured plate data.

(c) A governmental entity that uses an automatic license plate reader system under § 12-12-1803(b)(1) shall update the captured plate data collected under this subchapter every twenty-four (24) hours if updates are available.

(d)(1) Except as provided under subdivision (d)(2) of this section, a governmental entity authorized to use an automatic license plate reader system under § 12-12-1803(b) shall not sell, trade, or exchange captured plate data for any purpose.

(2) Captured plate data obtained by a law enforcement agency under § 12-12-1803(b)(1) that indicates evidence of an offense may be shared with other law enforcement agencies.

(3) A governmental entity may only compel the release of captured plate data from a user under § 12-12-1803(b)(2), § 12-12-1803(b)(3), § 12-12-1803(b)(4), or § 25-16-705(a) through a valid subpoena.

(e)(1) Except as provided under subdivision (e)(2) of this section, a private landowner, private leaseholder, or commercial business authorized to use an automatic license plate reader system under § 12-12-1803(b) shall not sell, trade, or exchange captured plate data for any commercial purpose.

(2)(A) Captured plate data obtained by a private landowner, private leaseholder, or commercial business under § 12-12-1803(b)(4) may be shared with a third-party processor providing asset protection analytical services on the captured plate data as part of a contractual agreement with the private landowner, private leaseholder, or commercial business.

(B) The terms of the contractual agreement shall expressly prohibit a third-party processor from using the captured data for any other purpose and impose a data retention period not to exceed sixty (60) days from receipt of the captured plate data.

12-12-1805. Practice and usage data preservation.

(a) An entity that uses an automatic license plate reader system under § 12-12-1803(b)(1), § 12-12-1803(b)(2), § 12-12-1803(b)(3), or § 12-12-1803(b)(5) shall:

(1) Compile statistical data identified in subsection (b) of this section every six (6) months into a format sufficient to allow the general public to review the compiled data; ~~and~~

(2) Preserve the compiled data for eighteen (18) months; and

(3)(A) Promulgate rules and policies concerning the manner and method of obtaining, retaining, and destroying captured plate data, including without limitation specific rules and policies concerning retention of material in excess of one hundred fifty (150) days under § 12-12-1804(b), and make those rules and policies available for public inspection.

(B) Failure to comply with subdivision (a)(3)(A) of this section shall be grounds for a court of competent jurisdiction to exclude any evidence obtained under this subchapter.

(b) The preserved data shall include:

(1) The number of license plates scanned;

(2) The names of the lists against which captured plate data were checked; and

(3) For each check of captured plate data against a list:

(A) The number of confirmed matches;

(B) The number of matches that upon further investigation did not correlate to an alert; and

(C) The number of matches that resulted in arrest and prosecution~~; and~~

~~(4)(A) Promulgate rules and policies concerning the manner and method of obtaining, retaining, and destroying captured plate data, including without limitation specific rules and policies concerning retention of material in excess of one hundred fifty (150) days under § 12-12-1804(b) and make those rules and policies available for public inspection.~~

~~(B) Failure to comply with subdivision (b)(4)(A) of this section shall be grounds for a court of competent jurisdiction to exclude any evidence obtained under this subchapter~~.

(c) A private landowner, private leaseholder, or commercial business that uses and automatic license plate reader system under § 12-12-1803(b)(4) shall:

(1) Compile statistical data every six (6) months that includes the:

(A) Number of license plates scanned; and

(B) Number of confirmed matches; and

(2) Make reports of the compiled plate data available in a timely manner to the Legislative Council upon a request from the chairs of the Legislative Council.

SECTION 3. Arkansas Code § 12-12-1807, concerning the penalties for a violation of the Automatic License Plate Reader System Act, is amended to add an additional subsection to read as follows:

(c) The Attorney General may bring an action to enforce a violation of this subchapter under the Deceptive Trade Practices Act, § 4-88-101 et seq.

**APPROVED: 4/16/25**