

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1996

5 By: Representatives Steel, Bell  
6

## For An Act To Be Entitled

8 AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE  
9 READER SYSTEMS; AND FOR OTHER PURPOSES.  
10  
11

## Subtitle

12 TO REGULATE THE USE OF AUTOMATIC LICENSE  
13 PLATE READER SYSTEMS.  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add an  
20 additional subchapter to read as follows:

### SUBCHAPTER 18

#### – Use of Automatic License Plate Reader Systems

#### 12-12-1801. Title.

25 This subchapter is known and may be cited as the "Automatic License  
26 Plate Reader System Act".  
27

#### 12-12-1802. Definitions.

#### As used in this subchapter:

30 (1) "Alert" means data held by the Office of Motor Vehicle, the  
31 Arkansas Crime Information Center including without limitation the Arkansas  
32 Crime Information Center's Missing Persons database, the National Crime  
33 Information Center, and the Federal Bureau of Investigation Kidnappings and  
34 Missing Persons database;

35 (2) "Automatic license plate reader system" means a system of  
36 one (1) or more mobile or fixed automated high-speed cameras used in



combination with computer algorithms to convert images of license plates into computer-readable data;

(3) "Captured plate data" means the global positioning device coordinates, date and time, photograph, license plate number, and any other data captured by or derived from any automatic license plate reader system;

(4) "Governmental entity" means a lawfully created branch, department, or agency of the federal, state, or local government; and

(5) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public, and entry is obtainable only through specific access-control points.

12-12-1803. Restrictions on use.

(a) Except as provided in subsection (b) of this section, it is unlawful for an individual, partnership, corporation, 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, and the Federal Bureau of Investigation for the purpose of identifying:

(A) An outstanding parking or traffic violation;

(B) An unregistered or uninsured vehicle;

(C) A vehicle in violation of any other vehicle registration requirement;

(D) A vehicle registered to an individual for whom there is an outstanding felony warrant; or

(E) A vehicle associated with a missing person;

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

(3) For the purpose of controlling access to secured areas.

12-12-1804. Protections.

(a) 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

1 be preserved for more than seven (7) days except pursuant to:

2 (1) A preservation request under § 12-12-1805(a);

3 (2) A disclosure order under § 12-12-1805(b); or

4 (3) A warrant issued using the procedures described in the  
5 Federal Rules of Criminal Procedure or Arkansas Rules of Criminal Procedure.

6 (b) An entity that uses an automatic license plate reader system under  
7 § 12-12-1803(b)(1) shall update those systems from the databases enumerated  
8 in that section every twenty-four (24) hours if such updates are available.

9 (c) An entity authorized to use an automatic license plate reader  
10 system under § 12-12-1803(b) shall not sell, trade, or exchange captured  
11 plate data for any purpose.

12  
13 12-12-1805. Preservation and access.

14 (a)(1) Upon the request of a governmental entity, an operator of an  
15 automatic license plate reader system shall take all necessary steps to  
16 preserve captured plate data in its possession fourteen (14) days pending the  
17 issuance of a court order under subsection (b) of this section.

18 (2) A requesting governmental entity must specify in a written  
19 sworn statement:

20 (A) Either the particular:

21 (i) Camera or cameras for which captured plate data  
22 must be preserved; or

23 (ii) License plate for which captured plate data  
24 must be preserved; and

25 (B) The date or dates and time frames for which captured  
26 plate data must be preserved.

27 (b) A governmental entity may apply for a court order for disclosure  
28 of captured plate data which shall be issued by a court of competent  
29 jurisdiction if the governmental entity offers specific and articulable facts  
30 showing that there are reasonable grounds to believe that the captured plate  
31 data is relevant and material to an ongoing criminal or missing persons  
32 investigation.

33 (c) Captured plate data shall be destroyed if the application for an  
34 order under subsection (b) of this section is denied or at the end of  
35 fourteen (14) days, whichever is later.

12-12-1806. Practice and usage data preservation.

(a) An entity that uses an automatic license plate reader system under § 12-12-1803(b) 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 months.

(b) The preserved data shall include:

(1) The number of license plates scanned;

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

(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;

(4) The number of preservation requests received under § 12-12-1805(a);

(5) The number of preservation requests issued under § 12-12-1805(a), if applicable;

(6) The number of disclosure orders received under § 12-12-1805(b); and

(7) The number of disclosure orders applied for under § 12-12-1805(b), if applicable, broken down by:

(A) The number of applications for disclosure orders that were denied; and

(B) The number of orders for disclosure that resulted in arrest and prosecution.

12-12-1807. Use of data and data-derived evidence.

Captured plate data and evidence derived from it shall not be received in evidence in any trial, hearing, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision of the state if the disclosure of that information would be in violation of this

1 subchapter.

2  
3 12-12-1808. Penalties.

4 (a) A person who violates this subchapter shall be subject to legal  
5 action for damages to be brought by any other person claiming that a  
6 violation of this subchapter has injured his or her business, person, or  
7 reputation.

8 (b) A person so injured shall be entitled to actual damages, or  
9 liquidated damages of one thousand dollars (\$1,000), whichever is greater and  
10 other costs of litigation.

11  
12 12-12-1809. Privacy.

13 (a)(1) Captured plate data are not a public record for purposes of the  
14 Freedom of Information Act of 1967, § 25-19-101 et seq., and may be disclosed  
15 only to the person to whom the vehicle is registered or with the prior  
16 written consent of the person to whom the vehicle is registered.

17 (2) Practice and usage data compiled and preserved under § 12-  
18 12-1806 are a public record for purposes of the Freedom of Information Act of  
19 1967, § 25-19-101 et seq.

20 (b) Upon the presentation to an appropriate governmental entity of a  
21 valid, outstanding protection order protecting the driver of a vehicle  
22 jointly registered with or registered solely in the name of the individual  
23 against whom the order was issued, captured plate data shall not be disclosed  
24 except under a disclosure order under § 12-12-1805(b) or as the result of a  
25 match under § 12-12-1803(b).