
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 133 Session of
2021

INTRODUCED BY ROTHMAN AND MATZIE, JANUARY 12, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 12, 2021

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in penalties and disposition of fines, further
3 providing for surcharge; providing for automated license
4 plate reader systems; imposing penalties; and establishing
5 the ALPR Equipment Fund.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 6506(b)(1) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended and subsection (a)
10 is amended by adding a paragraph to read:

11 § 6506. Surcharge.

12 (a) Levy and imposition.--In addition to any fines, fees or
13 penalties levied or imposed as provided by law, under this title
14 or any other statute, a surcharge shall be levied for
15 disposition in accordance with subsection (b) as follows:

16 * * *

17 (10) Upon conviction for a violation of Chapter 13
18 (relating to registration of vehicles), a surcharge of \$25.

19 * * *

20 (b) Disposition.--

1 (1) Notwithstanding any other statutory provision:

2 (i) All surcharges levied and collected under
3 subsection (a)(1) by any division of the unified judicial
4 system shall be remitted to the Commonwealth for deposit
5 in the General Fund.

6 (ii) All surcharges levied and collected under
7 subsections (a)(2), (3), (4), (5), (6) and (7) by any
8 division of the unified judicial system shall be remitted
9 to the Commonwealth for deposit in the Public
10 Transportation Trust Fund.

11 (iii) All surcharges levied and collected under
12 subsection (a)(8) and (9) by any division of the unified
13 judicial system shall be remitted to the appropriate
14 towing and storage agent as set forth in section
15 6309.2(e) (relating to immobilization, towing and storage
16 of vehicle for driving without operating privileges or
17 registration) for purposes of funding its costs
18 associated with Subchapter A of Chapter 63 (relating to
19 general provisions).

20 (iv) All surcharges levied and collected under
21 subsection (a)(10) by any division of the unified
22 judicial system shall be remitted to the State Treasury
23 for deposit in the ALPR Equipment Fund.

24 ~~[(iv)]~~ (v) If the fines, fees or penalties are being
25 paid in installments, the surcharge shall be remitted on
26 each installment on a pro rata basis.

27 * * *

28 Section 2. Part VI of Title 75 is amended by adding a
29 chapter to read:

30 CHAPTER 70

1 AUTOMATED LICENSE PLATE READER SYSTEMS

2 Sec.

3 7001. Definitions.

4 7002. Use of automated license plate reader systems.

5 7003. Preservation and disclosure of captured data.

6 7004. Destruction of captured data.

7 7005. Automated license plate reader system policy.

8 7006. Penalties.

9 7007. Grant funding.

10 § 7001. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "ALPR" An automated license plate reader.

15 "Automated license plate reader system."

16 (1) A system:

17 (i) of one or more mobile or fixed high-speed
18 cameras combined with computer algorithms to convert
19 images of registration plates into computer-readable
20 data; and

21 (ii) used by a State, county or local law
22 enforcement agency or a government entity.

23 (2) The term does not include a violation enforcement
24 system as defined in 74 Pa.C.S. § 8102 (relating to
25 definitions) or a system used in electronic toll collection.

26 (3) The term does not include an automated red light
27 enforcement system as defined in section 102 (relating to
28 definitions) and used under sections 3116 (relating to
29 automated red light enforcement systems in first class
30 cities) and 3117 (relating to automated red light enforcement

1 systems in certain municipalities).

2 "Captured data." The global positioning system coordinates,
3 dates and times, photographs, registration plate numbers and any
4 other data collected by or derived from an automated license
5 plate reader system.

6 "Government entity." An office, agency, board, bureau,
7 department, commission or authority established by statute, or a
8 private entity under contract with an office, agency, board,
9 bureau, department, commission or authority established by
10 statute, to carry out a government function.

11 "Private entity." A person, entity, group or organization
12 that is not the Federal Government, the Commonwealth or a
13 municipal authority.

14 "Secured area." An area, enclosed by clear boundaries, to
15 which access is limited and entry is only obtainable through
16 specific access-control points.

17 § 7002. Use of automated license plate reader systems.

18 (a) Authorized purposes.--

19 (1) A State, county or local law enforcement agency may
20 only use an automated license plate reader system for
21 legitimate law enforcement purposes, conducting criminal
22 investigations or ensuring compliance with Federal, State and
23 local laws.

24 (2) In addition to the purposes under paragraph (1), a
25 government entity may use an automated license plate reader
26 system for the purpose of:

27 (i) Enforcing State and local parking laws.

28 (ii) Controlling access to a secured area.

29 (b) Prohibition.--Except as authorized under subsection (a),
30 the use of an automated license plate reader system is

1 prohibited.

2 (c) Manual entries.--Any State, county or local law
3 enforcement agency or government entity that manually enters
4 license plate numbers into an automated license plate reader
5 system must document the reason for the entry to ensure use for
6 a legitimate law enforcement purpose, conducting criminal
7 investigations or ensuring compliance with Federal, State and
8 local laws.

9 (d) Training required.--

10 (1) Prior to using an automated license plate reader
11 system for a purpose identified in subsection (a)(1), an
12 individual shall complete a training course approved by the
13 Pennsylvania State Police and the Municipal Police Officers'
14 Education and Training Commission.

15 (2) Prior to using an automated license plate reader
16 system for a purpose identified in subsection (a)(2), an
17 individual shall complete a training course to be publicly
18 accessible under the policy outlined in section 7005
19 (relating to automated license plate reader system policy).

20 (3) Individuals who use an automated license plate
21 reader system in the discharge of their official duties for a
22 purpose identified in subsection (a) on the effective date of
23 this section and have not previously completed a similar
24 training course shall have six months from the effective date
25 of this section, or six months from the date the Pennsylvania
26 State Police certifies that a training course is available to
27 such individuals, whichever is later, to complete the
28 required training course.

29 (e) Use of registered vehicle owner information.--

30 Notwithstanding any other provision of law, registered vehicle

1 owner information as described in section 1305 (relating to
2 application for registration) obtained as a result of the
3 operation of an automated license plate reader system shall not
4 be the property of the manufacturer nor vendor of the automated
5 license plate reader system and may not be used for any purpose
6 other than prescribed in this section.

7 (f) Further restrictions.--Notwithstanding any other
8 provision of law, camera equipment deployed as part of an
9 automated license plate reader system may not be used for
10 automated or user-controlled remote surveillance by means of
11 recorded video images. The restrictions specified in this
12 subsection shall not be deemed to preclude a court of competent
13 jurisdiction from issuing an order directing that information
14 obtained through the use of an automated license plate reader
15 system be provided to law enforcement officials if the
16 information is reasonably described and is requested solely in
17 connection with a criminal law enforcement action or criminal
18 investigation.

19 § 7003. Preservation and disclosure of captured data.

20 (a) Location of captured data.--

21 (1) The Pennsylvania State Police shall determine how
22 all captured data collected through the use of an automated
23 license plate reader system shall be stored within a secure
24 data-hosting environment that is designated by and under the
25 control of the Pennsylvania State Police.

26 (2) To carry out its responsibilities under paragraph
27 (1), the Pennsylvania State Police may contract with a
28 private third party for the purpose of administering a system
29 which allows the storage of captured data in accordance with
30 this chapter. The Pennsylvania State Police are authorized to

1 pay a reasonable fee to a third party to administer the
2 system. Information received under this section by a third
3 party shall remain confidential as specified under this
4 chapter.

5 (3) Law enforcement agencies maintaining a separate
6 database on the effective date of this section shall have one
7 year from the effective date of this section to arrange for
8 the sharing of captured data in accordance with paragraph
9 (1).

10 (b) Confidentiality of captured data.--

11 (1) Except as provided in paragraph (2) or (3):

12 (i) A law enforcement agency or government entity
13 authorized to use an automated license plate reader
14 system may not sell, trade, disseminate or exchange
15 captured data for any purpose.

16 (ii) Captured data collected or retained through the
17 use of an automated license plate reader system is
18 confidential and is only available for use by a law
19 enforcement agency in carrying out its functions, by a
20 government entity collecting information for its intended
21 purpose and in any related civil or criminal proceeding.

22 (2) The restrictions specified in this subsection shall
23 not be deemed to preclude a court of competent jurisdiction
24 from issuing an order directing that captured data obtained
25 through the use of an automated license plate reader system
26 be provided to law enforcement officials if the information
27 is reasonably described and is requested solely in connection
28 with a criminal law enforcement action.

29 (3) Law enforcement agencies may only share, sell,
30 trade, disseminate or exchange captured data with other law

1 enforcement agencies or criminal justice agencies in the
2 performance of their official duties.

3 (c) Applicability of Right-to-Know Law.--Captured data
4 collected or retained through the use of an automated license
5 plate reader system is not subject to disclosure under the act
6 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
7 Law.

8 § 7004. Destruction of captured data.

9 (a) Destruction of captured data.--The following apply:

10 (1) Except as otherwise provided for under 18 Pa.C.S.
11 Ch. 91 (relating to criminal history record information),
12 captured data obtained through the use of automated license
13 plate reader systems deployed shall be destroyed upon the
14 later of:

15 (i) one year of final judgment of any case involving
16 a recorded event; or

17 (ii) one year of any recorded event which is not
18 directly related to a violation or an active or ongoing
19 criminal investigation.

20 (2) (Reserved).

21 (b) Captured data previously collected.--Captured data
22 collected before the effective date of this section must be
23 destroyed, if required by this section, no later than one year
24 after the effective date of this section.

25 (c) Shared data.--If captured data collected by an automated
26 license plate reader system are shared with another law
27 enforcement agency or government entity, the agency or entity
28 that receives the data must comply with the requirements of this
29 section.

30 (d) Notification.--The law enforcement agency or government

1 entity which obtained recorded images through the use of an
2 automated license plate reader system shall annually file notice
3 with the Pennsylvania Commission on Crime and Delinquency that
4 the records have been destroyed in accordance with this section
5 no later than December 15 of each year.

6 § 7005. Automated license plate reader system policy.

7 The Pennsylvania State Police may develop a policy related to
8 the use of an automated license plate reader system which
9 includes the basic protocol, guidelines or written policies
10 governing the implementation, use, maintenance or storage of
11 automated license plate reader systems which a State, county or
12 local law enforcement agency or government entity must adopt.
13 The basic protocol, guidelines or written policies must include,
14 at a minimum, the following:

15 (1) An audit process to ensure that information obtained
16 through the use of an automated license plate reader system
17 is used only as outlined in section 7002(a) (relating to use
18 of automated license plate reader systems), including audits
19 of requests made by individual law enforcement agencies or
20 government entities or individual law enforcement or
21 government entity personnel.

22 (2) Procedures and safeguards to ensure that other
23 employees with access to the automated license plate reader
24 system database are adequately screened and trained.

25 (3) A copy of the training course used under section
26 7002(d)(2), if applicable.

27 § 7006. Penalties.

28 (a) Prohibited use of automated license plate reader
29 systems.--An individual who knowingly or intentionally violates
30 section 7002(b) (relating to use of automated license plate

1 reader systems) commits a misdemeanor of the second degree.

2 (b) Other violations.--An individual who knowingly or
3 intentionally violates section 7002(c), (d), (e) or (f) commits
4 a misdemeanor of the third degree.

5 § 7007. Grant funding.

6 (a) Establishment of ALPR equipment fund.--The ALPR
7 Equipment Fund is established as a special fund in the State
8 Treasury to procure ALPR equipment for use by law enforcement
9 agencies and to assist and provide equipment support for State
10 and local law enforcement. The money in the fund is appropriated
11 on a continuing basis to the commission for the purposes of this
12 section. Costs of the commission required for the administration
13 of this section shall be paid out of the fund.

14 (b) Allocation.--

15 (1) Upon completion and approval of a municipal
16 application, the commission shall award a grant to a
17 municipality seeking reimbursement from the fund.

18 (2) The commission, in accordance with the provisions of
19 this chapter, shall establish guidelines for applications and
20 approval of applications from municipalities for the grants.

21 (3) Upon notification of a grant award, a municipality
22 is required to execute a reimbursement agreement, submit
23 invoices and provide project updates to the commission.

24 (4) Financial assistance for the procurement and
25 maintenance of ALPR equipment under this section shall not
26 require a match of municipal funds.

27 (5) Except for maintenance costs, ALPR equipment
28 purchased by a municipality prior to notification of a grant
29 award and an executed reimbursement agreement shall not be
30 eligible for reimbursement from the fund.

1 (c) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Commission." The Pennsylvania Commission on Crime and
5 Delinquency.

6 "Fund." The ALPR Equipment Fund established under subsection
7 (a).

8 Section 3. Unless specifically provided in 75 Pa.C.S. Ch.
9 70, nothing in 75 Pa.C.S. Ch. 70 shall be construed to apply to
10 captured data obtained before the effective date of this
11 section.

12 Section 4. This act shall take effect in six months.