

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2196 Session of  
2015

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READSHAW, ROTHMAN, SANTORA, SCHLOSSBERG, SONNEY, THOMAS AND  
ZIMMERMAN, JUNE 21, 2016

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 21, 2016

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for automated license plate reader  
3 systems; and imposing a penalty.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Part VI of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 70

9 AUTOMATED LICENSE PLATE READER SYSTEMS

10 Sec.

11 7001. Definitions.

12 7002. Use of automated license plate reader systems.

13 7003. Preservation and disclosure of captured data.

14 7004. Destruction of data.

15 7005. Automated license plate reader system policy.

16 7006. Penalty.

17 § 7001. Definitions.

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

"Automated license plate reader system."

(1) A system:

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

(ii) used by a State or local law enforcement agency or a government entity.

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

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

"Government entity." An office, agency, board, bureau, department, commission or authority established by statute to carry out a government function.

"Patrol unit." Includes:

(1) A vehicle used by a law enforcement agency, including an unmarked police vehicle.

(2) A vehicle used by a government entity for the purpose of enforcing State and local parking laws.

(3) A vehicle used by a government entity for the purpose of controlling access to a secured area.

"Secured area." An area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is

1 only obtainable through specific access-control points.

2 § 7002. Use of automated license plate reader systems.

3 (a) Authorized purposes.--

4 (1) A State or local law enforcement agency may only use  
5 an automated license plate reader system for the purpose of  
6 protecting public safety, conducting criminal investigations  
7 or ensuring compliance with Federal, State and local laws.

8 (2) A government entity may only use an automated  
9 license plate reader system for the purpose of:

10 (i) Enforcing State and local parking laws.

11 (ii) Controlling access to a secured area.

12 (b) Prohibition.--Except as authorized under subsection (a),  
13 the use of an automated license plate reader system is  
14 prohibited.

15 (c) Training required.--Prior to using an automated license  
16 plate reader system for a purpose identified in subsection (a),  
17 an individual shall complete a training course approved by the  
18 Pennsylvania State Police and the Municipal Police Officers'  
19 Education and Training Commission. Individuals who use an  
20 automated license plate reader system in the discharge of their  
21 official duties for a purpose identified in subsection (a) on  
22 the effective date of this section shall have six months from  
23 the effective date of this section to complete the required  
24 training course.

25 (d) Positioning of system.--An automated license plate  
26 reader system shall be used only in an active patrol unit and  
27 may not be affixed to a permanent location, including, but not  
28 limited to:

29 (1) An intersection.

30 (2) A bridge.

1       (3) An overpass.

2       (4) A utility pole.

3       (5) A building or other permanent structure.

4       (6) A tower.

5       (7) A location similar to a location listed in paragraph

6       (1), (2), (3), (4), (5) or (6).

7       (e) Frontal view recorded images prohibited.--No automated  
8       license plate reader system shall be utilized in such a manner  
9       as to take a frontal view recorded image of a vehicle as  
10       evidence of having committed a violation.

11       (f) Use of registered vehicle owner information.--  
12       Notwithstanding any other provision of law, registered vehicle  
13       owner information obtained as a result of the operation of an  
14       automated license plate reader system shall not be the property  
15       of the manufacturer or vendor of the automated license plate  
16       reader system and may not be used for any purpose other than  
17       prescribed in this section.

18       (g) Further restrictions.--Notwithstanding any other  
19       provision of law, camera equipment deployed as part of an  
20       automated license plate reader system must be incapable of  
21       automated or user-controlled remote surveillance by means of  
22       recorded video images. Recorded images collected as part of the  
23       automated license plate reader system must only record  
24       violations of this title and Title 18 (relating to crimes and  
25       offenses) and may not be used for any other surveillance  
26       purposes. The restrictions set forth in this subsection shall  
27       not be deemed to preclude a court of competent jurisdiction from  
28       issuing an order directing that information obtained through the  
29       use of an automated license plate reader system be provided to  
30       law enforcement officials if the information is reasonably

1 described and is requested solely in connection with a criminal  
2 law enforcement action.

3 § 7003. Preservation and disclosure of captured data.

4 (a) Confidentiality of data.--

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

6 (i) A law enforcement agency or government entity  
7 authorized to use an automated license plate reader  
8 system may not sell, trade or exchange captured data for  
9 any purpose.

10 (ii) Captured data collected or retained through the  
11 use of an automated license plate reader system is  
12 confidential and is only available for use by a law  
13 enforcement agency in carrying out its functions, by a  
14 government entity collecting information for its intended  
15 purpose and in any related civil or criminal proceeding.

16 (2) The restrictions set forth in this subsection shall  
17 not be deemed to preclude a court of competent jurisdiction  
18 from issuing an order directing that information obtained  
19 through the use of an automated license plate reader system  
20 be provided to law enforcement officials if the information  
21 is reasonably described and is requested solely in connection  
22 with a criminal law enforcement action.

23 (3) Captured data that indicates evidence of an offense  
24 or provides information to protect the public may be shared  
25 with law enforcement agencies and with criminal justice  
26 agencies in the performance of their official duties.

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

1 Law.

2 § 7004. Destruction of data.

3 (a) Destruction of recorded images.--The following apply:

4 (1) Recorded images obtained through the use of  
5 automated license plate reader systems deployed shall be  
6 destroyed:

7 (i) within one year of final disposition of any  
8 recorded event; or

9 (ii) within 180 days of any recorded event which is  
10 not directly related to a violation of this title or  
11 Title 18 (relating to crimes and offenses) or an active  
12 criminal investigation.

13 (b) Data previously collected.--Data collected before the  
14 effective date of this section must be destroyed, if required by  
15 this section, no later than 60 days after the effective date of  
16 this section.

17 (c) Shared data.--If data collected by an automated license  
18 plate reader system are shared with another law enforcement  
19 agency or government entity, the agency or entity that receives  
20 the data must comply with the requirements of this section.

21 (d) Notification.--The law enforcement agency or government  
22 entity which obtained recorded images through the use of an  
23 automated license plate reader system shall file notice with the  
24 Department of State that the records have been destroyed in  
25 accordance with this section.

26 § 7005. Automated license plate reader system policy.

27 A State or local law enforcement agency or government entity  
28 that maintains an automated license plate reader system shall  
29 establish and enforce a written policy governing the use of the  
30 automated license plate reader system. Use of an automated

1 license plate reader system without adoption of a written policy  
2 under this section is prohibited.

3 § 7006. Penalty.

4 A violation of this chapter constitutes a misdemeanor of the  
5 second degree.

6 Section 2. This act shall take effect as follows:

7 (1) The following provisions shall take effect  
8 immediately:

9 (i) This section.

10 (ii) The addition of 75 Pa.C.S. § 7004.

11 (2) The remainder of this act shall take effect in 60  
12 days.