

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2196 Session of
2015

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JUNE 21, 2016

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 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 CAPTURED data.

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15 7005. Automated license plate reader system policy.

16 7006. Penalty.

1 § 7001. Definitions.

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

5 "Automated license plate reader system."

6 (1) A system:

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

11 (ii) used by a State, COUNTY or local law <--
12 enforcement agency or a government entity.

13 (2) The term does not include a violation enforcement
14 system as defined in 74 Pa.C.S. § 8102 (relating to
15 definitions) and OR A SYSTEM used in electronic toll <--
16 collection.

17 (3) THE TERM DOES NOT INCLUDE AN AUTOMATED RED LIGHT <--
18 ENFORCEMENT SYSTEM AS DEFINED IN SECTION 102 (RELATING TO
19 DEFINITIONS) AND USED UNDER SECTIONS 3116 (RELATING TO
20 AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS IN FIRST CLASS
21 CITIES) AND 3117 (RELATING TO AUTOMATED RED LIGHT ENFORCEMENT
22 SYSTEMS IN CERTAIN MUNICIPALITIES).

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

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

30 ~~"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 <--
only obtainable through specific access-control points.

§ 7002. Use of automated license plate reader systems.

(a) Authorized purposes.--

(1) A State or local law enforcement agency may only use
an automated license plate reader system for the purpose of <--
protecting public safety LEGITIMATE LAW ENFORCEMENT PURPOSES, <--
conducting criminal investigations or ensuring compliance
with Federal, State and local laws.

(2) A IN ADDITION TO THE PURPOSES UNDER PARAGRAPH (1), A <--
government entity may only use an automated license plate <--
reader system for the purpose of:

(i) Enforcing State and local parking laws.

(ii) Controlling access to a secured area.

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

(C) MANUAL ENTRIES.--ANY STATE, COUNTY OR LOCAL LAW <--
ENFORCEMENT AGENCY OR GOVERNMENT ENTITY THAT MANUALLY ENTERS
LICENSE PLATE NUMBERS INTO AN AUTOMATED LICENSE PLATE READER
SYSTEM MUST DOCUMENT THE REASON FOR THE ENTRY TO ENSURE USE FOR
A LEGITIMATE LAW ENFORCEMENT PURPOSE.

~~(e)~~ (D) Training required.--Prior to using an automated <--

license plate reader system for a purpose identified in
subsection (a), an individual shall complete a training course
approved by the Pennsylvania State Police and the Municipal
Police Officers' Education and Training Commission. Individuals
who use an automated license plate reader system in the
discharge of their official duties for a purpose identified in
subsection (a) on the effective date of this section shall have
six months from the effective date of this section to complete
the required training course.

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

~~(1) An intersection.~~

~~(2) A bridge.~~

~~(3) An overpass.~~

~~(4) A utility pole.~~

~~(5) A building or other permanent structure.~~

~~(6) A tower.~~

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

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

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

~~(f) (E) Use of registered vehicle owner information.--~~ <--
Notwithstanding any other provision of law, registered vehicle
owner information obtained as a result of the operation of an
automated license plate reader system shall not be the property
of the manufacturer or vendor of the automated license plate

1 reader system and may not be used for any purpose other than
2 prescribed in this section.

3 ~~(g)~~ (F) Further restrictions.--Notwithstanding any other <--
4 provision of law, camera equipment deployed as part of an
5 automated license plate reader system must be incapable of
6 automated or user-controlled remote surveillance by means of
7 recorded video images. Recorded images collected as part of the <--
8 automated license plate reader system must only record
9 violations of this title and Title 18 (relating to crimes and
10 offenses) and may not be used for any other surveillance
11 purposes. The restrictions set forth in this subsection shall
12 not be deemed to preclude a court of competent jurisdiction from
13 issuing an order directing that information obtained through the
14 use of an automated license plate reader system be provided to
15 law enforcement officials if the information is reasonably
16 described and is requested solely in connection with a criminal
17 law enforcement action.

18 § 7003. Preservation and disclosure of captured data.

19 (A) LOCATION OF CAPTURED DATA.-- <--

20 (1) ALL CAPTURED DATA COLLECTED THROUGH THE USE OF AN
21 AUTOMATED LICENSE PLATE READER SYSTEM IN THIS COMMONWEALTH
22 SHALL BE STORED AT THE PENNSYLVANIA STATE POLICE CRIMINAL
23 INTELLIGENCE CENTER.

24 (2) LAW ENFORCEMENT AGENCIES AND GOVERNMENT AGENCIES
25 MAINTAINING A SEPARATE DATABASE ON THE EFFECTIVE DATE OF THIS
26 SECTION SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS
27 SECTION TO ARRANGE FOR THE SHARING OF CAPTURED DATA WITH THE
28 PENNSYLVANIA STATE POLICE IN ACCORDANCE WITH PARAGRAPH (1).

29 ~~(a)~~ (B) Confidentiality of CAPTURED data.-- <--

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

1 (i) A law enforcement agency or government entity
2 authorized to use an automated license plate reader
3 system may not sell, trade, DISSEMINATE or exchange <--
4 captured data for any purpose.

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

11 (2) The restrictions set forth in this subsection shall
12 not be deemed to preclude a court of competent jurisdiction
13 from issuing an order directing that ~~information~~ CAPTURED <--
14 DATA obtained through the use of an automated license plate
15 reader system be provided to law enforcement officials if the
16 information is reasonably described and is requested solely
17 in connection with a criminal law enforcement action.

18 (3) Captured data ~~that indicates evidence of an offense~~ <--
19 ~~or provides information to protect the public~~ may be shared
20 with law enforcement agencies and with criminal justice
21 agencies in the performance of their official duties.

22 ~~(b)~~ (C) Applicability of Right-to-Know Law.--Captured data <--
23 collected or retained through the use of an automated license
24 plate reader system is not subject to disclosure under the act
25 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
26 Law.

27 § 7004. Destruction of CAPTURED data. <--

28 (a) Destruction of ~~recorded images~~ CAPTURED DATA.--The <--
29 following apply:

30 (1) ~~Recorded images~~ EXCEPT AS OTHERWISE PROVIDED FOR <--

1 UNDER 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
2 INFORMATION), CAPTURED DATA obtained through the use of
3 automated license plate reader systems deployed shall be
4 destroyed:

5 (i) within one year of final disposition of any
6 recorded event; or

7 (ii) within ~~180 days~~ ONE YEAR of any recorded event <--
8 which is not directly related to a violation of this <--
9 title or Title 18 (relating to crimes and offenses) or an
10 active criminal investigation.

11 (b) ~~Data~~ CAPTURED DATA previously collected.--Data CAPTURED <--
12 DATA collected before the effective date of this section must be
13 destroyed, if required by this section, no later than 60 days
14 after the effective date of this section.

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

20 (d) Notification.--The law enforcement agency or government
21 entity which obtained recorded images through the use of an
22 automated license plate reader system shall ANNUALLY file notice <--
23 with the Department of State that the records have been
24 destroyed in accordance with this section NO LATER THAN DECEMBER <--
25 15 OF EACH YEAR.

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, MAKE PUBLIC and enforce a written policy governing <--
30 the use of the automated license plate reader system. Use of an

1 automated license plate reader system without adoption of a
2 written policy under this section is prohibited. THE POLICY <--
3 SHALL INCLUDE THE FOLLOWING:

4 (1) WHICH LAW ENFORCEMENT AGENCY OR GOVERNMENT ENTITY
5 PERSONNEL ARE AUTHORIZED TO QUERY CAPTURED DATA OBTAINED BY
6 AN AUTOMATED LICENSE PLATE READER SYSTEM;

7 (2) AN AUDIT PROCESS TO ENSURE THAT INFORMATION OBTAINED
8 THROUGH THE USE OF AN AUTOMATED LICENSE PLATE READER SYSTEM
9 IS USED ONLY FOR LEGITIMATE LAW ENFORCEMENT PURPOSES,
10 INCLUDING AUDITS OF REQUESTS MADE BY INDIVIDUAL LAW
11 ENFORCEMENT AGENCIES OR GOVERNMENT ENTITIES OR INDIVIDUAL LAW
12 ENFORCEMENT OR GOVERNMENT ENTITY PERSONNEL; AND

13 (3) PROCEDURES AND SAFEGUARDS TO ENSURE THAT OTHER
14 EMPLOYEES WITH ACCESS TO THE AUTOMATED LICENSE PLATE READER
15 SYSTEM DATABASE ARE ADEQUATELY SCREENED AND TRAINED.

16 § 7006. Penalty.

17 A violation of this chapter constitutes a misdemeanor of the
18 second degree.

19 Section 2. This act shall take effect ~~as follows:~~ <--

20 ~~(1) The following provisions shall take effect~~
21 ~~immediately:~~

22 ~~(i) This section.~~

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

24 ~~(2) The remainder of this act shall take effect in 60~~
25 ~~days.~~ IN SIX MONTHS. <--