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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1811 Session of  
2017

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INTRODUCED BY ROTHMAN, MATZIE, DRISCOLL, JAMES, MILLARD,  
READSHAW, TALLMAN, DUSH AND GILLEN, SEPTEMBER 21, 2017

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REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 21, 2017

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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.

15 7005. Automated license plate reader system policy.

16 7006. Penalty.

17 § 7001. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Automated license plate reader system."

4 (1) A system:

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

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

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

14 (3) The term does not include an automated red light  
15 enforcement system as defined in section 102 (relating to  
16 definitions) and used under sections 3116 (relating to  
17 automated red light enforcement systems in first class  
18 cities) and 3117 (relating to automated red light enforcement  
19 systems in certain municipalities).

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

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

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

30 § 7002. Use of automated license plate reader systems.

1 (a) Authorized purposes.--

2 (1) A State or local law enforcement agency may only use  
3 an automated license plate reader system for legitimate law  
4 enforcement purposes, conducting criminal investigations or  
5 ensuring compliance with Federal, State and local laws.

6 (2) In addition to the purposes under paragraph (1), a  
7 government entity may use an automated license plate reader  
8 system for the purpose of controlling access to a secured  
9 area.

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

13 (c) Manual entries.--Any State, county or local law  
14 enforcement agency or government entity that manually enters  
15 license plate numbers into an automated license plate reader  
16 system must document the reason for the entry to ensure use for  
17 a legitimate law enforcement purpose.

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

28 (e) Use of registered vehicle owner information.--  
29 Notwithstanding any other provision of law, registered vehicle  
30 owner information obtained as a result of the operation of an

1 automated license plate reader system shall not be the property  
2 of the manufacturer nor vendor of the automated license plate  
3 reader system and may not be used for any purpose other than  
4 prescribed in this section.

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

17 § 7003. Preservation and disclosure of captured data.

18 (a) Location of captured data.--

19 (1) All captured data collected through the use of an  
20 automated license plate reader system in this Commonwealth  
21 shall be stored at the Pennsylvania Criminal Intelligence  
22 Center.

23 (2) Law enforcement agencies and government agencies  
24 maintaining a separate database on the effective date of this  
25 section shall have one year from the effective date of this  
26 section to arrange for the sharing of captured data with the  
27 Pennsylvania State Police in accordance with paragraph (1).

28 (b) Confidentiality of captured data.--

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

30 (i) A law enforcement agency or government entity

1 authorized to use an automated license plate reader  
2 system may not sell, trade, disseminate or exchange  
3 captured data for any purpose.

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

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

17 (3) Captured data may be shared with law enforcement  
18 agencies and with criminal justice agencies in the  
19 performance of their official duties.

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

25 § 7004. Destruction of captured data.

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

27 (1) Except as otherwise provided for under 18 Pa.C.S.  
28 Ch. 91 (relating to criminal history record information),  
29 captured data obtained through the use of automated license  
30 plate reader systems deployed shall be destroyed:

1 (i) within one year of final disposition of any case  
2 involving a recorded event; or

3 (ii) within one year of any recorded event which is  
4 not directly related to a violation or an active criminal  
5 investigation.

6 (2) (Reserved).

7 (b) Captured data previously collected.--Captured data  
8 collected before the effective date of this section must be  
9 destroyed, if required by this section, no later than 60 days  
10 after the effective date of this section.

11 (c) Shared data.--If captured data collected by an automated  
12 license plate reader system are shared with another law  
13 enforcement agency or government entity, the agency or entity  
14 that receives the data must comply with the requirements of this  
15 section.

16 (d) Notification.--The law enforcement agency or government  
17 entity which obtained recorded images through the use of an  
18 automated license plate reader system shall annually file notice  
19 with the Department of State that the records have been  
20 destroyed in accordance with this section no later than December  
21 15 of each year.

22 § 7005. Automated license plate reader system policy.

23 A State or local law enforcement agency or government entity  
24 that maintains an automated license plate reader system shall  
25 establish, make public and enforce a written policy governing  
26 the use of the automated license plate reader system. Use of an  
27 automated license plate reader system without adoption of a  
28 written policy under this section is prohibited. The policy  
29 shall include the following:

30 (1) which law enforcement agency or government entity

1 personnel are authorized to query captured data obtained by  
2 an automated license plate reader system;

3 (2) an audit process to ensure that information obtained  
4 through the use of an automated license plate reader system  
5 is used only for legitimate law enforcement purposes,  
6 including audits of requests made by individual law  
7 enforcement agencies or government entities or individual law  
8 enforcement or government entity personnel; and

9 (3) procedures and safeguards to ensure that other  
10 employees with access to the automated license plate reader  
11 system database are adequately screened and trained.

12 § 7006. Penalty.

13 An individual who violates section 7002 (relating to use of  
14 automated license plate reader systems) commits a misdemeanor of  
15 the second degree.

16 Section 2. This act shall take effect in six months.