

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 317 Session of  
2019

---

INTRODUCED BY ROTHMAN, MATZIE, McNEILL, MILLARD, KINSEY, HELM,  
DeLUCA, HILL-EVANS AND NEILSON, FEBRUARY 1, 2019

---

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 1, 2019

---

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 violation of Chapter 13  
18 (relating to registration of vehicles), a surcharge of \$25.

19 \* \* \*

1 (b) Disposition.--

2 (1) Notwithstanding any other statutory provision:

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

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

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

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

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

28 \* \* \*

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



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 set forth 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 will allow the storage of captured data in accordance  
30 with this chapter. The Pennsylvania State Police are

1 authorized to pay a reasonable fee to a third party to  
2 administer the system. Information received under this  
3 section by a third party shall remain confidential as  
4 specified under this 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 set forth 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 is authorized to develop a  
8 policy related to the use of an automated license plate reader  
9 system which includes the basic protocol, guidelines or written  
10 policies governing the implementation, use, maintenance or  
11 storage of automated license plate reader systems which a State,  
12 county or local law enforcement agency or government entity must  
13 adopt. The basic protocol, guidelines or written policies must  
14 include, 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 automated license plate reader (ALPR)  
9 equipment for use by law enforcement agencies and to assist and  
10 provide equipment support for State and local law enforcement.  
11 The money in the fund is appropriated to the commission for the  
12 purposes of this section. Costs of the commission required for  
13 the administration of this section shall be paid out of the  
14 fund.

15 (b) Allocation.--

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

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

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

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

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

1 eligible for reimbursement from the fund.

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

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

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

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

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