

Automated License Plate Readers: State Statutes

Last updated by NCSL on 2/3/22

<p>Arkansas (2013) Ark. Code §§ 12-12-1801 to 12-12-1808</p>	<p>Prohibits use of ALPRs by individuals, partnerships, companies, associations or state agencies. Provides exceptions for limited use by law enforcement, by parking enforcement entities or for controlling access to secure areas. Prohibits data from being preserved for more than 150 days.</p>
<p>California (2011) Calif. Veh. Code § 2413</p>	<p>Provides that the California Highway Patrol (CHP) may retain data from a license plate reader for no more than 60 days, unless the data is being used as evidence in felony cases. Prohibits selling or making available ALPR data to non-law enforcement officers or agencies. Requires CHP to report to the legislature how ALPR data is being used.</p>
<p>California (2015) Calif. Civil Code §§ 1798.29, 1798.90.5</p>	<p>Establishes regulations on the privacy and usage of automatic license plate recognition (ALPR) data and expands the meaning of "personal information" to include information or data collected through the use or operation of an ALPR system. Imposes privacy protection requirements on entities that use ALPR information, as defined; prohibit public agencies from selling or sharing ALPR information, except to another public agency, as specified; and require operators of ALPR systems to use that information only for authorized purposes.</p>
<p>Colorado (2014) Colo. Rev. Stat. § 24-72-113</p>	<p>Requires that video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within three years after the recording of the images. Specifies that the custodian of a passive surveillance record may only access the record beyond the first anniversary after the date of creation of the record if there has been a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor,</p>

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	<p>administrative, or felony criminal proceeding. Creates exceptions allowing retention of passive surveillance records of any correctional facility, local jail, or private contract prison and passive surveillance records made or maintained as required under federal law.</p>
<p>Florida (2014) Fla. Stat. § 316.0777</p>	<p>Creates a public records exemption for certain images and data obtained through the use of an automated license plate recognition system and personal identifying information of an individual in data generated from such images. Provides that images and data containing personal information obtained from automated license plate recognition systems are confidential. Allows for disclosure to criminal justice agencies and to individuals to whom the license plate is registered in certain circumstances.</p>
<p>Georgia (2018) Ga. Code § 35-1-22</p>	<p>License plate data may be collected and accessed only for a law enforcement purpose. The data must be destroyed no later than 30 months after it was originally collected unless the data are the subject matter of a toll violation or for a law enforcement purpose. Allows sharing of captured license plate data among law enforcement agencies. Law enforcement agencies deploying an automated license plate recognition system must maintain policies for the use and operation of the system, including but not limited to policies for the training of law enforcement officers in the use of captured license plate data License plate data collected by a law enforcement agency is not subject to public disclosure.</p>
<p>Maine (2009) 29-A M.R.S.A. § 2117-A(2)</p>	<p>Prohibits the use of automatic license plate recognition systems except for certain public safety purposes. Provides that data collected is confidential and may be used only for law enforcement purposes. Data collected may not be stored more than 21 days.</p>

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<p>Maryland (2014) Md. Public Safety Code § 3-509</p>	<p>Specifies the procedures and protocols that a law enforcement agency must follow in connection with the operation of an “automatic license plate reader system” and “captured plate data.” Requires the State Police to adopt procedures to address who has access to the data and training for those individuals and to create an audit process. Provides that data gathered by an automatic license plate reader system are not subject to disclosure under the Public Information Act.</p>
<p>Minnesota (2015) Minn. Stat. §§ 13.82, 13.824, 626.8472</p>	<p>Relates to data practices; classifies data and provides procedures related to automated license plate readers; provides the data that may be collected by such readers; relates to requirements for the sharing of such data among law enforcement agencies; requires the maintenance of a public log recording the uses of such data; requires related records maintenance and the auditing of such records; requires written procedures governing access to the data; requires certain notification when setting up readers.</p>
<p>Montana (2017) Mont. Code Ann. §§ 46-5-117 to -119</p>	<p>Prohibits the use of license plate readers by an agency or employee of the state or any subdivision of the state on any public highway. Provides exceptions for specific agencies or purposes, such as state or local law enforcement, if specified requirements are met. Except as provided, license plate data captured by law enforcement may not be preserved for more than 90 days after the date that the data is captured.</p>
<p>Nebraska (2018) Neb. Rev. Stat. § 60-3201 to 3209</p>	<p>Requires any governmental entity that uses an automatic license plate reader (ALPR) system to adopt a policy governing use of the system. Governmental entities also must adopt a privacy policy to ensure that captured plate data is not shared in violation of this act or any other law. The policies must be posted on the Internet or at the entity’s main office. Requires annual reports to the Nebraska Commission on Law Enforcement and Criminal Justice on ALPR practices</p>

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	and usage. Provides that captured plate data is not considered a public record.
New Hampshire (2007) N.H. Rev. Stat. Ann. §§ 261.75-b , 236.130	Restricts the use of automated license plate readers to local, county and state law enforcement officers, who shall only use the devices subject to specified conditions and limitations and for specified purposes. Provides that records of number plates read shall not be recorded or transmitted anywhere and shall be purged from the system within 3 minutes of their capture, unless the number resulted in an arrest, a citation or protective custody or identified a vehicle that was the subject of a missing or wanted person broadcast.
North Carolina (2015) N.C. Gen. Stat. §§ 20-183.30 to .32	Requires state or local law enforcement agencies to adopt a written policy governing the use of an ALPR system that addresses databases used to compare data obtained by the system, data retention and sharing of data with other law enforcement agencies, system operator training, supervision of system use, and data security and access. Requires audits and reports of system use and effectiveness. Limits retention of ALPR data to no more than 90 days, except in specified circumstances. Provides that data obtained by the system is confidential and not a public record.
Oklahoma (2016, 2017) Okla. Stat. §§ 47-4-606.1	Provides that participating law enforcement agencies may use automatic license plate reader systems to access and collect data for the investigation, detection, analysis or enforcement of the state's compulsory insurance law. States that data collected under the program may not be used by any individual or agency for purposes other than enforcement of the compulsory insurance law, prohibits sale of the data under the program, and provides that data is exempt from the Oklahoma Open Records Act, except when retained as evidence of a violation of the compulsory

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	<p>insurance law. These provisions do not prohibit the use of any other automated license plate reader system by an individual or private legal entity for lawful purposes.</p>
<p>Tennessee (2014, 2021) Tenn. Code §§ 55-10-302, 10-7-504(a)</p>	<p>Provides that any captured automatic license plate data collected by a government entity may not be stored for more than 90 days unless they are part of an ongoing investigation, and in that case provides for data to be destroyed after the conclusion of the investigation.</p> <p>Captured plate data from automatic license plate reader systems must be treated as confidential and shall not be open for inspection by members of the public.</p>
<p>Utah (2013, 2014, 2020) Utah Code §§ 41-6a-2001 to -2005</p>	<p>Provides that a governmental entity may not use an automatic license plate reader system except for specified uses, such as by law enforcement agencies for the purpose of protecting public safety or conducting criminal investigations and by other government entities for limited other purposes. Provides that captured plate data are a protected record under the Government Records Access and Management Act, if the captured plate data are maintained by a governmental entity. Provides that captured plate data may only be shared for specified purposes, may only be preserved for a certain time and may only be disclosed pursuant to specific circumstances such as a disclosure order or a warrant. Government entities may not use privately held captured plate data without a warrant or court order, unless the private provider retains captured plate data for 30 days or fewer. Allows an institution of higher education to use automatic license plate readers under certain circumstances.</p>

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Vermont (2013)

23 V.S.A. §§ [1607](#), [1608](#)

Requires a law enforcement officer to be certified in the use of an automated license plate reader to operate such a system. Provides that active system data may only be accessed by an officer with a legitimate law enforcement purpose for the data. A legitimate purpose includes a person's defense against certain charges and does not include enforcement of parking or traffic violations other than commercial motor vehicle violations. Limits retention and access to information gathered through the use of an ALPR system. Requires the Department of Public Safety to adopt rules to implement the law. Requires the Auditor of Accounts to examine requests for data to determine whether the request and the release complied with the law.