

1 HB210
2 169515-1
3 By Representative Hall
4 RFD: Public Safety and Homeland Security
5 First Read: 11-FEB-16

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8 SYNOPSIS: Under existing law, law enforcement agencies
9 of the state and subdivisions of the state are not
10 prohibited from using license plate scanners to
11 determine the ownership of a motor vehicle, the
12 mileage or route traveled by a motor vehicle, the
13 location or identity of a motor vehicle, or the
14 identity of the occupants of the motor vehicle on
15 public highways.

16 This bill would prohibit state agencies and
17 subdivisions of the state from using license plate
18 scanners on public highways and would provide
19 limited exceptions for the Department of
20 Transportation, the Alabama Law Enforcement Agency,
21 counties, and municipalities.

22 This bill would also provide for the
23 confidentiality of information collected and would
24 provide for the destruction of the information
25 after a specified time frame.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to license plate scanners; to prohibit
5 state agencies and subdivisions of the state from using
6 license plate scanners on public highways; to provide limited
7 exceptions for the Department of Transportation, the Alabama
8 Law Enforcement Agency, counties, and municipalities; to
9 provide for the confidentiality of information collected; and
10 to provide for the destruction of information collected.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) For the purposes of this section, the
13 following terms shall have the following meanings:

14 (1) LICENSE PLATE SCANNER. A device, used by itself
15 or in conjunction with another device, that is principally
16 designed and primarily used for determining the ownership of a
17 motor vehicle, the mileage or route traveled by a motor
18 vehicle, the location or identity of a motor vehicle, or the
19 identity of the occupants of the motor vehicle on public
20 highways through the use of a camera or other imaging device,
21 including, but not limited to, a transponder, cellular
22 telephone, global positioning satellite, automated license
23 plate recognition system, or radio frequency device.

24 (2) STATE AGENCY. An agency, department, bureau,
25 commission, authority, or other entity of state government.

26 (b) (1) Except as provided in subdivision (2), a
27 state agency or any subdivision of the state, either directly

1 or indirectly, may not use a license plate scanner on any
2 public highway.

3 (2)a. The Department of Transportation or a
4 municipality or county may use a license plate scanner to do
5 the following:

6 1. Collect data for planning. The department,
7 municipality, or county shall ensure and maintain the
8 anonymity of the vehicle, the vehicle owner, the driver of the
9 vehicle, and any passengers in the vehicle. Data collected
10 under this subparagraph without a search warrant or outside
11 judicially recognized exceptions to search warrant
12 requirements may not be used to investigate or prosecute an
13 individual or be submitted as evidence against the individual
14 in court.

15 2. Regulate a parking system to identify a vehicle's
16 location and license plate number to enforce parking
17 restrictions.

18 b. The Department of Transportation or the Alabama
19 Law Enforcement Agency may use a license plate scanner to
20 enforce laws governing the safety, licensing, registration,
21 weight, height, length, width, or apportioning of commercial
22 motor vehicles as provided in Chapter 9A, Title 32, Code of
23 Alabama 1975.

24 c. This section does not prohibit a county or city
25 board of education from using electronic devices to detect
26 school bus violations.

1 (c) (1) The information collected or stored in any
2 database under subsection (b) is not a public record and is
3 not subject to public disclosure under Section 36-12-40, Code
4 of Alabama 1975.

5 (2) The information shall be maintained only for the
6 time minimally necessary, but no more than one year, after
7 which the information shall be destroyed.

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.