

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH20270-ML-195B (3/19)

Short Title: Automatic License Plate Readers. (Public)

Sponsors: Representatives B. Turner, Speciale, Hardister, and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER  
3 SYSTEMS BY STATE GOVERNMENTAL ENTITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 20 of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 3D.

8 "Automatic License Plate Reader Systems.

9 **"§ 20-183.22. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) Automatic license plate reader system. – A system of one or more mobile or  
12 fixed automated high-speed cameras used in combination with computer  
13 algorithms to convert images of license plates into computer-readable data.  
14 This term shall not include a traffic control photographic system, as that  
15 term is defined in G.S. 160A-300.1(a).
- 16 (2) Captured plate data. – The global positioning system (GPS) coordinates, date  
17 and time, photograph, license plate number, and any other data captured by  
18 or derived from any automatic license plate reader system.
- 19 (3) Governmental entity. – Any State department, institution, agency, or any  
20 political subdivision of the State or any person that is an employee or agent  
21 of a State department, institution, agency, or political subdivision of the  
22 State.
- 23 (4) Investigative or law enforcement officer. – Any officer of the State, or any  
24 political subdivision thereof, who is empowered by the laws of this State to  
25 conduct investigations or to make arrests and any attorney authorized by the  
26 laws of this State to prosecute or participate in the prosecution of those  
27 persons arrested, including the Attorney General of North Carolina.
- 28 (5) Secured area. – An area enclosed by clear boundaries to which access is  
29 limited and not open to the public and entry is only obtainable through  
30 specific access-control points.

31 **"§ 20-183.23. Restrictions on use.**

32 (a) Except as provided for in subsection (b) of this section, it shall be unlawful for a  
33 governmental entity to use an automatic license plate reader system.

34 (b) An automatic license plate reader system may be used for each of the following:

- 35 (1) A municipal, county, or State law enforcement agency for the comparison of  
36 captured plate data with data held by the Division, the State Criminal Justice



1 Information Network, the National Crime Information Center, the FBI's  
2 Kidnappings and Missing Persons list, and the North Carolina Center for  
3 Missing Persons for the purpose of identifying any of the following:

4 a. Outstanding parking or traffic violations.

5 b. A violation of vehicle registration requirements.

6 c. A violation of the inspection requirements in Article 3A of Chapter  
7 20 of the General Statutes.

8 d. A stolen vehicle or stolen license plate.

9 e. A vehicle registered to an individual for whom there is an  
10 outstanding warrant for arrest or order of arrest for a felony violation  
11 in this State or another jurisdiction.

12 f. A vehicle associated with a missing person.

13 (2) For the purpose of enforcing parking laws and ordinances.

14 (3) For the purpose of controlling access to secured areas.

15 (4) For the purpose of electronic toll collection.

16 **"§ 20-183.24. Preservation and disclosure of records.**

17 (a) Captured plate data obtained pursuant to G.S. 20-183.23(b) shall not be used or  
18 shared for any other purpose and, except pursuant to any of the following, shall not be  
19 preserved for more than 60 days after the date the data is captured:

20 (1) A preservation request under subsection (b) of this section.

21 (2) A disclosure order under subsection (c) of this section.

22 (3) A search warrant issued pursuant to Article 11 of Chapter 15A of the  
23 General Statutes.

24 (4) A federal search warrant issued in compliance with the Federal Rules of  
25 Criminal Procedure.

26 (b) Upon the request of an investigative or law enforcement officer, a private person or  
27 governmental entity using an automatic license plate reader system shall take all necessary  
28 steps to immediately preserve captured plate data in its possession pending the issuance of a  
29 disclosure order pursuant to subsection (c) of this section. A requesting officer must specify in  
30 a written, sworn statement (i) the particular camera or cameras for which captured plate data  
31 must be preserved or the particular license plate for which captured plate data must be  
32 preserved, (ii) the date or dates and time frames for which captured plate data must be  
33 preserved, and (iii) that the requesting officer is applying for a court order compelling  
34 disclosure under subsection (c) of this section.

35 (c) An investigative or law enforcement officer may apply to a court of competent  
36 jurisdiction for a court order compelling disclosure of captured plate data. A court shall issue  
37 the order if the requesting officer offers specific and articulable facts showing that there are  
38 reasonable grounds to believe that the captured plate data is relevant and material to an ongoing  
39 criminal or missing persons investigation. If an application for a disclosure order under this  
40 subsection is denied, or if the investigative or law enforcement officer who made the initial  
41 preservation request under subsection (b) of this section fails to apply to a court of competent  
42 jurisdiction for a disclosure order under this subsection within 60 days of the date of the initial  
43 preservation request, the private person or governmental entity using the automatic license  
44 plate reader system shall destroy the captured plate data according to the private person's or  
45 governmental entity's own record or data retention policy, unless the private person or  
46 governmental entity receives within that period another preservation request under subsection  
47 (b) of this section, in which case the retention period established under this subsection shall  
48 reset.

49 (d) A governmental entity may obtain, receive, or use privately held captured plate data  
50 for the purposes described in G.S. 20-183.23(b) only pursuant to the orders and warrants listed  
51 in subdivision (2), (3), or (4) of subsection (a) of this section, and only if the private automatic

1 license plate reader system retains captured plate data for 60 days or fewer. Nothing in this  
2 subsection shall be construed as exempting captured plate data obtained, received, or used  
3 under this subsection from the limitations and restrictions set forth in subsection (f) of this  
4 section.

5 (e) A governmental entity that uses an automatic license plate reader system pursuant to  
6 G.S. 20-183.23(b) shall update the system from the databases specified therein every 24 hours  
7 if such updates are available or as soon as practicable after such updates become available.

8 (f) Captured plate data obtained for the purposes described in G.S. 20-183.23(b) is  
9 confidential and not a public record as that term is defined in G.S. 132-1. Except as otherwise  
10 provided in this Article, captured plate data obtained for the purposes described in  
11 G.S. 20-183.23(b) may only be disclosed to or with the prior written consent of the person to  
12 whom the vehicle is registered and shall not be sold, traded, or exchanged for any purpose.  
13 Nothing in this subsection shall be construed as requiring the disclosure of captured plate data  
14 if an investigative or law enforcement officer determines that disclosure will compromise an  
15 ongoing investigation.

16 **"§ 20-183.25. Reporting requirement.**

17 (a) A governmental entity that uses an automatic license plate reader system pursuant to  
18 G.S. 20-183.23(b) shall do the following:

- 19 (1) Adopt a policy governing use of the automatic license plate reader system  
20 and conspicuously post the policy on the governmental entity's Web site.
- 21 (2) Adopt a privacy policy to ensure that captured plate data is not shared in  
22 violation of this Article or any other applicable law and conspicuously post  
23 the privacy policy on the governmental entity's Web site.
- 24 (3) Beginning July 1, 2015, and continuing every year thereafter, report to the  
25 Attorney General on its automatic license plate reader practices and usage  
26 and conspicuously post the report on the governmental entity's Web site. The  
27 report shall include each of the following:
  - 28 a. The number of license plates scanned.
  - 29 b. The (i) names of the databases containing the data against which the  
30 captured plate data was compared, (ii) the number of confirmed  
31 matches, and (iii) the number of confirmed matches resulting in  
32 criminal charges.
  - 33 c. The number of preservation requests under G.S. 20-183.24(a).
  - 34 d. The number of disclosure orders under G.S. 20-183.24(b), including  
35 the number of applications for disclosure orders that were denied.
  - 36 e. Any changes in policy that affect privacy concerns.

37 (b) Beginning October 1, 2015, and continuing every year thereafter, the Attorney  
38 General shall compile the information received pursuant to subdivision (3) of subsection (a) of  
39 this section and submit a report in writing to the General Assembly.

40 **"§ 20-183.26. Penalties; suppression.**

41 (a) An aggrieved party may bring a civil action against any person who violates the  
42 provisions of G.S. 20-183.23 or G.S. 20-183.24. In any civil action alleging a violation of  
43 G.S. 20-183.23 or G.S. 20-183.24, the court may award the following to a prevailing plaintiff:

- 44 (1) The greater of (i) actual damages or (ii) liquidated damages in the amount of  
45 one thousand dollars (\$1,000).
- 46 (2) Reasonable attorneys' fees and other costs of litigation.
- 47 (3) Injunctive relief against any person who commits or proposes to commit a  
48 violation of this Article.

49 (b) Any person who willfully and knowingly violates G.S. 20-183.23 is guilty of a  
50 Class 1 misdemeanor.

1 (c) Any data or information captured in violation of G.S. 20-183.23 or G.S. 20-183.24  
2 shall not be admissible as evidence in any criminal, civil, or administrative proceeding."

3 **SECTION 2.** G.S. 136-18 is amended by adding a new subdivision to read:

4 "(46) To enter into agreements with municipalities, counties, and other  
5 governmental entities for the use of and encroachment upon the right-of-way  
6 of any road designated as part of the State highway system for the purpose of  
7 operating an automatic license plate reader system in accordance with  
8 Article 3D of Chapter 20 of the General Statutes."

9 **SECTION 3.** This act becomes effective December 1, 2015, and applies to  
10 offenses committed on or after that date.