

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35096-ND-105

Short Title: Mooresville PD May Use License Plate Readers. (Local)

Sponsors: Senator Sawyer (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AGREEMENTS WITH THE CITY OF MOORESVILLE POLICE DEPARTMENT FOR THE PLACEMENT OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any provision of G.S. 20-183.32A or G.S. 136-27.3A to the contrary, the Department of Transportation shall enter into agreements with the City of Mooresville Police Department for the placement and use of automatic license plate reader systems, as defined in G.S. 20-183.30(1), within land or right-of-way owned by the Department of Transportation provided that (i) the use of the land or right-of-way is temporary in nature, (ii) the automatic license plate reader system is placed within the city limits of the City of Mooresville and is above ground, removeable, and contains no combustible fuel, (iii) the placement and use does not unreasonably interfere with the operation and maintenance of public utility facilities or cause the facilities to fail to comply with all applicable laws, codes, and regulatory requirements, (iv) the authorization to locate a certain automatic license plate reader system within the right-of-way is revocable by the Department for cause with at least 30 days' notice, (v) the use of the automatic license plate reader system complies with provisions of Article 8A of Chapter 87 of the General Statutes, and (vi) the automatic license plate reader system is operated in accordance with Article 3D of Chapter 20 of the General Statutes. Placement and use of an automatic license plate reader system and related equipment under this section must be terminated and removed by the Department upon request by any affected public utility. The Department or a public utility may relocate an automatic license plate reader system and related equipment in the event that the Department or public utility needs immediate access to its utilities or facilities and shall only be liable for damages to the automatic license plate reader system and related equipment caused solely by its gross negligence or willful misconduct. If an automatic license plate reader system or related equipment is moved for immediate access, the Department or applicable public utility must provide notice to the City of Mooresville Police Department. For purposes of this section, the term "public utility" means any of the following: a public utility, as defined in G.S. 62-3(23), an electric membership corporation, telephone membership corporation, a joint municipal power agency, or a municipality, as defined in G.S. 159B-3(5).

SECTION 2. No later than March 1, 2024, the Department of Transportation, in consultation with the City of Mooresville Police Department, shall submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Transportation Oversight Committee on automatic license plate reader systems placed on rights-of-way owned or maintained by the Department of Transportation. The report shall contain the written policy governing use of each automatic license plate reader system, the number of



- 1 requests for captured data by requesting agency, and the amount of data preserved for more than
2 90 days compared to the amount of data captured on an annual basis.
3 **SECTION 3.** This act is effective when it becomes law and applies to automatic
4 license plate reader systems and related equipment placed or in use on or after that date.