

2013 -- H 5825

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

MOTOR AND OTHER VEHICLES - AUTOMATED LICENSE PLATE READER SYSTEM

Introduced By: Representatives Valencia, Handy, Ajello, Walsh, and Tanzi

Date Introduced: February 28, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 54

4 AUTOMATED LICENSE PLATE READER SYSTEMS

5 **31-54-1. Definitions.** – For the purposes of this section:

6 (1) "Automated license plate reader system" means a system of one or more mobile or
7 fixed automated high-speed cameras used in combination with computer algorithms to convert
8 images of license plates into computer-readable data.

9 (2) "Captured plate data" means the GPS coordinates, date and time, photograph, license
10 plate number, and any other data captured by or derived from any automatic license plate reader
11 system.

12 (3) "Alert" means data held by the department of motor vehicles, the state criminal justice
13 information system, the national crime information center, the FBI kidnappings and missing
14 persons list, and the Rhode Island missing children clearinghouse.

15 (4) "Governmental entity" has been given meaning in section 37-2-7(29).

16 **31-54-2. Restrictions on use.** – (a) Except as provided for in subsection (b) herein, it
17 shall be unlawful for any individual, partnership, corporation, association, or the state of Rhode
18 Island, its agencies, and political subdivisions to use an automated license plate reader system.

19 (b) Automated license plate reader systems may be used for the purposes of identifying:

- 1 (1) Outstanding parking or traffic violations;
- 2 (2) A vehicle registered to an individual for whom there is an outstanding warrant;
- 3 (3) A vehicle associated with a missing person; or
- 4 (4) For the purpose of electronic toll collection.

5 **31-54-3. Security of records.** – (a) Data captured in accordance with section 31-54-2
6 shall not be used or shared for any other purpose; provided, that aggregate data not containing
7 personal identifying information may be released.

8 (b) All recorded images that do not identify a violation shall be destroyed with forty-
9 eight (48) hours of the time the image was recorded, unless ordered by a court of competent
10 jurisdiction.

11 (c) All recorded images that identify a violation shall be destroyed within one year after
12 the citation is resolved by administrative payment, trial, or other final disposition, unless ordered
13 by a court of competent jurisdiction.

14 (d) Any entity that uses automated license plate reader systems pursuant to section 31-
15 54-2 shall update those systems from the databases enumerated therein every twenty-four (24)
16 hours if such updates are available or as soon as practicable thereafter.

17 (e) Entities authorized to use automated license plate reader systems in accordance with
18 section 31-54-2 shall not sell, trade, or exchange captured plate data for any purpose.

19 **31-54-4. Traffic violation procedure.** – If a vehicle is identified under this chapter as
20 possessing outstanding parking or traffic violations, the following information shall be sent to the
21 registered owner within fourteen (14) days of identification:

- 22 (1) A copy of the recorded image taken as proof of the violation; and
- 23 (2) A signed statement by a trained law enforcement officer that, based on inspection of
24 recorded images, the motor vehicle was properly identified according to this statute; and
- 25 (3) A statement that the vehicle identified met the criteria of subsection 31-52-2(b); and
- 26 (4) A list of the violations, including, but not limited to, the nature of the violation, and
27 the location and date of the violation.

28 **31-54-5. Reporting.** – Any entity that uses automated license plate reader systems
29 pursuant to section 31-54-2 shall:

- 30 (1) Adopt a policy governing use of the system and conspicuously post the policy on the
31 entity's Internet website;
- 32 (2) Adopt a privacy policy to ensure that captured plate data is not shared in violation of
33 this act or any other law and conspicuously post the privacy policy on the entity's Internet
34 website;

1 (3) Report annually its automated license plate reader system practices and usage to the
2 state or local agency that governs the entity. The report shall also be conspicuously posted on the
3 entity's Internet website. The report shall include:

4 (i) The number of license plates scanned;

5 (ii) The names of the lists against which captured plate data was checked, the number of
6 confirmed matches, and the number of matches that upon further investigation did not correlate to
7 an alert;

8 (iii) The number of matches that resulted in citation, arrest or prosecution;

9 (iv) The number of violations resolved by mail;

10 (v) The number of violations dismissed after trial or hearing;

11 (vi) The cost to maintain the automated license plate reader system; and

12 (vii) The amount of revenue obtained from the automated license plate reader system.

13 **31-54-6. Use of evidence in criminal and civil cases. –** Any evidence obtained as a
14 result of automated license plate reader use prohibited by section 31-54-2 shall be inadmissible in
15 any judicial proceeding. Nothing contained herein shall be construed to preclude any
16 investigation otherwise based upon any legally sufficient cause.

17 **31-54-7. Penalties. –** In any civil action alleging a violation of this chapter, the court
18 may:

19 (1) Award to a prevailing plaintiff punitive damages in addition to any award of actual
20 damages, and reasonable attorneys' fees; and

21 (2) Afford injunctive relief against any individual or entity who commits or proposes to
22 commit a violation of this chapter.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
MOTOR AND OTHER VEHICLES - AUTOMATED LICENSE PLATE READER SYSTEM

1 This act would create a new chapter in the general laws providing for an automated
2 license plate reader system. It would make it unlawful for any individual, partnership,
3 corporation, association, or the state of Rhode Island, its agencies and political subdivisions to
4 use an automated license plate reader system, except for outstanding parking or traffic violations,
5 identifying a vehicle registered to one for whom there is an outstanding warrant, identifying a
6 vehicle associated with a missing person, or for the purpose of electronic toll collection. It would
7 set forth the security of the records obtained in conjunction with the system, and also traffic
8 violation procedures.

9 This act would take effect upon passage.

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