

# HB0468S01

~~{Omitted text}~~ shows text that was in HB0468S01 but was omitted in HB0468S02

inserted text shows text that was not in HB0468S01 but was inserted into HB0468S02

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## Automatic License Plate Reader Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kristen Chevrier**

Senate Sponsor:

# LONG TITLE

### General Description:

This bill modifies and establishes requirements for the use of automatic license plate reader systems.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for authorized uses for automatic license plate reader systems by:
  - law enforcement agencies; and
  - other governmental entities;
- ▶ establishes reporting requirements regarding the use of automatic license plate reader systems
  - law enforcement agencies; and
  - other governmental entities;
- ▶ creates standards for data obtained from an automatic license plate reader system, including:
  - data security;

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- retention; and
- sharing; and
- makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### AMENDS:

**41-6a-2002** , as last amended by Laws of Utah 2024, Chapter 251 , as last amended by Laws of Utah 2024, Chapter 251

**41-6a-2003** , as last amended by Laws of Utah 2024, Chapter 251 , as last amended by Laws of Utah 2024, Chapter 251

**41-6a-2004** , as last amended by Laws of Utah 2023, Chapter 524 , as last amended by Laws of Utah 2023, Chapter 524

**41-6a-2005** , as last amended by Laws of Utah 2023, Chapter 524 , as last amended by Laws of Utah 2023, Chapter 524

**41-6a-2006** , as last amended by Laws of Utah 2023, Chapter 524 , as last amended by Laws of Utah 2023, Chapter 524

### ENACTS:

**41-6a-2003.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**41-6a-2003.2** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**41-6a-2003.3** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**41-6a-2003.4** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**41-6a-2003.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6a-2002** is amended to read:

#### **41-6a-2002. Definitions.**

As used in this chapter:

(1) "Active criminal investigation" means [an] a law enforcement officer has [documented] established reasonable articulable suspicion that a crime is being or has been committed, and believes the

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suspected criminal activity may be connected to a vehicle, a registered owner of a vehicle, or an occupant of a vehicle.

- 49 (2) "Aggregated captured plate data" means de-identified captured plate data created by:  
50 (a) combining multiple sets of captured plate data; and  
51 (b) removing any information that relates to an identified or identifiable individual.
- 52 [(2)] (3) "Automatic license plate reader system" means a system of one or more mobile or fixed  
automated high-speed cameras used in combination with computer algorithms to convert an image  
of a license plate into computer-readable data.
- 55 [(3)] (4) "Captured plate data" means the global positioning system coordinates, date and time,  
photograph, license plate number, and any other data captured by or derived from an automatic  
license plate reader system operated by a governmental entity.
- 58 (5) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section  
63M-7-201.
- 60 (6) "Department" means the Department of Transportation created in Section 72-1-201.
- 61 (7) "Fixed automatic license plate reader system" means an automatic license plate reader system that  
remains in a stationary location and is only able to obtain captured plate data that passes within view  
of the automatic license plate reader system.
- 64 [(4)] (8)  
(a) "Governmental entity" means[:] the same as that term is defined in Section 63G-2-103.
- 66 [(i) executive department agencies of the state;]  
67 [(ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and  
the state treasurer;]  
69 [(iii) the Board of Pardons and Parole;]  
70 [(iv) the Board of Examiners;]  
71 [(v) the National Guard;]  
72 [(vi) the Career Service Review Office;]  
73 [(vii) the State Board of Education;]  
74 [(viii) the Utah Board of Higher Education;]  
75 [(ix) the State Archives;]  
76 [(x) the Office of the Legislative Auditor General;]  
77 [(xi) the Office of the Legislative Fiscal Analyst;]

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- 78       ~~[(xii) the Office of Legislative Research and General Counsel;]~~  
79       ~~[(xiii) the Legislature;]~~  
80       ~~[(xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee~~  
          ~~of the Legislature;]~~  
82       ~~[(xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar~~  
          ~~administrative units in the judicial branch;]~~  
84       ~~[(xvi) any state-funded institution of higher education or public education;]~~  
85       ~~[(xvii) any political subdivision of the state; or]~~  
86       ~~[(xviii) a law enforcement agency.]~~  
87       (b) "Governmental entity" includes[:]  
88       ~~[(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an~~  
          ~~entity listed in Subsections (4)(a)(i) through (xviii) that is funded or established by the government~~  
          ~~to carry out the public's business; or]~~  
91       ~~[(ii)]~~ a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.  
93       ~~[(5)]~~ (9) "Government website" means the same as that term is defined in Section 63A-19-101.  
95       (10) "Hotlist" means {~~a~~} the compilation of license plate numbers or other identifying information {~~for~~  
          ~~known vehicles~~} ~~maintained by the Federal Bureau of Investigation's National Crime Information~~  
          ~~Center~~ against which captured plate data is compared to generate an alert when a particular license  
          plate is detected.  
98       (11) "Identify" means to search and review captured plate data to determine potential vehicles of  
          interest in connection with:  
100       (a) an active criminal investigation; or {-}  
101       (b) an authorized law enforcement use described in Section 41-6a-2003.1.  
102       (12) "Known vehicle" means a vehicle for which law enforcement has specific identifying information,  
          including the license plate number or a detailed physical description of the vehicle.  
105       (13)  
          (a) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.  
107       (b) "Law enforcement agency" includes a law enforcement officer.  
108       (14) "Locate" means to use captured plate data to determine the last known location of a known vehicle  
          in connection with:  
110       (a) an active criminal investigation; or

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- 111 (b) an authorized law enforcement use described in Section 41-6a-2003.1.
- 112 (15) "Mobile automatic license plate reader system" means an automatic license plate reader system  
attached to a vehicle which obtains captured plate data while the vehicle is moving or stationary.
- 115 (16) "Nongovernmental entity" means a person that is not a governmental entity.
- 116 (17) "Parking enforcement entity" means a governmental entity that is primarily responsible for:
- 118 (a) enforcing state and local parking or traffic laws; or
- 119 (b) regulating the use of a parking facility.
- 120 ~~[(6)]~~ (18) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and  
not open to the public and entry is only obtainable through specific access-control points.
- 123 (19) "Track" means to use captured plate data to monitor and record the movement of a known vehicle  
over time in connection with:
- 125 (a) an active criminal investigation; or
- 126 (b) an authorized law enforcement use described in Section 41-6a-2003.1.
- 127 (20) "Vehicle of interest" means a vehicle that is not a known vehicle that may have been involved in a  
crime.
- 130 Section 2. Section **41-6a-2003** is amended to read:
- 131 **41-6a-2003. Automatic license plate reader systems -- Restrictions.**
- 131 ~~[(1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate~~  
~~reader system:]~~
- 133 (1) A governmental entity may use an automatic license plate reader system or process captured plate  
data only if:
- 135 (a) authorized by this part; and
- 136 (b) not used for a purpose described in Subsection (2).
- 137 (2) A governmental entity may not use an automatic license plate reader system to:
- 138 (a) target an individual based on the individual's exercise of rights protected by the First Amendment of  
the United States Constitution; or
- 140 (b) discriminate against an individual based on the individual's race, color, religion, sex, national origin,  
age, disability, or genetic information.
- 142 ~~[(2) Subject to Subsection (3), an automatic license plate reader system may be used:]~~
- 143 ~~[(a) by a law enforcement agency to access captured license plate data:]~~
- 144 ~~[(i) as part of an active criminal investigation:]~~

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- 145 [(ii) to apprehend an individual with an outstanding warrant;]  
146 [(iii) to locate a missing or endangered person; or]  
147 [(iv) to locate a stolen vehicle;]  
148 [(b) by a law enforcement agency to access the Utah Criminal Justice Information System to:]  
150 [(i) verify valid vehicle registration information;]  
151 [(ii) confirm vehicle identification;]  
152 [(iii) verify insurance information; or]  
153 [(iv) identify a stolen vehicle;]  
154 [(e) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;]  
156 [(d) by a parking enforcement entity for regulating the use of a parking facility;]  
157 [(e) for the purpose of controlling access to a secured area;]  
158 [(f) for the purpose of collecting an electronic toll;]  
159 [(g) for the purpose of enforcing motor carrier laws;]  
160 [(h) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis;]  
162 [(i) by an institution of higher education within the state system of higher education as described in Section 53B-1-102;]  
164 [(i) for a purpose described in Subsections (2)(a) through (e); or]  
165 [(ii) if the data collected is anonymized, for research and educational purposes;]  
166 [(j) by the Utah Inland Port Authority, created in Section 11-58-201, or by a contractor of the Utah Inland Port Authority with the approval of the board of the Utah Inland Port Authority, if:]  
169 [(i) the automatic license plate reader system is used only within a project area, as defined in Section 11-58-102, of the Utah Inland Port Authority;]  
171 [(ii) the purpose of using the automatic license plate reader system is to improve supply chain efficiency or the efficiency of the movement of goods by analyzing and researching data related to commercial vehicle traffic; and]  
174 [(iii) specific license plate information is anonymized; or]  
175 [(k) by an international airport owned by a governmental entity for the purpose of promoting efficient regulation and implementation of traffic control and direction, parking, security, and other similar operational objectives on the airport campus.]

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- 178 [(3) A law enforcement agency may not use an automatic license plate reader system unless:]  
179 [(a) the law enforcement agency has a written policy regarding the use, management, and auditing of  
the automatic license plate reader system;]  
181 [(b) for any stationary device installed with the purpose of capturing license plate data of vehicles  
traveling on a state highway, the law enforcement agency obtains a special use permit as described  
in Section 72-1-212 from the Department of Transportation before installing the device; and]  
185 [(c) the policy under Subsection (3)(a) and any special use permits granted in accordance with  
Subsection (3)(b) are:]  
187 [(i) posted and publicly available on the appropriate city, county, or state website; or]  
188 [(ii) posted on the Utah Public Notice Website created in Section 63A-16-601 if the law enforcement  
agency does not have access to a website under Subsection (3)(c)(i).]  
192 Section 3. Section 3 is enacted to read:  
193 **41-6a-2003.1. Authorized uses by law enforcement agencies.**  
193 (1) Except as provided in Subsections (2) and (3), a law enforcement agency may not use an automatic  
license plate reader system.  
196 (2)  
195 {(2)} (a) {Subject to the reporting requirements in Section 41-61-2003.3, a} A law enforcement agency  
may use {an-} a mobile or fixed automatic license plate reader system:  
197 {(a)} (i) as part of an active criminal investigation to:  
198 {(i)} (A) identify a vehicle of interest;  
199 {(ii)} (B) locate a known vehicle; or  
200 {(iii)} (C) track a known vehicle; or  
201 {(b)} (ii) to:  
202 {(i)} (A) apprehend an individual with an outstanding felony warrant;  
203 {(ii)} (B) find a missing or endangered person;  
204 {(iii)} (C) locate a stolen vehicle;  
205 {(iv)} {verify valid vehicle registration information;}-}  
206 {(v)} (D) confirm vehicle identification;or  
207 {(vi)} {verify insurance information; or}-}  
208 {(vii)} (E) generate an alert by comparing captured plate data against a hotlist that meets the  
requirements of Section 41-6a-2003.2.

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- 209 (b) In addition to the uses authorized in Subsection (2)(a), a law enforcement agency may use a mobile  
210 license plate reader to:
- 211 (i) verify valid vehicle registration information; or  
212 (ii) verify insurance information.
- 210 (3) A law enforcement agency may use a fixed automatic license plate reader system on a state highway  
212 only if:
- 212 (a) the law enforcement agency has obtained a special use permit as described in Section 72-1-212 from  
215 the department before installing the automatic license plate reader system; and
- 215 (b) the special use permit is prominently posted on the law enforcement agency's government website.
- 220 Section 4. Section 4 is enacted to read:
- 221 **41-6a-2003.2. Hotlist requirements.**
- 219 ~~{(1) {A law enforcement agency that maintains a hotlist shall update the hotlist daily.} }~~
- 222 (1) An automatic license plate reader system shall obtain and maintain the most current version of the  
223 hotlist at least once every 24 hours.
- 220 (2) Before engaging an occupant of a vehicle based on a hotlist alert, a law enforcement agency shall  
222 confirm that:
- 222 (a) the license plate on the vehicle matches the license plate on the hotlist alert; and
- 223 (b) the hotlist alert relates to an authorized law enforcement use described in Section 41-6a-2003.1.
- 229 Section 5. Section 5 is enacted to read:
- 230 **41-6a-2003.3. Law enforcement agency reporting requirements.**
- 227 (1) An automatic license plate reader system used by a law enforcement agency shall:
- 228 (a) provide automated logging capabilities that record:
- 229 (i) the total number of vehicles from which captured plate data was obtained;
- 230 (ii) the total number of hotlist alerts;
- 231 (iii) the total number of searches and queries of captured plate data performed by a law enforcement  
233 agency; and
- 233 (iv) for each search or query by a law enforcement agency:
- 234 (A) the date and time of the search or query;
- 235 (B) the vehicle or individual of interest, if applicable;
- 236 (C) the law enforcement agency's case number associated with the search or query; and
- 238 (D) the name of the law enforcement officer who performed the search or query; and



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- 240 (b) maintain an unalterable record of system access and use.
- 241 (2) Beginning July 1, 2025, a law enforcement agency that uses an automatic license plate reader  
system shall:
- 243 (a) maintain a log of the information described in Subsection (1)(a);
- 244 (b) create an annual report for the previous calendar year containing:
- 245 (i) data from the log described in Subsection (2)(a);
- 246 (ii) the number of automatic license plate reader systems operated by the law enforcement agency,  
including the number of:
- 248 (A) fixed automatic license plate reader systems by zip code; and
- 249 (B) mobile automatic license plate reader systems;
- 250 (iii) case numbers associated with hotlist alerts and any search or query; and
- 251 (iv) total number of law enforcement actions resulting from a hotlist alert;
- 252 (c) conduct an annual internal audit to ensure compliance with this part; and
- 253 (d) on or before March 1 of each year, beginning March 1, 2026, submit to the commission:
- 255 (i) the annual report described in Subsection (2)(b); and
- 256 (ii) key findings from the audit described in Subsection (2)(c).
- 257 (3) A law enforcement agency shall:
- 258 (a) retain any records created under this section for a minimum of five years from the date the records  
were created;
- 260 (b) dispose of the records in accordance with the appropriate records' retention schedule.
- 261 (4) A law enforcement agency shall compile the report described in Subsection (2)(d) in a standardized  
format developed by the commission under Subsection (5).
- 263 (5) The commission shall:
- 264 (a) develop a standardized format for a law enforcement agency to report the information described in  
Subsection (2)(d);
- 266 (b) compile the information received from law enforcement agencies pursuant to Subsection (2)(d);
- 268 (c) publish on the commission's website on or before July 1 of each year a compilation of the  
information received pursuant to Subsection (2)(d); and
- 270 (d) provide to the Law Enforcement and Criminal Justice Interim Committee on or before September 30  
of each year a report that includes:
- 272 (i) a summary of the information received pursuant to Subsection (2)(d);

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- 273 (ii) recommended legislation;  
274 (iii) suggested items for further study; and  
275 (iv) recommendations for improving data collection under this section.
- 280 Section 6. Section 6 is enacted to read:
- 281 **41-6a-2003.4. Authorized use for governmental entities -- Reporting requirements.**
- 279 (1) Except as provided in this section, a governmental entity that is not a law enforcement agency may  
not use an automatic license plate reader system.
- 281 (2) An automatic license plate reader system may be used by:
- 282 (a) a parking enforcement entity for the purpose of:
- 283 (i) enforcing state and local parking or traffic laws; or  
284 (ii) regulating a parking facility;
- 285 (b) a governmental entity that maintains a secured area for the purpose of controlling access to the  
secured area; and
- 287 (c) the department for the purpose of:
- 288 (i) collecting an electronic toll on a highway; or  
289 (ii) enforcing motor carrier laws.
- 290 (3) Aggregated captured plate data may be used by:
- 291 (a) a public transit district, as defined in Section 17B-2a-802, for the purpose of assessing parking needs  
or conducting a travel pattern analysis;
- 293 (b) an educational institution within the Utah System of Higher Education described in Section  
53B-1-102 for research and educational purposes;
- 295 (c) the Utah Inland Port Authority created in Section 11-58-201, or a contractor of the Utah Inland Port  
Authority, for the purpose of improving supply chain efficiency or the efficiency of the movement  
of goods by analyzing and researching data related to commercial vehicle traffic if the:
- 299 (i) Utah Inland Port Authority's board, created in Section 11-58-301, has approved the use of an  
automatic license plate reader system; and
- 301 (ii) the automatic license plate reader system is only used within a project area of the Inland Port  
Authority; and
- 303 (d) an international airport for the purpose of:
- 304 (i) promoting efficient regulation; and  
305

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(ii) implementing traffic control and direction, parking, security, and other similar operational objectives.

307 (4) An automatic license plate reader system used by a governmental entity authorized under this section shall:

309 (a) provide automated logging capabilities that record:

310 (i) the total number of vehicles from which captured plate data was obtained;

311 (ii) the total number of searches and queries of captured plate data performed by the governmental entity; and

313 (iii) for each search or query by the governmental entity:

314 (A) the date and time of the search or query; and

315 (B) the name of the governmental entity employee who performed the search or query; and

317 (b) maintain an unalterable record of system access and use.

318 (5) Beginning July 1, 2025, a governmental entity that uses an automatic license plate reader system under this section shall:

320 (a) maintain a log of the information described in Subsection (4)(a); and

321 (b) create an annual report for the previous calendar year containing:

322 (i) the number of automatic license plate reader systems operated by the governmental entity, including the number of:

324 (A) fixed automatic license plate reader systems by zip code; and

325 (B) mobile automatic license plate reader systems;

326 (ii) the type of captured plate data obtained by an automatic license plate reader system used by the governmental entity;

328 (iii) how the governmental entity used the captured plate data;

329 (iv) the type of aggregated captured plate data used by the governmental entity;

330 (v) how the governmental entity used the aggregated captured plate data; and

331 (vi) an attestation from the governmental entity's chief administrative officer that the governmental entity is in compliance with this part.

333 (6) A governmental entity shall retain the records created under this section for five years from the date the records were created.

339 Section 7. Section 7 is enacted to read:

340 **41-6a-2003.5. Duties of governmental entities.**

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- 337 (1) A governmental entity authorized to use an automatic license plate reader system under { this part  
shall: }
- this part shall:
- 339 {(a)} (1) ensure that all captured plate data is encrypted or otherwise rendered unusable, unreadable,  
or indecipherable to an unauthorized individual through a security technology or methodology  
generally accepted in the field of information security;
- 342 {(b)} (2) require all employees of the governmental entity who use an automatic license plate reader  
system or captured plate data to receive training on:
- 344 {(i)} (a) the requirements of this part; and
- 345 {(ii)} (b) the governmental entity's policies regarding the use of an automatic license plate reader  
system or captured plate data;
- 347 {(c)} (3) only use the minimum amount of captured plate data necessary to effectuate a purpose  
authorized by this part; and
- 349 {(d)} (4) prominently post on the governmental entity's government website a public notice which  
describes:
- 351 {(i)} (a) the purpose for which the governmental entity uses an automatic license plate reader system;
- 353 {(ii)} (b) what captured plate data is collected by any automatic license plate reader system used by the  
governmental entity;
- 355 {(iii)} (c) how the governmental entity uses captured plate data;
- 356 {(iv)} (d) the legal authority which establishes the governmental entity's eligibility to use an automatic  
license plate reader system; and
- 358 {(v)} (e) the record series in which the captured plate data is included.
- 359 {(2)} { Posting of the notice under Subsection (1)(d) shall be sufficient to meet the requirements to  
provide a data privacy notice under Section 63A-19-402. }
- 363 Section 8. Section **41-6a-2004** is amended to read:
- 364 **41-6a-2004. Captured plate data -- Retention.**
- 363 [(1) Captured plate data obtained for the purposes described in Section 41-6a-2003:]
- 364 [(a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2,  
Government Records Access and Management Act, if the captured plate data is maintained by a  
governmental entity;]

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- [~~(b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;~~]
- 369 [(~~e~~) ~~except as provided in Subsection (3), may not be preserved for more than nine months by a governmental entity except pursuant to:~~]
- 371 [(~~i~~) ~~a preservation request under Section 41-6a-2005;~~]
- 372 [(~~ii~~) ~~a disclosure order under Subsection 41-6a-2005(2); or~~]
- 373 [(~~iii~~) ~~a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and~~]
- 375 [(~~d~~) ~~may only be disclosed:~~]
- 376 [(~~i~~) ~~in accordance with the disclosure requirements for a protected record under Section 63G-2-202;~~]
- 378 [(~~ii~~) ~~pursuant to a disclosure order under Subsection 41-6a-2005(2); or~~]
- 379 [(~~iii~~) ~~pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.~~]
- 381 [(~~2~~)
- (~~a~~) ~~A governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.~~]
- 383 [(~~b~~) ~~A governmental entity that is authorized to use an automatic license plate reader system under this part may not share or use captured plate data for a purpose not authorized under Subsection 41-6a-2003(2).~~]
- 386 [(~~e~~) ~~Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.~~]
- 389 [(~~3~~) ~~Plate data collected in accordance with Section 72-6-118 may be preserved so long as necessary to collect the payment of a toll or penalty imposed in accordance with Section 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall not apply.~~]
- 393 [(~~4~~)
- (~~a~~) ~~Except as provided in Subsections (1)(c)(i) through (1)(c)(iii), a governmental entity shall destroy as soon as reasonably possible, in an unrecoverable manner, plate data obtained pursuant to this chapter that is not specifically necessary to achieve the authorized objectives under Subsection 41-6a-2003(2).~~]
- 397 [(~~b~~) ~~Subsection (4)(a) applies to data a governmental entity obtains.~~]

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- 398 ~~[(i) from a nongovernmental entity pursuant to a warrant; or]~~  
399 ~~[(ii) from an automatic license plate reader system owned or operated by a governmental entity.]~~
- 401 (1) A governmental entity that obtains captured plate data from an automatic license plate reader system shall:
- 403 (a) retain the captured plate data for at least 14 days from the date of capture; and  
404 (b) except as provided in Subsections (2) and (3), delete or destroy the captured plate data within 90 days from the date of capture in a manner that makes the data unrecoverable.
- 407 (2) A governmental entity may retain captured plate data beyond 90 days:
- 408 (a) for criminal matters, if the captured plate data:  
409 (i) is intended to be used as evidence in an ongoing criminal investigation or prosecution; and  
411 (ii) is retained in accordance with Title 77, Chapter 11c, Retention of Evidence; or  
412 (b) for civil matters, if the captured plate data is:  
413 (i) related to an ongoing civil enforcement action; and  
414 (ii) retained pursuant to the Utah Rules of Civil Procedure.
- 415 (3) For captured plate data collected by a governmental entity in accordance with Section 72-6-118:
- 417 (a) the data:  
418 (i) may be preserved for as long as necessary to collect the payment of a toll or penalty imposed in accordance with Section 72-6-118; and  
420 (ii) is exempt from:  
421 (A) the 14-day minimum retention requirement described in Subsection (1)(a); and  
422 (B) the 90-day preservation requirement described in Subsection (1)(b); and  
423 (b) except as provided in Subsection (3)(a), a governmental entity shall destroy the captured plate data, as soon as reasonably possible, in an unrecoverable manner.
- 425 (4) A governmental entity may retain aggregated captured plate data:  
426 (a) to comply with the auditing and reporting requirements described in Sections 41-6a-2003.2 and 41-6a-2003.3; and  
428 (b) for planning and statistical purposes.
- 431 Section 9. Section **41-6a-2005** is amended to read:  
432 **41-6a-2005. Disclosure of captured plate data.**
- 431 ~~[(1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is~~

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~~captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:]~~

- 437 ~~[(a) requesting the person or governmental entity to preserve the captured plate data;]~~  
438 ~~[(b) identifying:]~~  
439 ~~[(i) the camera or cameras for which captured plate data shall be preserved;]~~  
440 ~~[(ii) the license plate for which captured plate data shall be preserved; or]~~  
441 ~~[(iii) the dates and time frames for which captured plate data shall be preserved; and]~~  
442 ~~[(e) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.]~~
- 445 (1) Captured plate data:  
446 (a) is a protected record in accordance with Section 63G-2-305; and  
447 (b) may not be shared or disclosed for any purpose other than the purposes specifically described in this part.
- 449 (2) Captured plate data captured by a law enforcement agency may only be shared with another law enforcement agency:  
451 (a) under the sharing provisions in Section 63G-2-206; and  
452 (b) pursuant to a data sharing agreement which requires the requesting law enforcement agency to comply with all requirements of this part.
- 454 (3) A governmental entity authorized to use an automatic license plate reader system under this part may not sell captured plate data for any reason.
- 456 [(2)] (4)  
(a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data possessed by a governmental entity.  
458 (b) A court ~~[that is a court of competent jurisdiction]~~ shall issue ~~[a court]~~ an order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.

463

## HB0468S01 compared with HB0468S02

[~~(3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:~~]

465 [~~(a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;~~]

467 [~~(b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or~~]

469 [~~(c) the end of the period described in Subsection 41-6a-2004(1)(c).~~]

470 [~~(4) Notwithstanding Subsection (2), a governmental entity may enter into a memorandum of understanding with another governmental entity to share access to an automatic license plate reader system or captured plate data otherwise authorized by this part.~~]

473 (5) A governmental entity may obtain, receive, or use [~~captured plate data from~~] data captured from an automatic license plate reader system operated by a nongovernmental entity only:

476 (a)

(i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or

478 (ii) using the procedure described in Subsection [~~(2)~~] (4); and

479 (b) for the [~~purposes~~] uses authorized in [~~Subsection 41-6a-2003(2)~~] Section 41-6a-2003.4.

480 [~~(6)~~]

(a) ~~A law enforcement agency shall preserve a record of:~~

481 [(i) the number of times a search of captured license plate data is conducted by the agency or the agency's employees or agents; and]

483 [(ii) the crime type and incident number associated with each search of captured license plate data.]

485 [(b) A law enforcement agency shall preserve a record identified in Subsection (6)(a) for at least five years.]

489 Section 10. Section **41-6a-2006** is amended to read:

490 **41-6a-2006. Penalties.**

[~~A person~~]

490 (1) An individual who knowingly or intentionally uses[, ~~obtains, or discloses~~] an automatic license plate reader system or captured license plate data in violation of this part is guilty of a class B misdemeanor.

493



## HB0468S01 compared with HB0468S02

- (2) A governmental entity may take disciplinary action, which may include suspension or discharge, against any employee of the governmental entity who intentionally violates any provision of this part.

498       Section 11. **Effective date.**

This bill takes effect on May 7, 2025.

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