

License Plate Reader Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill amends provisions related to the usage of data from an automatic license plate reader.

Highlighted Provisions:

This bill:

- allows a government entity to use information and data obtained from an automatic license plate reader for certain law enforcement purposes, including certain instances where the information was not obtained pursuant to a warrant.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

Section 1. Section **41-6a-2004** is amended to read:

41-6a-2004 . Captured plate data -- Preservation and disclosure.

(1) Captured plate data obtained for the purposes described in Section 41-6a-2003:

- (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;
- (b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;
- (c) except as provided in Subsection (3), may not be preserved for more than nine months by a governmental entity except pursuant to:

- 32 (i) a preservation request under Section 41-6a-2005;
- 33 (ii) a disclosure order under Subsection 41-6a-2005(2); or
- 34 (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent
- 35 federal warrant; and
- 36 (d) may only be disclosed:
- 37 (i) in accordance with the disclosure requirements for a protected record under
- 38 Section 63G-2-202;
- 39 (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or
- 40 (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
- 41 equivalent federal warrant.
- 42 (2)(a) A governmental entity that is authorized to use an automatic license plate reader
- 43 system under this part may not sell captured plate data for any purpose.
- 44 (b) A governmental entity that is authorized to use an automatic license plate reader
- 45 system under this part may not share or use captured plate data for a purpose not
- 46 authorized under Subsection 41-6a-2003(2).
- 47 (c) Notwithstanding the provisions of this section, a governmental entity may preserve
- 48 and disclose aggregate captured plate data for planning and statistical purposes if the
- 49 information identifying a specific license plate is not preserved or disclosed.
- 50 (3) Plate data collected in accordance with Section 72-6-118 may be preserved so long as
- 51 necessary to collect the payment of a toll or penalty imposed in accordance with Section
- 52 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall
- 53 not apply.
- 54 (4)(a) Except as provided in Subsections (1)(c)(i) through (1)(c)(iii), a governmental
- 55 entity shall destroy as soon as reasonably possible, in an unrecoverable manner, plate
- 56 data obtained pursuant to this chapter that is not specifically necessary to achieve the
- 57 authorized objectives under Subsection 41-6a-2003(2).
- 58 (b) Subsection (4)(a) applies to data a governmental entity obtains:
- 59 (i) from a nongovernmental entity[~~pursuant to a warrant~~]; or
- 60 (ii) from an automatic license plate reader system owned or operated by a
- 61 governmental entity.

62 Section 2. Section **41-6a-2005** is amended to read:

63 **41-6a-2005 . Preservation request.**

- 64 (1) A person or governmental entity using an automatic license plate reader system shall
- 65 take all steps necessary to preserve captured plate data in its possession for 14 days after

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

70 (a) requesting the person or governmental entity to preserve the captured plate data;

71 (b) identifying:

72 (i) the camera or cameras for which captured plate data shall be preserved;

73 (ii) the license plate for which captured plate data shall be preserved; or

74 (iii) the dates and time frames for which captured plate data shall be preserved; and

75 (c) notifying the person or governmental entity maintaining the captured plate data that
76 the governmental entity or defendant in a criminal case is applying for a court order
77 for disclosure of the captured plate data.

78 (2)(a) A governmental entity or defendant in a criminal case may apply for a court order
79 for the disclosure of captured plate data possessed by a governmental entity.

80 (b) A court that is a court of competent jurisdiction shall issue a court order requiring the
81 disclosure of captured plate data if the governmental entity or defendant in a criminal
82 case offers specific and articulable facts showing that there are reasonable grounds to
83 believe that the captured plate data is relevant and material to an ongoing criminal or
84 missing person investigation.

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

87 (a) the date that an application for an order under Subsection (2) is denied and any
88 appeal exhausted;

89 (b) the end of 14 days, if the person or governmental entity does not otherwise preserve
90 the captured plate data; or

91 (c) the end of the period described in Subsection 41-6a-2004(1)(c).

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

95 (5) A governmental entity may obtain, receive, or use captured plate data from a
96 nongovernmental entity only[?]

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

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

100 [~~(b)~~] _for the purposes authorized in Subsection 41-6a-2003(2).

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

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

104 (ii) the crime type and incident number associated with each search of captured
105 license plate data.

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

108 **Section 3. Effective Date.**

109 This bill takes effect on May 7, 2025.