

**License Plate Reader Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kristen Chevrier**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill amends requirements for the use of automatic license plate readers and processing of license plate data.

**Highlighted Provisions:**

This bill:

- repeals sections related to license plate readers, relocates provisions related to license plate readers in the Utah Code;
- defines terms;
- provides authorized uses and purposes for license plate readers and license plate data by governmental entities and law enforcement;
- establishes reporting requirements regarding the use of license plate readers and processing of license plate data;
- creates standards for processing license plate data obtained from a license plate reader including:
  - data security;
  - data retention; and
  - data sharing; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-8-805**, as last amended by Laws of Utah 2025, Chapter 388

**63G-2-305**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

**72-1-212**, as last amended by Laws of Utah 2025, Chapter 452

## ENACTS:

**77-23g-101**, Utah Code Annotated 1953

**77-23g-201**, Utah Code Annotated 1953

**77-23g-202**, Utah Code Annotated 1953

**77-23g-203**, Utah Code Annotated 1953

**77-23g-301**, Utah Code Annotated 1953

**77-23g-302**, Utah Code Annotated 1953

**77-23g-303**, Utah Code Annotated 1953

**77-23g-401**, Utah Code Annotated 1953

**77-23g-402**, Utah Code Annotated 1953

**77-23g-403**, Utah Code Annotated 1953

**77-23g-501**, Utah Code Annotated 1953

**77-23g-502**, Utah Code Annotated 1953

**77-23g-503**, Utah Code Annotated 1953

**77-23g-601**, Utah Code Annotated 1953

**77-23g-602**, Utah Code Annotated 1953

## REPEALS:

**41-6a-2001**, as enacted by Laws of Utah 2013, Chapter 447

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

**41-6a-2003**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

**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

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

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

Section 1. Section **53G-8-805** is amended to read:

**53G-8-805 . Panic alert device -- Security cameras -- Key box.**

(1) As used in this section:

(a) "Universal access key box" means a UL Standard 1037 compliant secure container designed to store and protect emergency access keys and devices.

(b) "Emergency responder" means law enforcement, fire service, or emergency medical personnel authorized by local authorities to respond to school emergencies.

(2) In accordance with the results of the school safety needs assessment described in

Section 53G-8-701.5, an LEA shall provide the lead teacher in each classroom with a

wearable panic alert device that shall communicate directly with public safety answering points.

(3) An LEA shall ensure, before the school year begins, all school building personnel receive training on the protocol and appropriate use of the panic alert device described in Subsection (2).

(4) An LEA shall:

(a) ensure all security cameras within a school building are accessible by:

(i) a local law enforcement agency; and

(ii) public safety answering points;

(b) coordinate with a local law enforcement agency to establish appropriate access protocols; and

(c) physically mark all hallways and doorways consistent with the incident response method or system the state security chief creates.

(5) A school building shall include universal access key boxes that:

(a) are installed at main entry points;

(b) contain master keys and access devices providing complete access to all areas of the school;

(c) are accessible only to authorized emergency responders;

(d) are electronically monitored for tampering; and

(e) are weather-resistant and vandal-resistant.

(6) An LEA shall:

(a) maintain universal access key boxes by:

(i) conducting quarterly inspections;

(ii) updating contents within 24 hours of any lock or access control changes;

(iii) maintaining current key and access device inventories;

(iv) documenting all inspections and updates; and

(v) immediately replacing any damaged or malfunctioning boxes;

(b) coordinate with local emergency responders to:

(i) determine optimal box placement;

(ii) establish access protocols;

(iii) maintain current emergency contact information; and

(iv) conduct annual reviews of box usage and effectiveness; and

(c) include universal access key box locations and protocols in:

(i) school emergency response plans;

- 99 (ii) building schematic diagrams provided to emergency responders; and  
100 (iii) school safety and security training materials.
- 101 (7) The state board shall:
- 102 (a) establish standards for:
- 103 (i) box installation and placement;
- 104 (ii) access control and monitoring;
- 105 (iii) maintenance schedules; and
- 106 (iv) compliance verification;
- 107 (b) in direct coordination with the state security chief, ensure new construction or major  
108 remodeling of a school building shall include the installation of automated external  
109 defibrillators in appropriate locations as the state board determines; and
- 110 (c) provide technical assistance to LEAs implementing this section.
- 111 (8) Nothing in this section:
- 112 (a) affects requirements for fire department key boxes under applicable building or fire  
113 codes; or
- 114 (b) restricts additional security measures implemented by LEAs that exceed these  
115 requirements.
- 116 [~~(9) This section is not subject to the restrictions in Section 41-6a-2003.~~]
- 117 Section 2. Section **63G-2-305** is amended to read:
- 118 **63G-2-305 . Protected records.**
- 119 The following records are protected if properly classified by a governmental entity:
- 120 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has  
121 provided the governmental entity with the information specified in Section 63G-2-309;
- 122 (2) commercial information or nonindividual financial information obtained from a person  
123 if:
- 124 (a) disclosure of the information could reasonably be expected to result in unfair  
125 competitive injury to the person submitting the information or would impair the  
126 ability of the governmental entity to obtain necessary information in the future;
- 127 (b) the person submitting the information has a greater interest in prohibiting access than  
128 the public in obtaining access; and
- 129 (c) the person submitting the information has provided the governmental entity with the  
130 information specified in Section 63G-2-309;
- 131 (3) commercial or financial information acquired or prepared by a governmental entity to  
132 the extent that disclosure would lead to financial speculations in currencies, securities, or

commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

- (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);
- (5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- (6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:

- (i) an invitation for bids;
- (ii) a request for proposals;
- (iii) a request for quotes;
- (iv) a grant; or
- (v) other similar document; or

(b) an unsolicited proposal, as defined in Section 63G-6a-712;

- (7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b)(i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

- (8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

- 167 (b) the information has already been disclosed to persons not employed by or under a  
168 duty of confidentiality to the entity;
- 169 (c) in the case of records that would identify property, potential sellers of the described  
170 property have already learned of the governmental entity's plans to acquire the  
171 property;
- 172 (d) in the case of records that would identify the appraisal or estimated value of  
173 property, the potential sellers have already learned of the governmental entity's  
174 estimated value of the property; or
- 175 (e) the property under consideration for public acquisition is a single family residence  
176 and the governmental entity seeking to acquire the property has initiated negotiations  
177 to acquire the property as required under Section 78B-6-505;
- 178 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated  
179 transaction of real or personal property including intellectual property, which, if  
180 disclosed prior to completion of the transaction, would reveal the appraisal or estimated  
181 value of the subject property, unless:
- 182 (a) the public interest in access is greater than or equal to the interests in restricting  
183 access, including the governmental entity's interest in maximizing the financial  
184 benefit of the transaction; or
- 185 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
186 the value of the subject property have already been disclosed to persons not  
187 employed by or under a duty of confidentiality to the entity;
- 188 (10) records created or maintained for civil, criminal, or administrative enforcement  
189 purposes or audit purposes, or for discipline, licensing, certification, or registration  
190 purposes, if release of the records:
- 191 (a) reasonably could be expected to interfere with investigations undertaken for  
192 enforcement, discipline, licensing, certification, or registration purposes;
- 193 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
194 proceedings;
- 195 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
196 hearing;
- 197 (d) reasonably could be expected to disclose the identity of a source who is not generally  
198 known outside of government and, in the case of a record compiled in the course of  
199 an investigation, disclose information furnished by a source not generally known  
200 outside of government if disclosure would compromise the source; or

- (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
- (11) records the disclosure of which would jeopardize the life or safety of an individual;
- (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- (15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- (17) records that are subject to the attorney client privilege;
- (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;
- (19)(a)(i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and
- (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and
- (b)(i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:
- (A) members of a legislative body;
- (B) a member of a legislative body and a member of the legislative body's staff; or

- 235 (C) members of a legislative body's staff; and
- 236 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
- 237 legislative action or policy may not be classified as protected under this section;
- 238 (20)(a) records in the custody or control of the Office of Legislative Research and
- 239 General Counsel, that, if disclosed, would reveal a particular legislator's
- 240 contemplated legislation or contemplated course of action before the legislator has
- 241 elected to support the legislation or course of action, or made the legislation or course
- 242 of action public; and
- 243 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
- 244 Office of Legislative Research and General Counsel is a public document unless a
- 245 legislator asks that the records requesting the legislation be maintained as protected
- 246 records until such time as the legislator elects to make the legislation or course of
- 247 action public;
- 248 (21) a research request from a legislator to a legislative staff member and research findings
- 249 prepared in response to the request;
- 250 (22) drafts, unless otherwise classified as public;
- 251 (23) records concerning a governmental entity's strategy about:
- 252 (a) collective bargaining; or
- 253 (b) imminent or pending litigation;
- 254 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
- 255 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 256 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 257 (25) records, other than personnel evaluations, that contain a personal recommendation
- 258 concerning an individual if disclosure would constitute a clearly unwarranted invasion
- 259 of personal privacy, or disclosure is not in the public interest;
- 260 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
- 261 resources that if known would jeopardize the security of those resources or of valuable
- 262 historic, scientific, educational, or cultural information;
- 263 (27) records of independent state agencies if the disclosure of the records would conflict
- 264 with the fiduciary obligations of the agency;
- 265 (28) records of an institution of higher education defined in Section 53H-1-101 regarding
- 266 tenure evaluations, appointments, applications for admissions, retention decisions, and
- 267 promotions, which could be properly discussed in a meeting closed in accordance with
- 268 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final



269 decisions about tenure, appointments, retention, promotions, or those students admitted,  
270 may not be classified as protected under this section;

271 (29) records of the governor's office, including budget recommendations, legislative  
272 proposals, and policy statements, that if disclosed would reveal the governor's  
273 contemplated policies or contemplated courses of action before the governor has  
274 implemented or rejected those policies or courses of action or made them public;

275 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
276 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
277 recommendations in these areas;

278 (31) records provided by the United States or by a government entity outside the state that  
279 are given to the governmental entity with a requirement that they be managed as  
280 protected records if the providing entity certifies that the record would not be subject to  
281 public disclosure if retained by it;

282 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
283 public body except as provided in Section 52-4-206;

284 (33) records that would reveal the contents of settlement negotiations but not including final  
285 settlements or empirical data to the extent that they are not otherwise exempt from  
286 disclosure;

287 (34) memoranda prepared by staff and used in the decision-making process by an  
288 administrative law judge, a member of the Board of Pardons and Parole, or a member of  
289 any other body charged by law with performing a quasi-judicial function;

290 (35) records that would reveal negotiations regarding assistance or incentives offered by or  
291 requested from a governmental entity for the purpose of encouraging a person to expand  
292 or locate a business in Utah, but only if disclosure would result in actual economic harm  
293 to the person or place the governmental entity at a competitive disadvantage, but this  
294 section may not be used to restrict access to a record evidencing a final contract;

295 (36) materials to which access must be limited for purposes of securing or maintaining the  
296 governmental entity's proprietary protection of intellectual property rights including  
297 patents, copyrights, and trade secrets;

298 (37) the name of a donor or a prospective donor to a governmental entity, including an  
299 institution of higher education defined in Section 53H-1-101, and other information  
300 concerning the donation that could reasonably be expected to reveal the identity of the  
301 donor, provided that:

302 (a) the donor requests anonymity in writing;

- (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and
- (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;
- (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:
- (a) unpublished lecture notes;
- (b) unpublished notes, data, and information:
- (i) relating to research; and
- (ii) of:
- (A) the institution of higher education defined in Section 53H-1-101; or
- (B) a sponsor of sponsored research;
- (c) unpublished manuscripts;
- (d) creative works in process;
- (e) scholarly correspondence; ~~and~~
- (f) confidential information contained in research proposals;
- (g) this Subsection (40) may not be construed to prohibit disclosure of public information required ~~[pursuant to]~~ in accordance with Subsection 53H-14-202(2)(a) or (b); and
- (h) this Subsection (40) may not be construed to affect the ownership of a record;
- (41)(a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and
- (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor

- General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;
- (42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
- (a) a production facility; or
  - (b) a magazine;
- (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 26B-6-210;
- (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;
- (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;
- (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- (48) except to the extent that the record is exempt from this chapter~~[pursuant to]~~ in accordance with Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:
- (a) the safety of the general public; or
  - (b) the security of:
    - (i) governmental property;
    - (ii) governmental programs; or
    - (iii) the property of a private person who provides the Division of Emergency Management information;
- (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;
- (50) as provided in Section 26B-2-709:
- (a) information or records held by the Department of Health and Human Services related

- 371 to a complaint regarding a provider, program, or facility which the department is  
372 unable to substantiate; and
- 373 (b) information or records related to a complaint received by the Department of Health  
374 and Human Services from an anonymous complainant regarding a provider, program,  
375 or facility;
- 376 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided  
377 under Section 41-1a-116, an individual's home address, home telephone number, or  
378 personal mobile phone number, if:
- 379 (a) the individual is required to provide the information in order to comply with a law,  
380 ordinance, rule, or order of a government entity; and
- 381 (b) the subject of the record has a reasonable expectation that this information will be  
382 kept confidential due to:
- 383 (i) the nature of the law, ordinance, rule, or order; and  
384 (ii) the individual complying with the law, ordinance, rule, or order;
- 385 (52) the portion of the following documents that contains a candidate's residential or  
386 mailing address, if the candidate provides to the filing officer another address or phone  
387 number where the candidate may be contacted:
- 388 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
389 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,  
390 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 391 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 392 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 393 (53) the name, home address, work addresses, and telephone numbers of an individual that  
394 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 395 (a) conducted within the state system of higher education, as described in Section  
396 53H-1-102; and
- 397 (b) conducted using animals;
- 398 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
399 Evaluation Commission concerning an individual commissioner's vote, in relation to  
400 whether a judge meets or exceeds minimum performance standards under Subsection  
401 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 402 (55) information collected and a report prepared by the Judicial Performance Evaluation  
403 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,  
404 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes

public, the information or report;

(56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

(57) information requested by and provided to the 911 Division under Section 63H-7a-302;

(58) in accordance with Section 73-10-33:

(a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

(b) an outline of an emergency response plan in possession of the state or a county or municipality;

(59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

(a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

(c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

(d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or

(e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

(60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover

Medicaid fraud, waste, or abuse;

(61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

(62) a record described in Section 63G-12-210;

(63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in ~~[Section 41-6a-2003]~~ Title 77, Chapter 23g, Automatic License Plate Reader Act;

(64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

(a) depict the commission of an alleged crime;

(b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);  
or

(e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

(65) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;

(66) an audio recording that is:

(a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

(b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:

(i) is responding to an individual needing resuscitation or with a life-threatening condition; and

(ii) uses a device or piece of equipment designed or intended for resuscitating an

- individual or for treating an individual with a life-threatening condition; and
- (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;
- (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- (68) work papers as defined in Section 31A-2-204;
- (69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;
- (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- (71) a record described in Section 31A-37-503;
- (72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- (a) Title 10, Utah Municipal Code;
- (b) Title 17, Counties;
- (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- (e) Title 20A, Election Code;
- (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- (78) a record submitted to the Insurance Department under Section 31A-48-103;
- (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is

prohibited under Section 63G-26-103;

(80) an image taken of an individual during the process of booking the individual into jail, unless:

(a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;

(b) a law enforcement agency releases or disseminates the image:

(i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or

(ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding;

(c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or

(d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;

(81) a record:

(a) concerning an interstate claim to the use of waters in the Colorado River system;

(b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section 63M-14-205; and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;

(ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or

(iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;

(82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic Opportunity determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to a record evidencing a final contract or approval



541 decision;

542 (83) the following records of a drinking water or wastewater facility:

543 (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
544 and

545 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the  
546 drinking water or wastewater facility uses to secure, or prohibit access to, the records  
547 described in Subsection (83)(a);

548 (84) a statement that an employee of a governmental entity provides to the governmental  
549 entity as part of the governmental entity's personnel or administrative investigation into  
550 potential misconduct involving the employee if the governmental entity:

551 (a) requires the statement under threat of employment disciplinary action, including  
552 possible termination of employment, for the employee's refusal to provide the  
553 statement; and

554 (b) provides the employee assurance that the statement cannot be used against the  
555 employee in any criminal proceeding;

556 (85) any part of an application for a Utah Fits All Scholarship account described in Section  
557 53F-6-402 or other information identifying a scholarship student as defined in Section  
558 53F-6-401;

559 (86) a record:

560 (a) concerning a claim to the use of waters in the Great Salt Lake;

561 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
562 person concerning the claim, including a representative from another state or the  
563 federal government; and

564 (c) the disclosure of which would:

565 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
566 Great Salt Lake;

567 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms  
568 and conditions regarding the use of water in the Great Salt Lake; or

569 (iii) give an advantage to another person including another state or to the federal  
570 government in negotiations regarding the use of water in the Great Salt Lake;

571 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is  
572 reclassified as public as described in Subsection 13-2-11(4);

573 (88) a record of the Utah water agent, appointed under Section 73-10g-702:

574 (a) concerning a claim to the use of waters;

- (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state, a tribe, the federal government, or other government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent; and
- (c) the disclosure of which would:
- (i) reveal a legal strategy relating to the state's claim to the use of the water;
  - (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use of water; or
  - (iii) give an advantage to another state, a tribe, the federal government, or other government entity in negotiations regarding the use of water; and

(89) a record created or maintained for an investigation of the Prosecutor Conduct Commission, created in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney, including:

- (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor Conduct Commission; or
- (b) a finding by the Prosecutor Conduct Commission.

Section 3. Section **72-1-212** is amended to read:

**72-1-212 . Special use permitting -- Rulemaking.**

(1) As used in this section:

- (a) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (b) "Special use permit" means a permit issued:
  - (i) for a special use or a special event that takes place on a highway; or
  - (ii) to a law enforcement agency to install an automatic license plate reader on a state highway for the purpose of capturing license plate data of vehicles traveling on a state highway, regardless of whether the device is installed on property owned by the department or the law enforcement agency.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with representatives of the Utah League of Cities and Towns and the Utah Association of Counties, the department shall make rules that are not inconsistent with this chapter or the constitution and laws of this state or of the United States governing the issuance of a special use permit to maintain public safety and serve the needs of the traveling public.

(3) The rules described in Subsection (2) may:

- 609 (a) establish the highways for which the highest number of special use permits are
- 610 issued;
- 611 (b) develop, in consultation with municipalities, a limit on the number of special use
- 612 permits that may be issued in any calendar year on a particular highway;
- 613 (c) require a person to submit an application designated by the department before the
- 614 department issues a special use permit;
- 615 (d) limit the number of special use permits issued on any one day for any specified
- 616 location based on a first-come, first-served basis for completed applications;
- 617 (e) establish criteria for evaluating completed applications, such as historic use, potential
- 618 economic benefit, or other relevant factors;
- 619 (f) specify conditions that are required to be met before a special use permit may be
- 620 issued;
- 621 (g) establish a penalty for failure to fulfill conditions required by the special use permit,
- 622 including suspension of the special use permit or suspension of a future special use
- 623 permit;
- 624 (h) require an applicant to obtain insurance for certain special uses or special events; or
- 625 (i) provide other requirements to maintain public safety and serve the needs of the
- 626 traveling public.
- 627 (4) The limit on the number of special use permits described in Subsection (3)(b) may not
- 628 include:
  - 629 (a) a special use permit issued for a municipality-sponsored special use or special event
  - 630 on a highway within the jurisdiction of the municipality; or
  - 631 (b) a special use permit issued to a law enforcement agency to install a device as part of
  - 632 an automatic license plate reader system authorized by Section [41-6a-2003]
  - 633 77-23g-301.
- 634 (5) The rules described in Subsection (2) shall consider:
  - 635 (a) traveler safety and mobility;
  - 636 (b) the safety of special use or special event participants;
  - 637 (c) emergency access;
  - 638 (d) the mobility of residents close to the event or use;
  - 639 (e) access and economic impact to businesses affected by changes to the normal
  - 640 operation of highway traffic;
  - 641 (f) past performance of an applicant's adherence to special use permit requirements; and
  - 642 (g) whether a law enforcement agency applying for a special use permit has published a

policy online as required by Section ~~[41-6a-2003]~~ 77-23g-302.

- (6) Notwithstanding any other provision of this chapter, the department may also require a law enforcement agency applying for a special use permit described in this section to obtain an encroachment permit.
- (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that reflects the cost of services provided by the department associated with special use permits and with special uses or special events that take place on a highway.
- (8) For a device installed in accordance with Section ~~[41-6a-2003]~~ 77-23g-301, the installation, maintenance, data collection, and removal are the responsibility of the law enforcement agency that obtains the special use permit.
- (9)(a) The department shall preserve a record of special use permits issued to a law enforcement agency, including the stated purpose for each permit.
- (b) The department shall preserve a record identified in Subsection (9)(a) for at least five years.

Section 4. Section **77-23g-101** is enacted to read:

## **CHAPTER 23g. Automatic License Plate Reader Act**

### **Part 1. Automatic License Plate Reader Act**

#### **77-23g-101 . Definitions.**

As used in this chapter:

- (1) "Aggregated license plate data" means de-identified license plate data created by:
- (a) combining multiple sets of license plate data; and
- (b) removing any information that relates to an identified or identifiable individual.
- (2) "Anonymized" means the same as that term is defined in Section 63A-19-101.
- (3) "Department" means the Department of Transportation created in Section 72-1-201.
- (4) "Facial recognition" means the process of comparing an individual's image to an image database for the purpose of identifying an individual.
- (5) "Fixed license plate reader" means a license plate reader that remains in a stationary location and is only able to obtain license plate data that passes within view of the license plate reader.
- (6) "Government website" means the same as that term is defined in Section 63A-19-101.
- (7)(a) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- (b) "Governmental entity" includes:

- 676            (i) a law enforcement agency, unless otherwise specified; and  
677            (ii) an individual or entity acting as an agent of a governmental entity or acting on  
678            behalf of a governmental entity.
- 679    (8) "Historical license plate data" means license plate data retained by a license plate reader  
680    provider as described in Section 77-23g-501.
- 681    (9) "Hotlist" means a list or database containing information related to a vehicle believed to  
682    be involved in criminal activity that is compared to license plate data to generate an alert  
683    when the vehicle is identified.
- 684    (10) "Identify" or "identifying" means to search and review data captured by a license plate  
685    reader to determine potential vehicles of interest in connection with:  
686    (a) an active criminal investigation; or  
687    (b) an authorized law enforcement use described in Section 77-23g-301.
- 688    (11)(a) "Law enforcement agency" means the same as that term is defined in Section  
689    53-1-102.
- 690    (b) "Law enforcement agency" includes a law enforcement officer as defined in Section  
691    53-13-103.
- 692    (12)(a) "License plate data" means any information collected by a license plate reader.  
693    (b) "License plate data" includes:  
694    (i) information displayed on a license plate;  
695    (ii) images of a vehicle or a license plate;  
696    (iii) the date and time the image was captured; and  
697    (iv) the global positioning system coordinates for the vehicle's location when the  
698    image was captured.
- 699    (13) "License plate reader" means a computerized system of:  
700    (a) automated high-speed cameras used to capture license plate data; and  
701    (b) optical character recognition software that converts the license plate data into  
702    computer-readable data.
- 703    (14) "License plate reader provider" means an individual or entity who:  
704    (a) provides or sells license plate readers to a governmental entity; and  
705    (b) processes license plate data on behalf of the governmental entity.
- 706    (15) "Locate" or "locating" means to use captured plate data to determine the last known  
707    location of a known vehicle in connection with:  
708    (a) an active criminal investigation; or  
709    (b) an authorized law enforcement use described in Section 77-23g-301.

- (16) "Mobile license plate reader" means a license plate reader attached to a vehicle which captures license plate data while the vehicle is moving or stationary.
- (17) "Nongovernmental entity" means an individual or entity that is not a governmental entity.
- (18) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- (19) "Parking enforcement entity" means a governmental entity that is primarily responsible for:
- (a) enforcing state and local parking regulations; or
- (b) regulating the use of a parking facility.
- (20) "Process" means the same as that term is defined in Section 63A-19-101.
- (21) "Public transit district" means the same as that term is defined in Section 17B-2a-802.
- (22) "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.
- (23) "State cooperative contract" means the same as that term is defined in Section 63G-6a-103.
- (24)(a) "Track" means the monitoring of geolocation information sufficient to determine the continuous movements of a vehicle of interest over a period greater than 72 hours after the vehicle was identified as a vehicle of interest.
- (b) "Track" does not include the use of a hotlist alert to locate a vehicle of interest in order to take immediate enforcement action upon receipt of the alert or a search of historic license plate reader data.
- (25) "Utah Inland Port Authority" means the Utah Inland Port Authority created in Section 11-58-201.

Section 5. Section **77-23g-201** is enacted to read:

**Part 2. Requirements for Automatic License Plate Readers and Providers**

**77-23g-201 . Governmental entity requirements -- Restrictions.**

- (1) A governmental entity may only use a license plate reader or process license plate data for a purpose described Section 77-23g-301 or Section 77-23g-401.
- (2) A governmental entity authorized to use a license plate reader or process license plate data under this chapter shall:
- (a) process the minimum amount of license plate data reasonably necessary to effectuate a purpose described in Section 77-23g-301 or Section 77-23g-401;
- (b) require all employees of the governmental entity who use a license plate reader or

process license plate data to receive training on:

(i) the requirements of this chapter; and

(ii) the governmental entity's policies regarding the use of a license plate reader or processing of license plate data;

(c) annually conduct an internal audit to ensure compliance with this chapter; and

(d) prominently post, on the governmental entity's government website, a public notice that describes:

(i) the governmental entity's purpose for using a license plate reader or processing license plate data;

(ii) the legal authority that authorizes the governmental entity to use a license plate reader or process license plate data; and

(iii) the retention period for the license plate data.

(3) A governmental entity may not use a license plate reader or process license plate data to:

(a) conduct facial recognition;

(b) target an individual based on the individual's exercise of rights protected by the First Amendment of the United States Constitution; or

(c) discriminate against an individual based on the individual's race, color, religion, sex, national origin, age, disability, or genetic information.

Section 6. Section **77-23g-202** is enacted to read:

**77-23g-202 . License plate reader provider requirements -- Restrictions.**

(1) A license plate reader provider shall:

(a) act with a duty of loyalty and care with respect to license plate data processed on behalf of the state or a governmental entity, including an obligation to act in the best interests of the state and the individuals whose data is processed;

(b) ensure that all license 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;

(c) obtain a yearly evaluation, conducted by an independent third party, regarding the accuracy of the license plate reader that evaluates, at a minimum:

(i) character-level accuracy;

(ii) full-plate accuracy;

(iii) false positive rate for hotlist and alert matching; and

(iv) error rates, disaggregated by plate type, plate jurisdiction, and video and imaging conditions;

- (d) obtain a new or updated evaluation, conducted by an independent third party, whenever the license plate reader provider implements a material change to the license plate reader system that may reasonably be expected to impact accuracy, including changes to:
- (i) hardware components or camera specifications;
  - (ii) optical character recognition, machine learning, or other recognition algorithms;
  - (iii) data processing, filtering, confidence scoring, or matching logic;
  - (iv) environmental or operational configurations that materially affect capture or recognition performance; or
  - (v) any other system modification identified by the provider or evaluator as affecting accuracy;
- (e) ensure that license plate provider systems sold to governmental entities in this state obtain and maintain, at a minimum, across video and image conditions:
- (i) 99% character-level accuracy;
  - (ii) 99% full-plate accuracy;
  - (iii) 1% or lower false positive rate for hotlist and alert matching;
  - (iv) 1% or lower error rate for license plate type identification; and
  - (v) 1% or lower error rate for license plate jurisdiction identification;
- (f) provide the evaluation described in Subsection (1)(c) or (1)(d) to:
- (i) the Division of Purchasing and General Services created in Section 63A-2-101, if the license plate reader provider has entered into a state cooperative contract to provide license plate readers to or process license plate data on behalf of a governmental entity; and
  - (ii) a governmental entity that has directly entered into a contract with a license plate reader provider that is not based upon a state cooperative contract to provide license plate readers or process license plate data; and
- (g) dispose of license plate reader data in accordance with the appropriate retention schedule.
- (2) A license plate reader provider may only:
- (a) process license plate data captured by a license plate reader owned or operated by a governmental entity for a purpose described in Section 77-23g-301 or Section 77-23g-401; and
  - (b) share license plate data captured by a license plate reader owned or operated by a governmental entity;



- 812           (i) in accordance with the requirements in Section 77-23g-502; and
- 813           (ii) if authorized by the governmental entity.
- 814       (3) A license plate reader provider may not sell or profit from license plate data captured by
- 815           a license plate reader owned or operated by a governmental entity.
- 816       (4) A license plate reader provider shall ensure that the license plate reader system
- 817           automatically collects, maintains, and is capable of generating an annual report
- 818           containing, at a minimum, the following information for each law enforcement agency
- 819           and government entity using the system during the reporting period:
- 820           (a) the number of license plate readers used, including:
- 821               (i) fixed license plate readers, organized by zip code; and
- 822               (ii) mobile license plate readers;
- 823           (b) the specific location of fixed position license plate readers used by latitude and
- 824               longitude coordinates;
- 825           (c) the number of vehicles from which license plate data was obtained;
- 826           (d) the number of alerts generated by a hotlist;
- 827           (e) the number of searches conducted on license plate data, including for each search:
- 828               (i) the date and time of the search;
- 829               (ii) the stated purpose of the search;
- 830               (iii) the associated case number, if applicable; and
- 831               (iv) the identifier of the user performing the search; and
- 832           (f) for a law enforcement agency, the number of warrants obtained and provided to the
- 833               license plate reader provided for license plate data originating from a
- 834               nongovernmental entity.
- 835       (5) A license plate reader provider shall provide a standardized query, export, or dashboard
- 836           capability that allows the law enforcement agency or governmental entity to generate the
- 837           report without manual data entry.

838       Section 7. Section **77-23g-203** is enacted to read:

839       **77-23g-203 . Hotlist requirements.**

- 840       (1) A governmental entity may:
- 841           (a) compare license plate data to a hotlist to generate a real-time alert only:
- 842               (i) for a purpose described in Section 77-23g-301 or Section 77-23g-401; and
- 843               (ii) if the hotlist used to generate an alert is updated at least once every 24 hours; and
- 844           (b) add vehicle or license plate information to a hotlist only if:
- 845               (i) the vehicle or license plate information relates to an authorized purpose described

in Section 77-23g-301 or Section 77-23g-401; and

(ii) the governmental entity has a policy that describes the criteria and procedure for adding vehicle or license plate information to a hotlist.

(2) A law enforcement agency may stop a vehicle or engage an occupant of a vehicle based on a hotlist alert only if:

(a) the hotlist alert is related to an authorized law enforcement purpose described in Section 77-23g-301; and

(b) the law enforcement agency confirms, before stopping the vehicle or engaging the occupant, that the vehicle or occupant matches the information described in the hotlist.

Section 8. Section **77-23g-301** is enacted to read:

### **Part 3. Law Enforcement Use of Automatic License Plate Readers**

#### **77-23g-301 . Authorized law enforcement purposes.**

(1) A law enforcement agency may only use a license plate reader or process license plate data as authorized in this section.

(2) If a law enforcement agency has developed reasonable articulable suspicion that criminal activity is occurring or has occurred, the law enforcement agency may conduct a historical search of license plate data or use a hotlist to generate an alert for the purpose of:

(a) identifying a vehicle that may have been involved in the criminal activity; or

(b) determining where a vehicle believed to be involved in the criminal activity previously traveled.

(3) Notwithstanding the requirements of Subsection (2), a law enforcement agency may conduct a historical search of license plate data or use a hotlist to generate an alert for the purpose of:

(a) locating:

(i) a stolen vehicle; or

(ii) a missing or endangered individual; or

(b) apprehending an individual with an outstanding felony warrant.

Section 9. Section **77-23g-302** is enacted to read:

#### **77-23g-302 . Law enforcement restrictions.**

(1) A law enforcement agency may not use a license plate reader or process license plate data to:

(a) track a vehicle's continuous movements, unless the law enforcement agency has

obtained a state or federal warrant based upon a showing of probable cause that the vehicle, the driver, or the registered owner are relevant and material to an existing open and active criminal investigation;

(b) initiate an investigation; or

(c) establish reasonable suspicion that a crime has occurred or is occurring.

(2) A law enforcement agency may only process license plate data captured by a license plate reader owned or operated by a nongovernmental entity if:

(a) the law enforcement agency:

(i) processes the nongovernmental entity's license plate data for an authorized purpose described in Section 77-23g-301; and

(ii) has obtained a state or federal warrant authorizing the use of the nongovernmental entity's license plate data; or

(b) in an exigent circumstance:

(i) the law enforcement agency believes processing the nongovernmental entity's license plate data is necessary to prevent serious harm to an individual; and

(ii) the nongovernmental entity consents to the law enforcement agency's processing of the nongovernmental entity's license plate data.

(3) A fixed license plate reader may only be placed on a state highway if:

(a) a law enforcement agency has obtained a special use permit as described in Section 72-1-212 from the department; and

(b) the special use permit is prominently posted on the law enforcement agency's government website.

Section 10. Section **77-23g-303** is enacted to read:

**77-23g-303 . Reporting requirements for law enforcement agencies.**

(1) On or before December 31 of each year, a law enforcement agency that uses a license plate reader shall:

(a) generate and review the annual license plate reader report created pursuant to Subsection 77-23g-202(6); and

(b) verify the accuracy of the report.

(2) The law enforcement agency shall:

(a) maintain the report described in Subsection (1) as a protected record;

(b) file the report as part of the law enforcement agency's annual privacy program report described in Section 63A-19-401.3; and

(c) retain the report for a minimum of five years.

Section 11. Section **77-23g-401** is enacted to read:

**Part 4. Governmental Entity Use of Automatic License Plate Readers**

**77-23g-401 . Authorized governmental entity purposes.**

- (1) A governmental entity that is not a law enforcement agency may only use a license plate reader or process license plate data as described in this section.
- (2) A parking enforcement entity may only use a license plate reader or process license plate data for the purpose of:
  - (a) enforcing state and local parking regulations; or
  - (b) regulating a parking facility.
- (3) A government entity that maintains a secured area may only use a license plate reader or process license plate data for the purpose of controlling access to the secured area.
- (4) The department may only use a license plate reader or process license plate data for the purpose of:
  - (a) collecting an electronic toll on a highway as described in Section 72-6-118; or
  - (b) enforcing motor carrier laws.
- (5) A public transit district may only use a license plate reader or process license plate data for the purpose of assessing parking needs or conducting a travel pattern analysis.
- (6) An educational institution within the Utah System of Higher Education described in Section 53B-1-102 may only use a license plate reader or process license plate data if the license plate data:
  - (a) is anonymized; and
  - (b) is used for research and educational purposes.
- (7) The Utah Inland Port Authority, or a contractor of the Utah Inland Port Authority, may only use a license plate reader or process license plate data for the purpose of improving supply chain efficiency or the efficiency of the movement of goods and analyzing and researching data related to commercial vehicle traffic if:
  - (a) the Utah Inland Port Authority's board has approved the use of a license plate reader;
  - (b) the license plate reader is only used within a project area of the Utah Inland Port Authority; and
  - (c) the license plate data is anonymized.
- (8) An international airport may only use a license plate reader or process license plate data 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.

Section 12. Section **77-23g-402** is enacted to read:

**77-23g-402 . Governmental entity restrictions.**

A governmental entity that is not a law enforcement agency may not process license plate data captured by a license plate reader owned or operated by a nongovernmental entity.

Section 13. Section **77-23g-403** is enacted to read:

**77-23g-403 . Reporting requirements for governmental entities.**

(1) On or before December 31 of each year, a governmental entity that is not a law enforcement agency shall:

- (a) generate and review the annual license plate reader report created pursuant to Subsection 77-23g-202(6); and
- (b) verify the accuracy of the report.

(2) The governmental entity shall:

- (a) maintain the report as a protected record;
- (b) file the report as part of the governmental entity's annual privacy program report described in Section 63A-19-401.3; and
- (c) retain the report for a minimum of five years.

Section 14. Section **77-23g-501** is enacted to read:

**Part 5. Disclosure of License Plate Data**

**77-23g-501 . License plate data -- Retention.**

(1) Except as provided in this section, a governmental entity that uses a license plate reader shall delete or destroy, in a manner that makes the data unrecoverable, the license plate data within 90 days from the date on which the license plate data was captured.

(2) A governmental entity may retain license plate data beyond 90 days:

- (a) for criminal matters, if the license plate data:
  - (i) is intended to be used as evidence in an ongoing criminal investigation or prosecution; and
  - (ii) is retained in accordance with Title 77, Chapter 11c, Retention of Evidence; or
- (b) for civil matters, if the license plate data is:
  - (i) related to an ongoing civil enforcement action; and
  - (ii) retained in accordance with the Utah Rules of Civil Procedure.

(3) For license plate data used by the department for the purposes described in Section 72-6-118, the department:

- (a) is exempt from the 90-day preservation requirement described in Subsection (1); and
- (b) shall delete or destroy the license plate data, in a manner that makes the data

unrecoverable, as soon as reasonably possible.

- (4) A governmental entity may retain aggregated license plate data beyond 90 days for planning and statistical purposes.

Section 15. Section **77-23g-502** is enacted to read:

**77-23g-502 . Disclosure of license plate data.**

- (1) License plate data captured by a license plate reader owned or operated by a governmental entity:
- (a) is the property of the state as described in Section 63A-12-105;
  - (b) is a protected record in accordance with Section 63G-2-305; and
  - (c) may not be shared with or disclosed to a nongovernmental entity.
- (2) A governmental entity may only share license plate data captured by a license plate reader owned or operated by the governmental entity:
- (a) in accordance with the sharing provisions in Section 63G-2-206;
  - (b) for an authorized purpose described in Section 77-23g-301 or Section 77-23g-401;
  - (c) if the receiving entity performs the same or similar duties as the sharing entity; and
  - (d) the sharing entity enters into a data sharing agreement with the receiving entity whereby the receiving entity agrees to:
    - (i) comply with the requirements in this chapter; and
    - (ii) only use the license plate data for an authorized purpose described in Section 77-23g-301 or Section 77-23g-401.
- (3) A court may order the disclosure of license plate data in a criminal or civil matter if the court finds that the license plate data is relevant and material to an ongoing investigation, prosecution, or enforcement action.

Section 16. Section **77-23g-503** is enacted to read:

**77-23g-503 . Report on the disclosure of license plate data.**

- (1) On or before February 1 of each year, the office shall request from law enforcement agencies and governmental entities copies of the report described in Subsections 77-23g-303(2) and 77-23g-403(2).
- (2) The office shall, in coordination with the Utah Privacy Commission:
- (a) review and analyze reports received from law enforcement agencies and governmental entities;
  - (b) evaluate the geographic concentration, placement, and density of license plate reader cameras;
  - (c) assess the minimum accuracy standards that license plate reader systems must meet

- 1016 to be used for law enforcement and governmental entity purposes;  
1017 (d) recommend to the Legislature adjustments to minimum accuracy thresholds and  
1018 camera concentration limits to be codified in statute; and  
1019 (e) develop recommendations to improve license plate reader data collection, processing,  
1020 retention, and access practices in order to appropriately balance public safety  
1021 objectives with individual privacy and transparency interests.

1022 Section 17. Section **77-23g-601** is enacted to read:

1023 **Part 6. Penalties and Private Right of Action**

1024 **77-23g-601 . Penalties.**

- 1025 (1) An individual who knowingly or intentionally uses, or discloses a license plate reader or  
1026 processes license plate data in violation of this chapter is guilty of a class B  
1027 misdemeanor.  
1028 (2) A governmental entity may take disciplinary action, which may include suspension or  
1029 discharge, against any employee of the governmental entity who intentionally violates  
1030 any provision of this chapter.

1031 Section 18. Section **77-23g-602** is enacted to read:

1032 **77-23g-602 . Private right of action.**

- 1033 (1) A license plate reader provider is subject to a private right of action for failing to  
1034 comply with the requirements of this chapter and may be liable for:  
1035 (a) economic, non-economic, or punitive damages; and  
1036 (b) attorney fees and costs.  
1037 (2) An individual may obtain equitable remedies, including an injunction, a writ of  
1038 mandamus, or a declaratory judgment for any violation of this chapter.

1039 Section 19. **Repealer.**

1040 This bill repeals:

1041 Section **41-6a-2001, Title.**

1042 Section **41-6a-2002, Definitions.**

1043 Section **41-6a-2003, Automatic license plate reader systems -- Restrictions.**

1044 Section **41-6a-2004, Captured plate data -- Preservation and disclosure.**

1045 Section **41-6a-2005, Preservation request.**

1046 Section **41-6a-2006, Penalties.**

1047 Section 20. **Effective Date.**

1048 This bill takes effect on May 6, 2026.