

Part 20

Automatic License Plate Reader System Act

41-6a-2001 Title.

This part is known as the "Automatic License Plate Reader System Act."

Enacted by Chapter 447, 2013 General Session

41-6a-2002 Definitions.

As used in this chapter:

- (1) "Active criminal investigation" means an officer has documented reasonable suspicion that a crime is being or has been committed, and believes the suspected criminal activity may be connected to a vehicle, a registered owner of a vehicle, or an occupant of a vehicle.
- (2) "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.
- (3) "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.
- (4)
 - (a) "Governmental entity" means:
 - (i) executive department agencies of the state;
 - (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney general, and the state treasurer;
 - (iii) the Board of Pardons and Parole;
 - (iv) the Board of Examiners;
 - (v) the National Guard;
 - (vi) the Career Service Review Office;
 - (vii) the State Board of Education;
 - (viii) the Utah Board of Higher Education;
 - (ix) the State Archives;
 - (x) the Office of the Legislative Auditor General;
 - (xi) the Office of the Legislative Fiscal Analyst;
 - (xii) the Office of Legislative Research and General Counsel;
 - (xiii) the Legislature;
 - (xiv) legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;
 - (xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;
 - (xvi) any state-funded institution of higher education or public education;
 - (xvii) any political subdivision of the state; or
 - (xviii) a law enforcement agency.
 - (b) "Governmental entity" includes:
 - (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

- (ii) a person acting as an agent of a governmental entity or acting on behalf of a governmental entity.
- (5) "Nongovernmental entity" means a person that is not a governmental entity.
- (6) "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.

Amended by Chapter 251, 2024 General Session

41-6a-2003 Automatic license plate reader systems -- Restrictions.

- (1) Except as provided in Subsection (2), a governmental entity may not use an automatic license plate reader system.
- (2) Subject to Subsection (3), an automatic license plate reader system may be used:
 - (a) by a law enforcement agency to access captured license plate data:
 - (i) as part of an active criminal investigation;
 - (ii) to apprehend an individual with an outstanding warrant;
 - (iii) to locate a missing or endangered person; or
 - (iv) to locate a stolen vehicle;
 - (b) by a law enforcement agency to access the Utah Criminal Justice Information System to:
 - (i) verify valid vehicle registration information;
 - (ii) confirm vehicle identification;
 - (iii) verify insurance information; or
 - (iv) identify a stolen vehicle;
 - (c) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
 - (d) by a parking enforcement entity for regulating the use of a parking facility;
 - (e) for the purpose of controlling access to a secured area;
 - (f) for the purpose of collecting an electronic toll;
 - (g) for the purpose of enforcing motor carrier laws;
 - (h) by a public transit district for the purpose of assessing parking needs and conducting a travel pattern analysis;
 - (i) by an institution of higher education within the state system of higher education as described in Section 53B-1-102:
 - (i) for a purpose described in Subsections (2)(a) through (e); or
 - (ii) if the data collected is anonymized, for research and educational purposes;
 - (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:
 - (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;
 - (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
 - (iii) specific license plate information is anonymized; or
 - (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.
- (3) A law enforcement agency may not use an automatic license plate reader system unless:
 - (a) the law enforcement agency has a written policy regarding the use, management, and auditing of the automatic license plate reader system;

- (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
- (c) the policy under Subsection (3)(a) and any special use permits granted in accordance with Subsection (3)(b) are:
 - (i) posted and publicly available on the appropriate city, county, or state website; or
 - (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).

Amended by Chapter 251, 2024 General Session

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:
 - (i) a preservation request under Section 41-6a-2005;
 - (ii) a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and
 - (d) may only be disclosed:
 - (i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;
 - (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or
 - (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
- (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.
 - (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).
 - (c) 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.
- (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.
- (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).

(b) Subsection (4)(a) applies to data a governmental entity obtains:

- (i) from a nongovernmental entity pursuant to a warrant; or
- (ii) from an automatic license plate reader system owned or operated by a governmental entity.

Amended by Chapter 524, 2023 General Session

41-6a-2005 Preservation request.

- (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 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:
 - (a) requesting the person or governmental entity to preserve the captured plate data;
 - (b) identifying:
 - (i) the camera or cameras for which captured plate data shall be preserved;
 - (ii) the license plate for which captured plate data shall be preserved; or
 - (iii) the dates and time frames for which captured plate data shall be preserved; and
 - (c) 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.
- (2)
 - (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.
 - (b) A court that is a court of competent jurisdiction shall issue a court 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.
- (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:
 - (a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;
 - (b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or
 - (c) the end of the period described in Subsection 41-6a-2004(1)(c).
- (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.
- (5) A governmental entity may obtain, receive, or use captured plate data from a nongovernmental entity only:
 - (a)
 - (i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or
 - (ii) using the procedure described in Subsection (2); and
 - (b) for the purposes authorized in Subsection 41-6a-2003(2).

- (6)
- (a) A law enforcement agency shall preserve a record of:
 - (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
 - (ii) the crime type and incident number associated with each search of captured license plate data.
 - (b) A law enforcement agency shall preserve a record identified in Subsection (6)(a) for at least five years.

Amended by Chapter 524, 2023 General Session

41-6a-2006 Penalties.

A person who knowingly or intentionally uses, obtains, or discloses captured license plate data in violation of this part is guilty of a class B misdemeanor.

Amended by Chapter 524, 2023 General Session