

Senator Todd Weiler proposes the following substitute bill:

**LICENSE PLATE READER AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to automatic license plate reader systems.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides that a person or governmental entity may not use an automatic license plate reader system except in certain circumstances;
- ▶ specifies circumstances when an automatic license plate reader system may be used by a person or governmental entity;
- ▶ provides that captured plate data is a protected record under the Government Records Access and Management Act ~~§~~ **→**, if the captured plate data is maintained by a governmental entity ~~←~~ **§** ;
- ▶ provides that captured plate data may only be shared for specified purposes, may only be preserved for a certain time, and may only be disclosed pursuant to a disclosure order or a warrant;
- ▶ prohibits a person from selling captured plate data for any purpose;
- ▶ establishes procedures for a governmental entity to submit a preservation request for captured plate data; and
- ▶ provides a penalty for violating the provisions relating to automatic license plate



57 (4) "Secured area" means an area, enclosed by clear boundaries, to which access is  
 58 limited and not open to the public and entry is only obtainable through specific access-control  
 59 points.

60 Section 3. Section **41-6a-2003** is enacted to read:

61 **41-6a-2003. Automatic license plate reader systems -- Restrictions.**

62 (1) Except as provided in Subsection (2), a person or governmental entity may not use  
 63 an automatic license plate reader system.

64 (2) An automatic license plate reader system may be used:

65 (a) by a law enforcement agency for the purpose of protecting public safety, conducting  
 66 criminal investigations, or ensuring compliance with local ~~§~~ ~~§~~ [f] , [f] ~~and~~ ~~§~~ ~~§~~ state  
 66a ~~§~~ ~~§~~ [f] , and federal [f] ~~§~~ ~~§~~ laws;

67 (b) by a parking enforcement entity for regulating the use of a parking facility;

68 (c) for the purpose of controlling access to a secured area;

69 (d) for the purpose of collecting an electronic toll; or

70 (e) for the purpose of enforcing motor carrier laws.

71 Section 4. Section **41-6a-2004** is enacted to read:

72 **41-6a-2004. Captured plate data -- Preservation and disclosure.**

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

74 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,  
 75 Chapter 2, Government Records Access and Management Act ~~§~~ , if the captured plate data is  
 75a **maintained by a governmental entity ~~§~~ ;**

76 (b) may not be used or shared for any purpose other than the purposes described in  
 77 Section 41-6a-2003;

78 (c) may not be preserved for more than ~~§~~ ~~§~~ [six months] ~~§~~ ~~§~~ [seven days for] 30 days by a  
 78a1 ~~§~~ private ~~§~~ [entities

78a **and] entity or ~~§~~ nine months ~~§~~ [for public entities] by a governmental entity ~~§~~ ~~§~~**

78b except pursuant to:

79 (i) a preservation request under Section 41-6a-2005;

80 (ii) a disclosure order under Subsection 41-6a-2005(2); or

81 (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent  
 82 federal warrant; and

83 (d) may only be disclosed:

84 (i) in accordance with the disclosure requirements for a ~~§~~ [private] protected ~~§~~ record  
 84a under Section

85 63G-2-202;

86 (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or

87 (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an

119 Subsection (2) may be destroyed at the later of:

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

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

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

125 Section 6. Section **41-6a-2006** is enacted to read:

126 **41-6a-2006. Penalties.**

127 A person who violates a provision under this part is guilty of a class ~~§~~ [C] ~~§~~ [A]

127a **B ← § ← § misdemeanor.**

128 Section 7. Section **63G-2-305** is amended to read:

129 **63G-2-305. Protected records.**

130 The following records are protected if properly classified by a governmental entity:

131 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret  
132 has provided the governmental entity with the information specified in Section 63G-2-309;

133 (2) commercial information or nonindividual financial information obtained from a  
134 person if:

135 (a) disclosure of the information could reasonably be expected to result in unfair  
136 competitive injury to the person submitting the information or would impair the ability of the  
137 governmental entity to obtain necessary information in the future;

138 (b) the person submitting the information has a greater interest in prohibiting access  
139 than the public in obtaining access; and

140 (c) the person submitting the information has provided the governmental entity with  
141 the information specified in Section 63G-2-309;

142 (3) commercial or financial information acquired or prepared by a governmental entity  
143 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
144 commodities that will interfere with a planned transaction by the governmental entity or cause  
145 substantial financial injury to the governmental entity or state economy;

146 (4) records the disclosure of which could cause commercial injury to, or confer a  
147 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
148 defined in Subsection 11-13-103(4);

149 (5) test questions and answers to be used in future license, certification, registration,