State-Level Automatic License Plate Reader Ban Model Bill

Section 1. Definitions.

(A) "Automatic License Plate Reader (ALPR) system" shall mean a system, software, or computer algorithm, whether used independently or in combination with one or more mobile or fixed automated cameras, that is used to convert images of license plates into computer-readable data. An ALPR system shall not include cameras whose collection of images and other data is only activated when a vehicle within its field of view engages in a specific unlawful driving behavior, such as speeding or driving through a red light.

(B) "Captured plate data" shall mean the GPS coordinates, date and time, photograph, license plate number, and any other data captured by, derived, or inferred from any automatic license plate reader system, including but not limited to make, model, color, and other vehicle-related characteristics.

(C) "Government entity" shall mean a department or agency of the state of [insert State name] or a political subdivision thereof, or an individual acting for or on behalf of the state or a political subdivision thereof.

Section 2. Prohibition on ALPR system use.

No government entity shall access or use an automated license plate reader system, any captured plate data from or collected by any ALPR system, or any information or analysis derived from any ALPR system.

Section 3. Evidence

No captured plate data and no information derived or ascertained therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the State of [insert state name], or a political subdivision thereof, if the collection or disclosure of that information was or would be in violation of this Act, unless such evidence is exculpatory in a criminal trial or proceeding.

Section 4. Penalties.

Any person who violates the provisions of this Act shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this Act has injured his business, his person, or his reputation. A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him on

account of violation of the provisions of this Act, or liquidated damages of one thousand dollars, and a reasonable attorney's fee and other costs of litigation.

Section 5. Severability.

The provisions in this Act are severable. If any part or provision of this Act, or the application of this Act to any person, entity, or circumstance, is held invalid, the remainder of this Act, including the application of such part or provision to other persons, entities, or circumstances, shall not be affected by such holding and shall continue to have force and effect.

Section 6. Effective Date.

This Act shall take effect 30 days after its adoption.