

1 AN ACT relating to automated license plate readers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Automated license plate reader" or "ALPR" means a system of one (1) or*  
7 *more mobile or fixed high-speed cameras combined with computer*  
8 *algorithms to convert images of license plates into data that is readable by a*  
9 *computer system;*

10 *(b) "Entity" means any owner or operator of an ALPR that shares the data*  
11 *collected by the ALPR with any public agency or law enforcement agency;*  
12 *and*

13 *(c) "Public agency" has the same meaning as in KRS 61.870.*

14 *(2) An ALPR may only be utilized by an entity for:*

15 *(a) Criminal investigations within established constitutional parameters*  
16 *pursuant to:*

17 *1. A search warrant issued by a court of this Commonwealth;*

18 *2. A federal search warrant issued in compliance with the Federal Rules*  
19 *of Criminal or Civil Procedure; or*

20 *3. The required retention of evidence related to a criminal charge or*  
21 *complaint until the criminal charge or complaint is resolved or*  
22 *dismissed;*

23 *(b) Commercial trucking requirements; or*

24 *(c) The sole purpose of toll collection identification on highways and bridges by*  
25 *the Kentucky Transportation Cabinet and shall not include any tracking or*  
26 *movement toward locations of any vehicle identified.*

27 *(3) An ALPR shall not be capable of photographing, recording, or producing images*

1 of the occupants of a vehicle.

2 (4) Data collected by an ALPR shall be limited to the following:

3 (a) License plate numbers;

4 (b) Date, time, and location data on vehicles; and

5 (c) Pictures of license plates, vehicles, and areas surrounding the vehicles.

6 (5) (a) A positive match by an ALPR device alone shall not constitute reasonable  
7 suspicion or grounds for a law enforcement officer to stop any vehicle.

8 (b) A law enforcement officer shall:

9 1. Develop independent reasonable suspicion for any vehicle stop or  
10 immediately visually confirm that the license plate on the vehicle  
11 matches the image of the license plate displayed on the ALPR; and

12 2. Confirm by other means that the license plate number is related to a  
13 vehicle subject to the criteria in subsection (2) of this section.

14 (6) An ALPR shall not be used to monitor or track an individual unless:

15 (a) Authorized by a warrant, issued by a court of competent jurisdiction upon  
16 probable cause; or

17 (b) Otherwise constitutionally permitted without obtaining a warrant under  
18 exigent circumstances.

19 (7) License plate data not meeting the criteria established in subsection (2) of this  
20 section shall be automatically deleted or overwritten within three (3) minutes, and  
21 a log of any data or information captured that does not meet the criteria in  
22 subsection (2) of this section shall not be created.

23 (8) (a) An entity shall not

24 1. Sell any recorded images or data captured by an ALPR for any  
25 purpose;

26 2. Collect or store data that could be used for any purpose not listed in  
27 subsection (2) of this section; or

1           3. Make any data collected by an ALPR available to any person or entity  
2           other than the party whose data has been collected except by an order  
3           of a court of competent jurisdiction.

4           (b) If data is collected by the Kentucky Transportation Cabinet under  
5           subsection (2) of this section, the cabinet shall ensure that the data is not  
6           released to any other entity or person except for toll collection purposes in a  
7           civil collection or enforcement proceeding, and under no circumstances  
8           shall the data identify any movement of a vehicle toward any specific  
9           location.

10          (9) Any entity that collects data by an ALPR shall:

11           (a) Adopt and publicize a written policy governing the collection and use of  
12           data captured by an ALPR that shall include:

13           1. Identification of the database used to compare data obtained by the  
14           ALPR;

15           2. Retention and destruction of data associated with the ALPR;

16           3. Authorized release of data associated with the ALPR;

17           4. Training of ALPR system operators;

18           5. Supervisory oversight of ALPR use;

19           6. Access to and security of data;

20           7. The position classification of personnel authorized to query data  
21           captured by an ALPR;

22           8. Safeguards to ensure that personnel with access to the ALPR database  
23           are adequately screened and trained; and

24           9. Any other subjects or areas related to ALPR use;

25           (b) Maintain a log of its use including:

26           1. The aggregate number of vehicles or license plates on which data was  
27           collected for each period of active use and a list of all state and federal

- 1                    databases with which the data was compared;
- 2                    2. The location at which the ALPR that actively collected the data was
- 3                    installed and used;
- 4                    3. A record of users who access ALPR data which shall be maintained
- 5                    indefinitely;
- 6                    4. System maintenance and calibration records; and
- 7                    5. The number of ALPR disclosures, including the entity or person to
- 8                    which or to whom the data was disclosed, the purpose of the
- 9                    disclosure, and the authority for the disclosure; and
- 10                  (c) Develop an audit process to:
- 11                    1. Ensure that information obtained through an ALPR system is used
- 12                    only for authorized purposes of the entity;
- 13                    2. Determine the effectiveness of the system; and
- 14                    3. At least once every year:
- 15                    a. Audit its ALPR system use and effectiveness, and report the
- 16                    findings to the head of the entity responsible for operating the
- 17                    system; and
- 18                    b. Report the log information required in paragraph (b) of this
- 19                    subsection to the Department of Kentucky State Police.
- 20                  (10) The Department of Kentucky State Police shall promulgate administrative
- 21                  regulations in accordance with KRS Chapter 13A to establish an annual review
- 22                  process for any entity that utilizes an ALPR, to ensure that information obtained
- 23                  through the use of ALPR systems is used only for the purposes permitted by this
- 24                  section, and the department shall review all information submitted under
- 25                  subsection (9) of this section to verify compliance with the requirements of this
- 26                  section.