

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

9 (2) A person, entity, partnership, corporation, association, or this Commonwealth or  
10 an agency or political subdivision thereof shall not use, deploy, or maintain an  
11 ALPR system.

12 (3) Using, deploying, or maintaining an ALPR system is a Class D felony with a fine  
13 of ten thousand dollars (\$10,000).

14 (4) (a) In addition to the criminal penalty specified in subsection (3) of this section,  
15 any person or entity who uses, deploys, or maintains an ALPR system shall  
16 be liable for damages in a civil action.

17 (b) Any person who is recorded by an ALPR system shall have a cause of action  
18 against any person or entity responsible for the violation, and the action  
19 may be brought in any court of competent jurisdiction to enjoin further  
20 violations and recover actual and punitive damages for any violation or  
21 infringement.

22 (c) Any plaintiff who prevails in an action under this section against the user of  
23 the ALPR system may be entitled to recover reasonable attorney's fees,  
24 costs, and damages, unless the court finds the plaintiff has acted in bad  
25 faith, with malicious purpose, or that there was a complete absence of  
26 justifiable issue of either law or fact.

27 (d) Prevailing defendants may be entitled to recover reasonable attorney's fees.