



# HOUSE BILL 242: License Plate Reader Systems in State ROWs.

2017-2018 General Assembly

<b>Committee:</b> House Judiciary I	<b>Date:</b> April 19, 2017
<b>Introduced by:</b> Reps. Faircloth, McNeill, Ross, Davis	<b>Prepared by:</b> Jason Moran-Bates
<b>Analysis of:</b> First Edition	Committee Co-Counsel

**OVERVIEW:** House Bill 242 would authorize the Department of Transportation (DOT) to enter into encroachment agreements with municipalities, counties, and other governmental entities for automatic license plate reader system installation or temporary placement within the State highway rights-of-way.

**CURRENT LAW:** Under G.S. 138-18 DOT maintains exclusive control of the State highway system, which includes rights-of-way.

G.S. 136-18(2)(c) authorizes DOT to use rights-of-way for water, sewer, telephone, electric, and other utility lines, and for nonutility owned communications or data transmission infrastructure.

DOT currently authorizes and approves encroachments into highway rights-of-way by agreement with the encroaching entity.

**BILL ANALYSIS:** House Bill 242 would authorize DOT to enter into encroachment agreements with municipalities, counties, and other governmental entities for the installation or temporary placement of automatic license plate reader systems within State highway rights-of-way, provided that the installation does not interfere with existing rights-of-way usage by a public utility, the use will be immediately terminated if a public utility objects, and the readers used comply with the provisions of the Underground Utility Safety and Damage Prevention Act, Article 8A of Chapter 87 of the General Statutes.

The bill would also allow the Department to approve requests by municipalities, counties, and other governmental entities for the installation or temporary placement of automatic license plate reader systems in rights-of-way currently encumbered by utility easements, provided that the installation is temporary and completely above ground, does not interfere with the utility facilities, is terminated immediately at the request of the public utility, and the readers used comply with the provisions of Article 8A of Chapter 87 of the General Statutes.

**EFFECTIVE DATE:** This act would become effective when it becomes law.

**BACKGROUND:** Article 3D of Chapter 20 contains the State law governing use of automatic license plate reader systems. Pursuant to G.S. 20-183.30, license plate readers can only be used to convert license plate images into computer-readable data. They cannot be equipped to work in conjunction with a traffic control device or radar to identify violations of traffic laws. Data captured by a license plate reader system is only accessible by law enforcement agencies, and may be used only for law enforcement or criminal justice purposes. The data may only be retained for 90 days unless a search warrant or formal retention request has been issued.

*Howard Marsilio of the Legislative Analysis Division substantially contributed to this summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578