



HOUSE BILL 87: License Plate Reader Systems in State ROWs.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 2, 2019
Introduced by:	Reps. Faircloth, Torbett, McNeill, Ross	Prepared by:	Howard Marsilio
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 87 would authorize the Department of Transportation (DOT) to enter into encroachment agreements with, and approve requests from, municipalities, counties, and other governmental entities for automatic license plate reader system installation or temporary placement within the State highway rights-of-way (ROW).*

CURRENT LAW: G.S. 138-18 lists the powers of DOT. Generally, the Department maintains exclusive control of the State highway system, which includes ROW.

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 ROW with an agreement between DOT and the encroaching entity.

Article 3D of Chapter 20, as enacted by S.L. 2015-190, contains the State laws defining and governing the data use and preservation requirements for automatic license plate reader systems. An automatic license plate reader system is a "system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

- Data obtained by a law enforcement agency shall be obtained, accessed, preserved, or disclosed only for law enforcement or criminal justice purposes
- Captured data is not preserved for more than 90 days, except pursuant to a law enforcement preservation request or search warrants.
- Captured data is confidential and not a public record as defined by G.S. 132-1, and can only be disclosed to federal, State, or local law enforcement for a legitimate law enforcement or public safety purpose.

BILL ANALYSIS: House Bill 87 would authorize DOT to enter into encroachment agreements with, or approve requests from, municipalities, counties, and other governmental entities for the installation or temporary placement of automatic license plate reader systems within State highway ROW. The bill would also specify requirements for encroachment agreements relating to existing utility interference, termination of automatic license plate reader systems placement by existing utilities, types of allowable temporary automatic license plate reader systems, and removal of temporary automatic license plate reader systems by existing utilities.

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

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