



2023-2024 General Assembly

SENATE BILL 409: Various Changes to Criminal and Civil Laws, Sec. 5: Automatic License Plate Readers in State Right- of-Way Pilot

Committee:
Introduced by:
Analysis of: Sec. 5 of S.L. 2023-151

Date: December 18, 2023
Prepared by: Howard Marsilio
Staff Attorney

OVERVIEW: Section 5 of S.L. 2023-151 establishes a pilot program for placement of automatic license plate reader systems in State right-of-way and makes various changes to existing laws that relate to automatic license plate reader systems.

This section has various effective dates. Please see the full summary for more details.

CURRENT LAW: Generally, the North Carolina Department of Transportation (Department) maintains exclusive control of the State highway system, which includes highway right-of-way (ROW). Article 3D of Chapter 20 contains State laws defining and governing data use and preservation requirements for automatic license plate reader systems, among other regulations.

BILL ANALYSIS: Section 5 of S.L. 2023-151: (i) establishes a pilot program to authorize the Department to enter into agreements with the State Bureau of Investigation (SBI) for the placement and use of automatic license plate reader systems on Department land or ROW, and specifies requirements for automatic license plate reader systems for this purpose; and (ii) requires the SBI to submit an initial report no later than April 15, 2025, and a final report no later than October 1, 2025, to various General Assembly committees.

This section also: (i) repeals statutes to clarify existing laws that relate to placement of automatic license plate reader systems; (ii) amends and clarifies definitions and provisions applicable to automatic license plate reader systems; and (iii) creates a Class 1 misdemeanor for unlawfully obtaining, accessing, preserving, or disclosing data obtained in accordance with automatic license plate reader systems laws.

EFFECTIVE DATE: The subsection of this section that establishes the automatic license plate reader system pilot program becomes effective January 1, 2024, and expires July 1, 2025. The subsection of this section that creates a Class 1 misdemeanor becomes effective January 1, 2024, and applies to offenses committed on or after that date. The remainder of this section becomes effective January 1, 2024.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578