

Introduced by Senator HillJanuary 13, 2014

An act to add Title 1.81.23 (commencing with Section 1798.90.5) to Part 4 of Division 3 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as introduced, Hill. Automated license plate recognition systems: use of data.

Existing law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate recognition (LPR) technology, also referred to as an automated license plate recognition (ALPR) system, for not more than 60 days unless the data is being used as evidence or for the investigation of felonies. Existing law prohibits the department from selling the data or from making the data available to an agency that is not a law enforcement agency or an individual that is not a law enforcement officer.

Existing law authorizes the department to use LPR data for the purpose of locating vehicles or persons reasonably suspected of being involved in the commission of a public offense, and requires the department to monitor the internal use of the data to prevent unauthorized use and to submit to the Legislature, as a part of the annual automobile theft report, information on the department's LPR practices and usage.

This bill would impose similar restrictions on a person, as defined, that operates an ALPR system by prohibiting the sale of ALPR data, and otherwise prohibiting a person from sharing the data, except with a law enforcement agency or officer, as specified. This bill would provide that ALPR data retained for more than 5 years may be accessed only for law enforcement purposes, pursuant to a warrant or other court order. It would authorize an individual whose information is sold or

disclosed in violation of these provisions to bring a civil action and would entitle the individual to recover any and all consequential and incidental damages, including all costs and attorney’s fees.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 1.81.23 (commencing with Section
2 1798.90.5) is added to Part 4 of Division 3 of the Civil Code, to
3 read:

4
5 TITLE 1.81.23. CONFIDENTIALITY OF LICENSE PLATE
6 INFORMATION
7

8 1798.90.5. (a) The following definitions shall apply for
9 purposes of this title:

10 (1) “Automated license plate recognition system” or “ALPR
11 system” means a system of one or more mobile or fixed high-speed
12 cameras combined with computer algorithms to convert images
13 of registration plates into computer-readable data.

14 (2) “Person” includes a law enforcement agency, government
15 agency, private entity, or individual.

16 (b) A person that operates an ALPR system shall not sell ALPR
17 data for any purpose.

18 (c) A person that operates an ALPR system shall not make
19 ALPR data available to an agency that is not a law enforcement
20 agency or an individual who is not a law enforcement officer. The
21 data shall not be shared for any purpose other than providing for
22 public safety, conducting criminal investigations, and ensuring
23 compliance with the law.

24 (d) ALPR data that has been retained for more than five years
25 may be accessed only for law enforcement purposes, pursuant to
26 a warrant or other court order.

27 1798.90.51. An individual whose information is sold or
28 disclosed in violation of this title may bring a civil action and shall
29 be entitled to recover any and all consequential and incidental
30 damages, including all costs and attorney’s fees.

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