

Senate Bill 1522

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Restricts use of motor vehicle registration plate surveillance cameras. Provides exceptions.

A BILL FOR AN ACT

Relating to motor vehicle registration plate surveillance cameras.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Definitions. As used in sections 1 to 6 of this 2014 Act:

(1) **“Captured plate data” means the global positioning system coordinates, date and time, photograph, vehicle registration plate number or any other data captured by or derived from a motor vehicle registration plate surveillance camera.**

(2) **“Law enforcement agency” has the meaning given that term in ORS 181.010.**

(3) **“Motor vehicle registration plate surveillance camera” means a camera used to convert images of vehicle registration plates into computer-readable data. “Motor vehicle registration plate surveillance camera” does not include photo red light cameras described under ORS 810.434 when used for enforcement of ORS 811.265 or photo radar units pursuant to ORS 810.438.**

(4) **“Public body” has the meaning given that term in ORS 174.109.**

(5) **“Secured area” means an area, enclosed by clear boundaries, to which access is limited or not open to the public and entry is obtainable only through specific access control points.**

SECTION 2. Restrictions on use of motor vehicle registration plate surveillance cameras.

(1) **Except as provided in subsections (2), (3) and (4) of this section, a public body may not use a motor vehicle registration plate surveillance camera.**

(2) **A law enforcement agency may use a motor vehicle registration plate surveillance camera to compare captured plate data with information described in subsection (6) of this section for the purpose of:**

(a) **Enforcing parking or traffic violations;**

(b) **Identifying a vehicle that was used to facilitate the commission of a crime or to avoid apprehension for commission of a crime;**

(c) **Identifying a vehicle registered to an individual for whom there is an outstanding misdemeanor or felony warrant; or**

(d) **Identifying a vehicle associated with a missing or endangered person.**

(3) **The Department of Transportation may use a motor vehicle registration plate surveillance camera for the purpose of:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Regulating motor carriers, as defined in ORS 825.005; and

2 (b) Enforcing tollway provisions of law.

3 (4) A public body may use a motor vehicle registration plate surveillance camera to
4 control access to a secured area.

5 (5) Except as provided in subsection (3) of this section, a public body that uses a motor
6 vehicle registration plate surveillance camera may use the camera only for the sole purpose
7 of recording and checking motor vehicle registration plates and may not retain photographs
8 or recordings of persons in or around the motor vehicle.

9 (6) A law enforcement agency authorized to use a motor vehicle registration plate sur-
10 veillance camera under subsection (2) of this section may compare captured plate data only
11 with information contained in:

12 (a) Records held by the Department of Transportation;

13 (b) The databases of the National Crime Information Center of the United States De-
14 partment of Justice;

15 (c) The Law Enforcement Data System;

16 (d) The records of the Federal Bureau of Investigation related to kidnappings and missing
17 persons; and

18 (e) The missing persons clearinghouse established under ORS 181.505.

19 (7) If the Department of Transportation uses a motor vehicle registration plate surveil-
20 lance camera as permitted under subsection (3)(b) of this section, the department may not
21 retain captured plate data longer than necessary to collect a toll.

22 **SECTION 3. Uses of captured plate data.** (1) A public body that uses a motor vehicle
23 registration plate surveillance camera to control access to a secured area shall destroy the
24 captured plate data within 14 days after the date of data capture.

25 (2) Except as provided in subsection (3) of this section, a law enforcement agency that
26 uses a motor vehicle registration plate surveillance camera as permitted under section 2 (2)
27 of this 2014 Act shall destroy the captured plate data within 14 days after the date of data
28 capture, except for data:

29 (a) Retained pursuant to a court order issued upon the law enforcement agency's request
30 to retain the captured plate data based on a showing of reasonable suspicion that the data
31 is relevant and material to an ongoing criminal investigation. The order must specify:

32 (A) The camera or cameras from which the captured plate data was obtained;

33 (B) The motor vehicle registration plate identified in the captured plate data;

34 (C) The date and time, or dates and times, of data capture; and

35 (D) That the captured plate data may not be retained for a period exceeding 30 days; or

36 (b) That matches information in any of the information sources listed in section 2 (6)(b),
37 (c), (d) or (e) of this 2014 Act, when the matched data is needed as part of an ongoing crim-
38 inal investigation concerning or associated with the vehicle for which comparison of captured
39 plate data was performed.

40 (3) Upon application by a law enforcement agency, the court may grant an extension of
41 time to retain captured plate data. Each extension granted under this subsection may not
42 exceed 30 days.

43 (4) Captured plate data retained under subsection (2) of this section must be destroyed
44 at the earlier of the expiration of a court order obtained under subsection (2)(a) of this sec-
45 tion or at the conclusion of:

1 (a) An investigation that does not result in criminal charges being filed; or

2 (b) Any criminal proceeding undertaken in a matter involving the captured plate data.

3 (5) A law enforcement agency that uses a motor vehicle registration plate surveillance
4 camera pursuant to section 2 of this 2014 Act shall update the information sources listed in
5 section 2 (6) of this 2014 Act every 24 hours if updates are available.

6 (6) A public body that uses a motor vehicle registration plate surveillance camera pur-
7 suant to section 2 of this 2014 Act may not sell captured plate data and may not share, ex-
8 change, buy or otherwise obtain captured plate data for any purpose, except that:

9 (a) The public body may share or exchange captured plate data with another public body
10 if both public bodies comply with the retention requirements under section 2 of this 2014 Act;
11 or

12 (b) The public body may obtain captured plate data from any person if the public body is
13 authorized to do so pursuant to a warrant issued under ORS 133.525 to 133.703.

14 **SECTION 4. Reporting.** (1) A public body that uses motor vehicle registration plate sur-
15 veillance cameras shall:

16 (a) Adopt a policy governing use of the cameras and conspicuously post the policy on the
17 public body's website;

18 (b) Adopt a privacy policy to ensure that captured plate data is not shared in violation
19 of section 2 or 3 of this 2014 Act or any other law and conspicuously post the privacy policy
20 on the public body's website; and

21 (c) Post a report annually, in a conspicuous place on the public body's website, regarding
22 the public body's practices relating to, and its use of, motor vehicle registration plate sur-
23 veillance cameras. The report must include:

24 (A) The number of motor vehicle registration plates in the captured plate data received
25 by the public body in the previous year and the number of motor vehicle registration plates
26 that the public body checked against information sources listed in section 2 (6) of this 2014
27 Act;

28 (B) The names of the information sources used by the public body, the number of
29 matches confirmed and the number of checks that did not produce a match or could not be
30 confirmed; and

31 (C) Any policy changes adopted by the public body that may affect privacy concerns.

32 (2) In addition to complying with the requirements of subsection (1) of this section, a law
33 enforcement agency shall include the number of requests for retention made by the law
34 enforcement agency under section 3 (2) of this 2014 Act and the number of court orders is-
35 sued pursuant to the requests.

36 **SECTION 5. Use of captured plate data in criminal or civil proceeding.** Captured plate
37 data or evidence derived from captured plate data is not admissible in and may not be dis-
38 closed in any criminal, civil, arbitration or administrative proceeding and may not be used
39 to establish reasonable suspicion or probable cause to believe that an offense has been com-
40 mitted, if a public body obtained or retained the data in violation of section 2 or 3 of this 2014
41 Act.

42 **SECTION 6. Privacy.** (1) Captured plate data is exempt from disclosure under ORS 192.410
43 to 192.505. The exemption under this subsection does not apply to disclosures made to:

44 (a) The registered owner of a motor vehicle that is identified in captured plate data; or

45 (b) A person who has written consent from the registered owner of a motor vehicle that

1 is identified in captured plate data.

2 (2) Notwithstanding subsection (1) of this section, a public body may not disclose cap-
3 tured plate data to a registered owner or to a person that has a registered owner's written
4 consent if the public body receives a protective order, as defined in ORS 135.886, and the
5 captured plate data may reveal to the registered owner or person any information about the
6 protected person.

7 SECTION 7. Section captions. The section captions used in this 2014 Act are provided
8 only for the convenience of the reader and do not become part of the statutory law of this
9 state or express any legislative intent in the enactment of this 2014 Act.

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