

**PROPOSED AMENDMENTS TO  
SENATE BILL 639**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete pages  
2 2 through 4.

3 On page 5, delete lines 1 through 12 and insert:

4 **“SECTION 1. Definitions. As used in sections 1 to 5 of this 2015 Act:**

5 **“(1)(a) ‘Automatic license plate reader’ means a motor vehicle reg-**  
6 **istration plate surveillance camera used to convert images of motor**  
7 **vehicle registration plates into computer-readable data.**

8 **“(b) ‘Automatic license plate reader’ does not include photo red**  
9 **light cameras described in ORS 810.434 when used for enforcement of**  
10 **ORS 811.265 or photo radar units when used for enforcement of ORS**  
11 **811.111.**

12 **“(2) ‘Captured plate data’ means the global positioning system co-**  
13 **ordinates, date and time, photograph, motor vehicle registration plate**  
14 **number or any other data captured by or derived from an automatic**  
15 **license plate reader.**

16 **“(3) ‘Law enforcement agency’ has the meaning given that term in**  
17 **ORS 181.010.**

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

19 **“(5) ‘Secured area’ means an area, enclosed by clear boundaries, to**  
20 **which access is limited or not open to the public and entry is obtain-**  
21 **able only through specific access control points.**

22 **“SECTION 2. Restrictions on use of automatic license plate readers.**

1 (1) Except as provided in subsections (2), (3), (4) and (5) of this section,  
2 a public body may not use an automatic license plate reader.

3 “(2) A law enforcement agency may use an automatic license plate  
4 reader to compare captured plate data with information described in  
5 subsection (7) of this section for the purpose of:

6 “(a) Enforcing parking or traffic violations;

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

9 “(c) Identifying a vehicle registered to or in use by an individual for  
10 whom there is an outstanding misdemeanor or felony warrant;

11 “(d) Identifying a vehicle associated with a missing or endangered  
12 person; or

13 “(e) Seeking evidence related to a criminal investigation.

14 “(3) The Department of Transportation may:

15 “(a) Use an automatic license plate reader for the purpose of regu-  
16 lating motor carriers as defined in ORS 825.005; and

17 “(b) Use an automatic license plate reader, or obtain captured plate  
18 data from a private entity that has used an automatic license plate  
19 reader, for purposes of traffic research or analysis, subject to rules  
20 adopted by the department. The department shall adopt rules for the  
21 use of captured plate data under this paragraph that:

22 “(A) Require the conversion of a motor vehicle registration plate  
23 number to a unique identifying number that cannot be associated with  
24 the vehicle’s owner; and

25 “(B) Restrict the captured plate data from being checked against  
26 data, including but not limited to data on motor vehicle ownership,  
27 that is stored in other databases.

28 “(4) A public body may use an automatic license plate reader to  
29 control access to a secured area.

30 “(5) A tollway operator may use an automatic license plate reader

1 in order to collect a toll and any related penalties for failure to pay  
2 the toll.

3 “(6) A public body or tollway operator that uses an automatic li-  
4 cense plate reader may use the reader only for the sole purpose of re-  
5 cording and checking motor vehicle registration plates and may not  
6 use photographs or recordings of persons in or around the motor ve-  
7 hicle.

8 “(7) A law enforcement agency authorized to use an automatic li-  
9 cense plate reader under subsection (2) of this section may compare  
10 captured plate data only with information contained in:

11 “(a) Records held by the Department of Transportation;

12 “(b) The databases of the National Crime Information Center of the  
13 United States Department of Justice;

14 “(c) The Law Enforcement Data System maintained by the Depart-  
15 ment of State Police or an equivalent system maintained by another  
16 state;

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

19 “(e) The missing persons clearinghouse established under ORS  
20 181.505; and

21 “(f) The databases that identify vehicles used to facilitate the com-  
22 mission of a crime or to avoid apprehension for commission of a  
23 crime.

24 “(8) If a tollway operator uses an automatic license plate reader as  
25 permitted under subsection (5) of this section, the tollway operator  
26 may not retain the captured plate data longer than is necessary to  
27 collect a toll and any related penalties for failure to pay the toll.

28 “(9) If the Department of Transportation uses an automatic license  
29 plate reader as permitted under subsection (3)(a) of this section, the  
30 department may not retain the captured plate data longer than is

1 necessary to enforce the laws and rules related to motor carriers.

2 “(10) If the Department of Transportation uses an automatic license  
3 plate reader for traffic research or analysis as permitted under sub-  
4 section (3)(b) of this section, or obtains captured plate data as per-  
5 mitted under subsection (3)(b) of this section, the department may  
6 retain the converted data as long as the department complies with the  
7 provisions of subsection (3)(b) of this section.

8 “(11) As used in this section, ‘toll’ and ‘tollway operator’ have the  
9 meanings given those terms in ORS 383.003.

10 **SECTION 3. Uses of captured plate data.** (1) A public body that  
11 uses an automatic license plate reader to control access to a secured  
12 area shall destroy the captured plate data within 24 hours after the  
13 time of data capture.

14 “(2) Except as provided in subsection (3) of this section, a law  
15 enforcement agency that uses an automatic license plate reader as  
16 permitted under section 2 (2) of this 2015 Act shall destroy the captured  
17 plate data within one year after the time of data capture, except for  
18 data:

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

23 “(A) The nature and extent of the captured plate data to be re-  
24 tained;

25 “(B) If known, the motor vehicle registration plate identified in the  
26 captured plate data;

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

28 “(D) That the captured plate data may not be retained for a period  
29 exceeding a time specified in the order;

30 “(b) That matches information in any of the information sources

1 listed in section 2 (7)(b), (c), (d), (e) or (f) of this 2015 Act, when the  
2 matched data is needed as part of an ongoing criminal investigation  
3 concerning or associated with the vehicle for which comparison of  
4 captured plate data was performed; or

5 “(c) Retained by the Department of Transportation after receiving  
6 the data from another entity for the purpose of enforcing laws and  
7 rules related to motor carriers.

8 “(3) Upon application by a law enforcement agency, the court may  
9 grant an extension of time to retain captured plate data.

10 “(4) Captured plate data retained under subsection (2) of this sec-  
11 tion must be destroyed upon the expiration of a court order obtained  
12 under subsection (2)(a) or (3) of this section.

13 “(5) A law enforcement agency that uses an automatic license plate  
14 reader pursuant to section 2 of this 2015 Act shall enact a policy to  
15 ensure consistent updates to the information sources listed in section  
16 2 (7) of this 2015 Act.

17 “(6) A public body that uses an automatic license plate reader pur-  
18 suant to section 2 of this 2015 Act may not sell captured plate data and  
19 may not share, exchange, buy or otherwise obtain captured plate data  
20 for any purpose, except that:

21 “(a) A law enforcement agency that uses an automatic license plate  
22 reader shall establish a policy requiring that any contract with a  
23 third-party vendor for an automatic license plate reader specify that  
24 the captured plate data stored is the property of the law enforcement  
25 agency, and is not owned by the vendor and may not be used by the  
26 vendor for any purpose inconsistent with the policies and procedures  
27 of the law enforcement agency;

28 “(b) The public body may obtain captured plate data from any per-  
29 son if the public body is authorized to do so pursuant to a warrant  
30 issued under ORS 133.525 to 133.703;

1       “(c) The Department of Transportation and a tollway operator, as  
2 defined in ORS 383.003, may share, exchange or otherwise obtain cap-  
3 tured plate data with or from each other if both the department and  
4 the tollway operator comply with the retention requirements under  
5 this section and section 2 of this 2015 Act; or

6       “(d) The Department of Transportation may obtain captured plate  
7 data as provided in section 2 (10) of this 2015 Act for traffic research  
8 or analysis.

9       “SECTION 4. Reporting. (1) A public body that uses an automatic  
10 license plate reader shall:

11       “(a) Adopt a policy governing use of automatic license plate readers  
12 and post the policy on the public body’s website;

13       “(b) Adopt a privacy policy to ensure that captured plate data is not  
14 shared in violation of section 2 or 3 of this 2015 Act or any other law  
15 and post the privacy policy on the public body’s website; and

16       “(c) Post a report annually, on the public body’s website, regarding  
17 the public body’s practices relating to, and the public body’s use of,  
18 automatic license plate readers. The report must include:

19       “(A) The number of motor vehicle registration plates in the cap-  
20 tured plate data received by the public body in the previous year and  
21 the number of motor vehicle registration plates that the public body  
22 checked against information sources listed in section 2 (7) of this 2015  
23 Act;

24       “(B) The names of the information sources used by the public body  
25 and the number of matches confirmed; and

26       “(C) Any policy changes adopted by the public body that relate to  
27 the use of automatic license plate readers.

28       “(2) Subsection (1)(c) of this section does not apply to the Depart-  
29 ment of Transportation when the department obtains captured plate  
30 data for the sole purpose of traffic research or analysis or of enforcing

1 laws and rules related to motor carriers.

2 **“SECTION 5. Use of captured plate data in criminal or civil pro-**  
3 **ceeding.** (1) Captured plate data is not admissible in any criminal or  
4 administrative proceeding, and may not be used to establish reason-  
5 able suspicion or probable cause to believe that an offense has been  
6 committed, if a public body obtained or retained the data in violation  
7 of section 2 or 3 of this 2015 Act.

8 **“(2) Captured plate data that is obtained or retained pursuant to**  
9 **section 2 or 3 of this 2015 Act is not admissible as evidence in any trial**  
10 **unless, at least 10 days before the trial, each party has been provided**  
11 **with a copy of the captured plate data or evidence derived from cap-**  
12 **tured plate data. The court may extend the 10-day requirement if the**  
13 **court finds good cause.”.**

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