

STATE OF NEW YORK

6053

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing the automatic uninsured vehicle enforcement program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 319-a to read as follows:

3 § 319-a. Automatic uninsured vehicle enforcement program. 1. The
4 commissioner shall establish a program to use technology and software to
5 aid in detection of violations of section three hundred nineteen of this
6 article. Such program shall empower a county, city, town or village to
7 authorize local law enforcement agencies to install and operate automat-
8 ic license plate reader systems on public highways within such county,
9 city, town or village.

10 2. (a) Participating law enforcement agencies may use automatic
11 license plate reader systems utilizing individual automatic license
12 plate reader system units to access and collect data for the investi-
13 gation, detection, analysis or enforcement of section three hundred
14 nineteen of this article.

15 (b) To accomplish the purposes of the program, authorized local law
16 enforcement agencies shall be allowed to access the database created
17 pursuant to subdivision four of section three hundred thirteen of this
18 article to establish compliance with section three hundred nineteen of
19 this article.

20 (c) Access to the database pursuant to paragraph (b) of this subdivi-
21 sion shall be restricted to authorized law enforcement agency users in
22 the program, provided, any entity with which a contract is executed to
23 provide necessary technology, equipment and maintenance for purposes of
24 the program shall be authorized, as necessary, to collaborate for
25 required updates and maintenance of their software.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) Any data collected and stored by law enforcement pursuant to the
2 program shall be considered evidence if noncompliance with section three
3 hundred nineteen of this article is confirmed.

4 3. A law enforcement officer may verify by sworn affidavit that a
5 photograph generated by an automatic license plate reader system unit
6 identifies a particular vehicle operating on or having been operated on
7 a public highway and that the database created pursuant to subdivision
8 four of section three hundred thirteen of this article shows that the
9 vehicle was uninsured at the time such vehicle was being operated. Such
10 affidavit shall constitute probable cause for prosecution.

11 4. Data collected or retained through the use of an automated license
12 plate reader system pursuant to the program shall be retained by a law
13 enforcement agency when the data is being used as evidence of a
14 violation of section three hundred nineteen of this article; provided,
15 when such data is no longer needed as evidence of a violation, the data
16 shall be deleted or destroyed.

17 5. (a) Data collected or retained through the use of an automated
18 license plate reader system shall not be used by any individual or agen-
19 cy for purposes other than enforcement of section three hundred nineteen
20 of this article or as otherwise permitted by law.

21 (b) No law enforcement agency or other entity authorized to operate
22 under this program shall sell captured license plate data for any
23 purpose or share it for any purpose not expressly authorized by this
24 section.

25 (c) Any and all data collected, retained or shared through the use of
26 an automated license plate reader system, except data retained as
27 evidence of a violation of section three hundred nineteen of this arti-
28 cle, shall be exempt from article six of the public officers law.

29 6. The commissioner, in cooperation with any county, city, town or
30 village which has authorized the use of automatic license plate reader
31 systems pursuant to this section, shall on or before January first of
32 each year conduct a study and submit a report on the results of the
33 automatic uninsured vehicle enforcement program to the governor, the
34 temporary president of the senate and the speaker of the assembly. Such
35 report shall include an evaluation of program operations and any recom-
36 mendations for improvement of the program.

37 7. For the purposes of this section the term "automatic license plate
38 reader system" means a system of one or more mobile or law-enforcement-
39 controlled cameras combined with computer algorithms to convert images
40 of registration plates into computer-readable data.

41 8. The provisions of the program shall not apply to, or be construed
42 or interpreted in a manner to prohibit the use of, any other automated
43 license plate reader system by an individual or private legal entity for
44 purposes not otherwise prohibited by law.

45 § 2. This act shall take effect on the ninetieth day after it shall
46 have become a law.