STATE OF NEW YORK

5525--A

2023-2024 Regular Sessions

IN SENATE

March 7, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring policies for the use of automatic license plate reader systems

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

Section 1. The general business law is amended by adding a new section 397-b to read as follows:

§ 397-b. Policy for the use of automatic license plate reader systems. 1. As used in this section, the following words and phrases shall have the following meanings:

(a) "Automatic license plate reader system" shall mean a system of one or more mobile or fixed high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

(b) "Captured plate data" shall mean the GPS coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.

2. A business, individual, partnership, corporation, association, or state or local government non-law enforcement entity which uses an automatic license plate reader system shall adopt a policy governing the use of such system and conspicuously post such policy on its website. Such policy shall include a provision to ensure that captured plate data is not shared in violation of this section. If the business, individual, partnership, corporation, association, or state or local government non-law enforcement entity does not maintain a website, such policy shall be posted in its main office or place of business. Such policy shall be made available to the public upon request.

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

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3. A policy adopted pursuant to subdivision two of this section shall include, but not be limited to, provisions on permissible uses of the automatic license plate reader technology, data sharing and dissemination, prohibited use, record retention and management, and training.

4. Captured plate data shall be considered personal data. Captured plate data may only be disclosed to, or with the prior written consent of, the person to whom the vehicle is registered, provided, however, that upon presentation to an operator of an automatic license plate reader system of a valid, current order of protection protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order or as the result of a match.

5. The provisions of this section shall not apply to an electronic toll collection system or associated transaction system or any component thereof which is operated by a public authority for the purpose of imposing and collecting tolls on a roadway within the state.

6. The state consumer protection division, or the county, city, or town office of consumer protection as applicable shall have the authority to enforce the provisions of this section.

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