

STATE OF NEW YORK

5525--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and 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:

1 Section 1. Paragraphs 15 and 16 of subdivision 3 of section 94-a of
2 the executive law, paragraph 15 as amended and paragraph 16 as added by
3 chapter 374 of the laws of 2022, are amended and a new paragraph 17 is
4 added to read as follows:
5 (15) create an internet website or webpage pursuant to section three
6 hundred ninety-c of the general business law, as added by chapter five
7 hundred nine of the laws of two thousand seven; ~~and~~
8 (16) exercise such powers and duties granted to the secretary by arti-
9 cle sixteen of the energy law as the secretary may direct, including,
10 but not limited to: consult with such president of the New York state
11 energy research and development authority in connection with investi-
12 gations conducted by such president pursuant to article sixteen of the
13 energy law; make determinations relating to compliance by products with
14 the standards adopted pursuant to article sixteen of the energy law;
15 order the immediate cessation of any distribution, sale or offer for
16 sale, import, or installation of any product that does not meet such
17 standards; and impose civil penalties as contemplated by article sixteen
18 of the energy law[-] ; and

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

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1 (17) (i) Develop, maintain and disseminate a minimum standards policy
2 governing the use of automatic license plate reader systems by non-law
3 enforcement entities. The minimum standards policy shall include, but
4 not be limited to, provisions on permissible uses of the automatic
5 license plate reader technology, data sharing and dissemination, prohib-
6 ited uses, record retention and management, and training. For purposes
7 of this section, "automatic license plate reader system" shall mean a
8 system of one or more mobile or fixed high-speed cameras used in combi-
9 nation with computer algorithms to convert images of license plates
10 into computer-readable data. The department of state shall post such
11 policy on its website, in a location accessible to the public, and all
12 non-law enforcement entities using automatic license plate readers in
13 the state.

14 (ii) Recommend to the governor, the temporary president of the senate
15 and the speaker of the assembly, rules and regulations with respect to
16 the establishment and implementation on an ongoing basis of a training
17 program for all current and new employees of non-law enforcement enti-
18 ties regarding the policies and procedures established pursuant to this
19 paragraph, along with recommendations for periodic retraining of such
20 employees.

21 § 2. The general business law is amended by adding a new section 399-
22 zzzzzz to read as follows:

23 § 399-zzzzzz. Disclosure of the minimum standards policy for automatic
24 license plate readers by non-law enforcement entities. All non-law
25 enforcement agencies using automatic license plate reader systems shall
26 conspicuously post the minimum standards for the use of automatic
27 license plate reader systems policy, promulgated pursuant to paragraph
28 seventeen of subdivision three of section ninety-four-a of the executive
29 law, on its website, or if such non-law enforcement entity does not
30 maintain a website, in its main office. Such policy shall be made
31 available to the public upon request. For purposes of this section,
32 "automatic license plate reader system" shall mean a system of one or
33 more mobile or fixed high-speed cameras used in combination with
34 computer algorithms to convert images of license plates into compu-
35 ter-readable data.

36 § 3. This act shall take effect one year after it shall have become a
37 law. Effective immediately, the addition, amendment and/or repeal of any
38 rule or regulation necessary for the implementation of this act on its
39 effective date are authorized to be made and completed on or before such
40 effective date.