

# STATE OF NEW YORK

10808

## IN ASSEMBLY

April 1, 2026

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the public authorities law, in relation to 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. The general business law is amended by adding a new section  
2 397-c to read as follows:

3 § 397-c. Automatic license plate reader systems. 1. Definitions. As  
4 used in this section, the following terms shall have the following mean-  
5 ings:

6 (a) "Automatic license plate reader system" or "ALPR system" shall  
7 mean a system, software, or computer algorithm, whether used independ-  
8 ently or in combination with one or more mobile or fixed automated  
9 cameras, used to convert images of license plates into computer-readable  
10 data.

11 (b) "Captured plate data" shall mean the location, including but not  
12 limited to GPS coordinates, date and time, photograph, license plate  
13 number, and any other data captured by, derived from, or inferred from  
14 an automatic license plate reader system, including but not limited to a  
15 vehicle's make, model, color, bumper stickers, roof racks, and other  
16 characteristics or features.

17 (c) "Government entity" shall mean the state of New York or any  
18 department, agency, instrumentality, or political subdivision thereof,  
19 or any person, agent, entity, or contractor acting for, on behalf of, or  
20 pursuant to a contract therewith.

21 (d) "Hot list" shall mean a database of license plate numbers and  
22 other identifying information regarding vehicles that law enforcement  
23 reasonably believes are related to an ongoing criminal or missing  
24 persons investigation and that (i) was created and maintained by a  
25 federal or New York state government agency, (ii) operates in a manner  
26 that is fully consistent with the provisions of this act, and (iii) is  
27 updated frequently enough to ensure the information contained therein is  
28 accurate, relevant, timely, and complete.

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

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1 (e) "Privately captured plate data" shall mean captured plate data  
2 from an automatic license plate reader system that is not used or oper-  
3 ated by, on behalf of, or pursuant to a contract with a government enti-  
4 ty.

5 (f) "Secured area" shall mean an area, enclosed by clear boundaries,  
6 to which access is limited and not open to the public, and entry is  
7 obtainable only through specific access-control points.

8 2. Restrictions on use. (a) Except as provided for in paragraph (b) of  
9 this subdivision, it shall be unlawful for any government entity to  
10 operate or use an automatic license plate reader system or captured  
11 plate data.

12 (b) An automatic license plate reader system and captured plate data  
13 may only be used by a government entity for the following purposes:

14 (i) For the comparison of captured plate data with (1) hot list data  
15 or (2) specific vehicle plate or other vehicle identifying information  
16 manually entered into the ALPR system to determine if a vehicle scanned  
17 by an ALPR system is relevant and material to an investigation of a  
18 vehicle that:

19 (A) is registered to an individual for whom there is an outstanding  
20 felony arrest warrant;

21 (B) is unregistered or uninsured;

22 (C) contains a missing person or evidence of the location of a missing  
23 person;

24 (D) is stolen; or

25 (E) is currently being used in the commission of a felony, or escape  
26 thereafter;

27 (ii) to enforce restrictions on the use of parking facilities;

28 (iii) to control access to secured areas;

29 (iv) for electronic toll collection; or

30 (v) to enforce the vehicle and traffic law.

31 3. Data transfer. (a) No government entity shall sell, share, lease,  
32 allow or provide access to, or transfer captured plate data with any  
33 person or entity other than a New York state government entity, except:

34 (i) if required by a federal judicial probable cause warrant or other  
35 valid federal judicial court order; or

36 (ii) if required by a judicial probable cause warrant from another  
37 state, but only if the warrant or court order involves:

38 (1) an investigation listed in subparagraph (i) of paragraph (b) of  
39 subdivision two of this section; and

40 (2) the investigation or prosecution of an act that is a felony under  
41 New York state law.

42 (iii) to criminal defense counsel in a matter to which the captured  
43 plate data pertains;

44 (iv) in discovery in a civil or criminal case; or

45 (v) pursuant to a freedom of information law request under article six  
46 of the public officers law, subject to the limitations in subdivision  
47 five of this section.

48 (b) A government entity may purchase, obtain, receive, or use private-  
49 ly captured plate data only pursuant to a probable cause warrant.

50 4. Data retention. (a) Captured plate data obtained by a government  
51 entity shall be deleted no later than forty-eight hours after being  
52 obtained.

53 (b) Notwithstanding paragraph (a) of this subdivision, lawfully  
54 captured plate data shall be retained for longer than forty-eight hours:

55 (i) where required under applicable state law governing the use, pres-  
56 ervation, and disclosure of evidence. Captured plate data retained for

1 more than forty-eight hours pursuant to this subparagraph shall be  
2 deleted as soon as practicable once its preservation is no longer  
3 permitted or required under the applicable state laws governing the use  
4 and preservation of evidence;

5 (ii) where the captured plate data is captured pursuant to paragraph  
6 (b) of subdivision two of this section, such data may be retained until  
7 the fine or fee is paid or the enforcement matter is fully and finally  
8 adjudicated;

9 (iii) if requested by criminal defense counsel in the matter to which  
10 the captured plate data pertains;

11 (iv) if required pursuant to a federal judicial warrant or other valid  
12 court order; or

13 (v) if required pursuant to a judicial warrant or other valid court  
14 order issued from another state, but only if the warrant or court order  
15 involves:

16 (1) an investigation listed in subparagraph (i) of paragraph (b) of  
17 subdivision two of this section; and

18 (2) the investigation or prosecution of an act that is unlawful under  
19 the laws of New York state.

20 5. Freedom of information law exemption. (a) Captured plate data shall  
21 not be considered a public record for the purposes of a freedom of  
22 information law request under article six of the public officers law.

23 (b) Notwithstanding paragraph (a) of this subdivision, the following  
24 shall be considered a public record for the purposes of a freedom of  
25 information law request under article six of the public officers law:

26 (i) an ALPR system's audit, use, and access logs and data; however, in  
27 responding to a valid request, any individual license plate information  
28 or other vehicle-specific identifying information, such as vehicle  
29 photographs and information regarding a vehicle's make, model, or color,  
30 shall be redacted from the responsive documents and data; and

31 (ii) data and information regarding a vehicle personally owned or  
32 leased by a freedom of information law requestor during the period of  
33 ownership or lease. A request for such information shall include a sworn  
34 statement that the requester is the owner or lessor of the vehicle, and  
35 that the requester is not subject to an outstanding order of protection  
36 involving any other owners, lessors, or drivers of the vehicle.

37 (c) For purposes of subparagraph (ii) of paragraph (b) of this subdi-  
38 vision, the terms "requestor", "owner", "lessor", and "driver" shall  
39 only refer to human persons, and not any business, corporate, or other  
40 non-human entities.

41 6. Reporting. (a) Any government entity that operates or uses automat-  
42 ic license plate reader systems shall:

43 (i) conspicuously post on its website an annual report on the govern-  
44 ment entity's automatic license plate reader practices and usage. The  
45 report shall include, at a minimum:

46 (1) the number and locations of all cameras used in connection with  
47 any automatic license plate reader systems operated or used by, on  
48 behalf of, or pursuant to a contract with the government entity;

49 (2) the number of license plates scanned by each camera;

50 (3) the name of each hot list against which captured plate data were  
51 checked, and who maintains each hot list;

52 (4) the number of instances in which captured plate data was deter-  
53 mined to match a hot list;

54 (5) the number of instances in which captured plate data was deter-  
55 mined to have matched a hot list but upon further investigation, the  
56 captured plate data did not match the hot list;

1 (6) the number of instances in which captured plate data was deter-  
2 mined to have matched a hot list and there was a subsequent arrest or  
3 prosecution, other than those counted pursuant to clause five of this  
4 subparagraph;

5 (7) the number of instances in which captured plate data was retained  
6 for more than forty-eight hours pursuant to paragraph (b) of subdivision  
7 four of this section, broken down by the reason for which the data was  
8 retained for a longer time period; and

9 (8) all existing policies related to the use of ALPR systems or  
10 captured plate data, and any changes in policy that affect privacy  
11 concerns.

12 (ii) maintain a record of every time in the past three years that any  
13 captured plate data was queried or accessed. The record shall include:

14 (1) the name of the entity and individual seeking access;

15 (2) the date and time that the query or access occurred;

16 (3) the purpose for which access was sought, with any specific license  
17 plate numbers or individuals' identifying information redacted;

18 (4) the scope of the query, including temporal and geographical limi-  
19 tations, but excluding any captured plate data;

20 (5) the number of records accessed; and

21 (6) the number of distinct license plates that appear in the records  
22 accessed.

23 (b) Nothing in this provision shall authorize the maintenance of  
24 captured plate data itself beyond the limits set forth in this section.

25 7. Exclusionary rule. (a) No captured plate data and no evidence  
26 derived therefrom may be introduced in evidence by a government entity  
27 in any trial, hearing, or other proceeding in or before any court, grand  
28 jury, department, officer, agency, regulatory body, legislative commit-  
29 tee, or other authority of the state of New York, or a political subdivi-  
30 sion thereof, if the disclosure of that information would be in  
31 violation of this section or if such captured plate data was obtained,  
32 used, sold, shared, accessed, or transferred in violation of this  
33 section.

34 (b) The prohibition on receiving evidence in paragraph (a) of this  
35 subdivision shall not apply to captured plate data or evidence derived  
36 therefrom that is introduced by the defendant in a criminal case and is  
37 otherwise admissible under the laws of this state.

38 8. Penalties. (a) Any person who violates the provisions of this  
39 section shall be subject to legal action for damages, to be brought by  
40 any other person claiming that a violation of this section has injured  
41 their business, their person, or their reputation. A person so injured  
42 shall be entitled to actual damages, including mental pain and suffering  
43 endured by such person on account of violation of the provisions of this  
44 act, or liquidated damages of one thousand dollars, and a reasonable  
45 attorney's fee and other costs of litigation.

46 (b) If the attorney general learns that a government official or enti-  
47 ty has violated any provision of this section, the attorney general  
48 shall be empowered to bring a civil action for declaratory and injunc-  
49 tive relief to prevent any ongoing or future violations.

50 (c) Nothing in this subdivision shall preclude a government official  
51 or entity from taking additional disciplinary actions when it learns of  
52 violations of the provisions of this section.

53 § 2. Subdivision 14 of section 2985 of the public authorities law, as  
54 added by chapter 379 of the laws of 1992, is amended to read as follows:

55 14. Notwithstanding any other provision of law, all photographs,  
56 microphotographs, [~~videotape~~] video footage, captured plate data as

1 defined in paragraph (b) of subdivision one of section three hundred  
2 ninety-seven-c of the general business law, or other recorded images  
3 prepared pursuant to this section shall be for the exclusive use of a  
4 public authority in the discharge of its duties under this section and  
5 shall not be open to the public nor be used in any court in any action  
6 or proceeding pending therein unless such action or proceeding relates  
7 to the imposition of or indemnification for liability pursuant to this  
8 section. The public authority shall not sell, distribute or make avail-  
9 able in any way, the names and addresses of electronic toll collection  
10 system account holders, without such account holders' consent to any  
11 entity that will use such information for any commercial purpose  
12 provided that the foregoing restriction shall not be deemed to preclude  
13 the exchange of such information between any entities with jurisdiction  
14 over and or operating a toll highway bridge and/or tunnel facility.

15 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
16 sion, section or part of this act shall be adjudged by any court of  
17 competent jurisdiction to be invalid, such judgment shall not affect,  
18 impair, or invalidate the remainder thereof, but shall be confined in  
19 its operation to the clause, sentence, paragraph, subdivision, section  
20 or part thereof directly involved in the controversy in which such judg-  
21 ment shall have been rendered. It is hereby declared to be the intent of  
22 the legislature that this act would have been enacted even if such  
23 invalid provisions had not been included herein.

24 § 4. This act shall take effect on the thirtieth day after it shall  
25 have become a law, provided, however, with respect to captured plate  
26 data collected prior to the effective date of this act, subdivision 5 of  
27 section 397-c of the general business law, as added by section one of  
28 this act shall take effect on the ninetieth day after it shall have  
29 become law.