STATE OF NEW YORK

9890

IN SENATE

April 13, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

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

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

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

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

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

(d) "Hot list" shall mean a database of license plate numbers and other identifying information regarding vehicles that law enforcement reasonably believes are related to an ongoing criminal or missing persons investigation and that (i) was created and maintained by a federal or New York state government agency, (ii) operates in a manner that is fully consistent with the provisions of this act, and (iii) is updated frequently enough to ensure the information contained therein is 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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(e) "Privately captured plate data" shall mean captured plate data from an automatic license plate reader system that is not used or operated by, on behalf of, or pursuant to a contract with a government entity.

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

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

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

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

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

(B) is unregistered or uninsured;

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

(D) is stolen; or

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

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

(iii) to control access to secured areas;

(iv) for electronic toll collection; or

(v) to enforce the vehicle and traffic law.

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

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

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

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

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

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

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

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

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

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

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

(i) where required under applicable state law governing the use, preservation, and disclosure of evidence. Captured plate data retained for

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

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

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

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

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

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

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

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

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

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

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

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

6. Reporting. (a) Any government entity that operates or uses automatic license plate reader systems shall:

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

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

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

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

(4) the number of instances in which captured plate data was determined to match a hot list;

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

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

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

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

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

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

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

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

(4) the scope of the query, including temporal and geographical limitations, but excluding any captured plate data;

(5) the number of records accessed; and

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

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

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

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

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

(b) If the attorney general learns that a government official or entity has violated any provision of this section, the attorney general shall be empowered to bring a civil action for declaratory and injunctive relief to prevent any ongoing or future violations.

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

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

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

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

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

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