Utah Code

Title 41
Motor Vehicles
Chapter 6a
Traffic Code

41-6a-2001. Title.
This part is known as the "Automatic License Plate Reader System Act."

41-6a-2002. Definitions.
As used in this section:
(1) "Automatic license plate reader system" means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.
(2) "Captured plate data" means the global positioning system coordinates, date and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.
(3) "Governmental entity" has the same meaning as defined in Section 63G-2-103.
(4) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not open to the public and entry is only obtainable through specific access-control points.

41-6a-2003. Automatic license plate reader systems -- Restrictions.
(1) Except as provided in Subsection (2), a person or governmental entity may not use an automatic license plate reader system.
(2) An automatic license plate reader system may be used:
        (a) by a law enforcement agency for the purpose of protecting public safety, conducting criminal investigations, or ensuring compliance with local, state, and federal laws;
        (b) by a governmental parking enforcement entity for the purpose of enforcing state and local parking laws;
        (c) by a parking enforcement entity for regulating the use of a parking facility;
        (d) for the purpose of controlling access to a secured area;
        (e) for the purpose of collecting an electronic toll; or
        (f) for the purpose of enforcing motor carrier laws.

41-6a-2004. Captured plate data -- Preservation and disclosure.
(1) Captured plate data obtained for the purposes described in Section 41-6a-2003:
        (a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the captured plate data is maintained by a governmental entity;

(b) may not be used or shared for any purpose other than the purposes described in Section 41-6a-2003;

(c) may not be preserved for more than 30 days by a private entity or nine months by a governmental entity except pursuant to:

(i) a preservation request under Section 41-6a-2005;

(ii) a disclosure order under Subsection 41-6a-2005(2); or

(iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and

(d) may only be disclosed:

(i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202;

(ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or

(iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.

(2)

(a) A person or governmental entity that is authorized to use an automatic license plate reader system under this part may not sell captured plate data for any purpose.

(b) A person or governmental entity that is authorized to use an automatic license plate reader system under this part may not share captured plate date for a purpose not authorized under Subsection 41-6a-2003(2).

(c) Notwithstanding the provisions of this section, a governmental entity may preserve and disclose aggregate captured plate data for planning and statistical purposes if the information identifying a specific license plate is not preserved or disclosed.

u. Preservation request.

(1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:

(a) requesting the person or governmental entity to preserve the captured plate data;

(b) identifying:

(i) the camera or cameras for which captured plate data shall be preserved;

(ii) the license plate for which captured plate data shall be preserved; or

(iii) the dates and time frames for which captured plate data shall be preserved; and

(c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.

(2)

(a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data.

(b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a

criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.

(3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:

(a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;

(b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or

(c) the end of the period described in Subsection 41-6a-2004(1)(c).

41-6a-2006. Penalties.
A person who violates a provision under this part is guilty of a class B misdemeanor.