

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 688

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1432, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN USE OF LICENSE PLATE READERS; AMENDING SECTION 49-428, IDAHO CODE, TO PROVIDE FOR THE ATTACHMENT OF FRONT LICENSE PLATES TO VEHICLES EQUIPPED WITH A FRONT MOUNTING BRACKET; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1432, Idaho Code, and to read as follows:

49-1432. LICENSE PLATE READERS. (1) The state of Idaho and its political subdivisions shall only use automated license plate readers to record the license plates of vehicles passing by on an Idaho roadway if such reader has been lawfully placed and is being used to aid law enforcement in the identification of vehicles pursuant to the investigation or prosecution of a felony or misdemeanor crime or in locating a missing or endangered person. Notwithstanding the provisions of section 31-871, Idaho Code, an agency using such reader to collect license plate data may only retain the data collected for a maximum of forty-five (45) days unless the information stored is related to the injury or fatality of any person or is retained as evidence in a felony or misdemeanor crime. Any license plate data not retained shall be destroyed in a manner such that it is not recoverable.

(2) The provisions of this section shall not apply to license plate readers placed by the state or any of its political subdivisions for the purposes of port of entry enforcement.

(3) License plate data collected pursuant to this section may not be sold or otherwise shared with nonpublic third parties, except for the purposes stated in subsections (1) and (4) of this section.

(4) If the state or any of its political subdivisions uses a license plate reader pursuant to this section, it shall make a log of such use available to the public.

(5) (a) Prior to using a license plate reader, the state or any of its political subdivisions shall:

- (i) Confirm that such license plate reader meets the requirements of this section; and
- (ii) Establish a policy governing the use of license plate readers in accordance with the provisions of this section.

(b) If the state or any of its political subdivisions uses a license plate reader on or before July 1, 2024, the state or such political subdivision shall confirm that such use meets the requirements of paragraph (a) of this subsection as soon as is practicable.

1 (c) A state or political subdivision's policy governing the use of li-
 2 cense plate readers pursuant to this subsection shall be made available
 3 to the public.

4 (6) For the purposes of this section:

5 (a) "License plate data" means data collected by a license plate reader
 6 such as license plate number and vehicle information.

7 (b) "License plate reader" means a system of one (1) or more mobile,
 8 stationary, or controlled cameras combined with computer algorithms to
 9 convert images of license plates and vehicles into computer-readable
 10 data.

11 SECTION 2. That Section 49-428, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to
 14 a motor vehicle shall be attached, one (1) in the front, if the vehicle is
 15 equipped with a front license plate mounting bracket, and the other in the
 16 rear, with the exception of the following:

17 (a) The license plate assigned to a motorcycle, all-terrain vehicle,
 18 utility type vehicle, motorbike or semitrailer and the license plate
 19 assigned to a motor vehicle operated by a manufacturer, repossession
 20 agent or dealer shall be attached to the rear.

21 (b) Vehicles displaying year of manufacture, old timer, classic car,
 22 street rod, or custom vehicle license plates shall be allowed to display
 23 one (1) plate attached to the rear of the vehicle.

24 (c) The license plate attached to a tractor shall be attached to the
 25 front.

26 (d) The wrecker plate shall be displayed on the vehicle being towed in
 27 such a manner as to be visible when the vehicle being towed is approached
 28 from the rear.

29 License plates shall be displayed during the current registration year. The
 30 annual registration sticker for the current registration year shall be dis-
 31 played on each license plate, except for trailers, semitrailers, and commer-
 32 cial vehicles over twenty-six thousand (26,000) pounds under the provisions
 33 of sections 49-434 and 49-435, Idaho Code. For the purposes of this title,
 34 the license plates together with the registration stickers shall be consid-
 35 ered as license plates for the year designated on the registration sticker.
 36 For purposes of this chapter, a validation sticker issued to the operator of
 37 an all-terrain vehicle, utility type vehicle, or motorbike under the provi-
 38 sions of sections 67-7122 and 67-7124, Idaho Code, shall be considered the
 39 registration sticker.

40 (2) Every license plate shall at all times be securely fastened to the
 41 vehicle to which it is assigned to prevent the plate from swinging, be at a
 42 height not less than twelve (12) inches from the ground, measuring from the
 43 bottom of the plate, be in a place and position to be clearly visible, and be
 44 maintained free from foreign materials and in a condition to be clearly legi-
 45 ble, and all registration stickers shall be securely attached to the license
 46 plates and shall be displayed as provided in section 49-443(4), Idaho Code.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.